



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SEVENTH GENERAL ASSEMBLY

133RD LEGISLATIVE DAY

TUESDAY, DECEMBER 4, 2012

12:04 O'CLOCK P.M.

SENATE
Daily Journal Index
133rd Legislative Day

Action	Page(s)
Appointment Messages	7
Committee Meeting Announcement(s)	10, 20
Communication	5
Communication from the Minority Leader	4, 5
Introduction of Senate Bill No. 3942	50
Joint Action Motion(s) Filed	3, 50
Legislative Measure(s) Filed	3, 50
Message from the House	23
Message from the President	4, 20, 21
Presentation of Senate Resolutions No'd. 1013-1023	5
Presentation of Senate Resolutions No'd. 1024-1029	22
Report from Assignments Committee	9, 51
Report from Standing Committee(s)	20
Report(s) Received	3

Bill Number	Legislative Action	Page(s)
SB 0957	Recalled - Amendment(s)	16
SB 0957	Third Reading	19
SB 3925	Third Reading	16
SR 1023	Committee on Assignments	6
SR 1029	Committee on Assignments	22
HB 0506	Third Reading	15
HB 1299	Third Reading	13
HB 2065	Second Reading	13
HB 4110	Recedes from Senate Amendments numbered 1 and 2	14
HB 4666	Recalled – Amendment(s)	10
HB 4666	Third Reading	12
HB 4866	Third Reading	12
HJR 0102	Adopted	15

The Senate met pursuant to adjournment.
Honorable John M. Sullivan, Rushville, Illinois, presiding.
Prayer by Chance Newingham, Athens Christian Church, Athens, Illinois.
Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Thursday, November 29, 2012, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Report #6-13 Pursuant to the Taxpayer Accountability and Budget Stabilization Act, submitted by the Office of the Auditor General.

Illinois Power Agency FY 2012 Annual Report, submitted by the Illinois Power Agency.

FY 2012 Medical Expenditures for Services Provided in Prior Fiscal Years, submitted by the Department of Healthcare and Family Services.

FY 2012 Medical Expenditures for Services for which Claims were Received in Prior Fiscal Years, submitted by the Department of Healthcare and Family Services.

Explanation of Variance Between the Previous Year's Estimate and Actual Liabilities and Factors Affecting the Department's Liabilities, submitted by the Department of Healthcare and Family Services.

Results of the Department's Efforts to Combat Fraud and Abuse, submitted by the Department of Healthcare and Family Services.

Enterprise Zone Fiscal Year 2012 Annual Report, submitted by the Department of Commerce.

FY 2012 Small Business Set-Aside Program Annual Report, submitted by the Chief Procurement Office.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Motion to Concur in House Amendment 3 to Senate Bill 678
Motion to Concur in House Amendment 1 to Senate Bill 2915
Motion to Concur in House Amendments 2 and 3 to Senate Bill 3245
Motion to Concur in House Amendments 1 and 2 to Senate Bill 3430

LEGISLATIVE MEASURES FILED

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

Senate Committee Amendment No. 3 to House Bill 1041
Senate Committee Amendment No. 1 to House Bill 2607

[December 4, 2012]

**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

December 4, 2012

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

Dear Mr. Secretary:

Pursuant to Rule 2-10, I am cancelling the Senate Session scheduled Thursday, December 6, 2012.

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

December 4, 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 Mattie Hunter to temporarily replace Senator Kimberly Lightford as a member of the Senate Committee on Assignments. This appointment 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

**COMMUNICATION FROM THE MINORITY LEADER
CHRISTINE RADOGNO**

[December 4, 2012]

SENATE REPUBLICAN LEADER · 41st DISTRICT

December 4, 2012

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

Dear Mr. Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator John O. Jones to temporarily replace Senator Dale Righter as a member of the Senate Committee on Assignments. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Committee on Assignments on December 5, 2012.

Sincerely,
s/Christine Radogno
Christine Radogno
Senate Republican Leader

cc: Senate President John Cullerton
Assistant Secretary of the Senate Scott Kaiser

COMMUNICATION

**ILLINOIS STATE SENATE
DON HARMON
PRESIDENT PRO TEMPORE
39TH DISTRICT**

November 28, 2012

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

Dear Secretary Anderson:

Today, the Senate Executive Committee recommended the Senate adopt Senate Resolution 821, which is supported primarily by Commonwealth Edison ("ComEd").

Other attorneys at the law firm that employs me have represented ComEd in discrete litigation matters not involving the legislature or legislative process. I do not participate in these matters nor do I personally benefit financially from these matters.

It is my view that above representation does not create an actual conflict of interest, but nonetheless wish to disclose the existence of the representation to the Senate. I also abstained from voting on the resolution in committee and plan to abstain if it is considered by the full Senate. Please make this letter a part of the public record.

Sincerely,
s/Don Harmon
Don Harmon

PRESENTATION OF RESOLUTIONS

[December 4, 2012]

SENATE RESOLUTION NO. 1013

Offered by Senator Frerichs and all Senators:
Mourns the death of Richard Henry “Dick” Burwash of Savoy.

SENATE RESOLUTION NO. 1014

Offered by Senator Raoul and all Senators:
Mourns the death of Dr. Charles Eugene Watson of Chicago.

SENATE RESOLUTION NO. 1015

Offered by Senator Lauzen and all Senators:
Mourns the death of John “Jack” Hepp of North Aurora.

SENATE RESOLUTION NO. 1016

Offered by Senator Lauzen and all Senators:
Mourns the death of Edward Peters of Aurora.

SENATE RESOLUTION NO. 1017

Offered by Senator Hunter and all Senators:
Mourns the death of Hurley L. Green.

SENATE RESOLUTION NO. 1018

Offered by Senator Hunter and all Senators:
Mourns the death of Michael E. Sanders.

SENATE RESOLUTION NO. 1019

Offered by Senator Hunter and all Senators:
Mourns the death of Bobbie Johnson.

SENATE RESOLUTION NO. 1020

Offered by Senator Radogno and all Senators:
Mourns the death of Charles William Germain, Sr., of Palos Hills.

SENATE RESOLUTION NO. 1021

Offered by Senator Frerichs and all Senators:
Mourns the death of Mervin Frerichs of Armstrong.

SENATE RESOLUTION NO. 1022

Offered by Senator Haine and all Senators:
Mourns the death of Little Pony Eagle of Godfrey.

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

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

SENATE RESOLUTION NO. 1023

WHEREAS, The life and presidency of President Abraham Lincoln are integral to the identity and character of this great nation; his sudden passing is an indelible mark upon history; and

WHEREAS, Abraham Lincoln's statesmanship began in the State of Illinois; following his establishment as a lawyer and legislator, the State capital of Springfield became his home in 1837; and

WHEREAS, Springfield was the home of Lincoln's family until February 11, 1861, when he departed for Washington D.C. to serve as the 16th President of the United States until his death on April 15, 1865;

[December 4, 2012]

and

WHEREAS, President Lincoln's body was returned to Springfield on May 3, 1865, as the nation mourned his passing; he was laid to rest at Oak Ridge Cemetery on May 4, 1865; and

WHEREAS, The Illinois Senate is compelled to acknowledge and commend the exceptional effort to preserve and honor the legacy of Abraham Lincoln for this State and our nation; and

WHEREAS, The 2015 Lincoln Funeral Coalition will be honoring the life and legacy of Abraham Lincoln with a commemoration of the 150th anniversary of the President's final return to Springfield, his home and final resting place; and

WHEREAS, The mission of the 2015 Lincoln Funeral Coalition (1865-2015) is to educate, coordinate, and promote the accurate and dignified reenactment of the historic anniversary of Abraham Lincoln's funeral procession in Springfield; and

WHEREAS, This extraordinary event will begin with symposiums starting in April of 2015 and culminate with the reenactment of the original 1865 funeral during a 3-day historic experience from May 1-3, 2015; and

WHEREAS, The event's symposiums and reenactment will serve as a valuable resource to inform, educate, and enlighten the citizens of this State and the nation; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we designate the days of April 28, 2013 to May 4, 2013 as Abraham Lincoln Memorial Week to acknowledge the efforts of the 2015 Lincoln Funeral Coalition, and show our gratitude to the Coalition's members, advisors, partners, and participants for their mission to preserve and honor the legacy of Abraham Lincoln as they prepare for the commemoration of the 150th anniversary of the President's final return to Springfield; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the members of the 2015 Lincoln Funeral Coalition as a token of our esteem.

APPOINTMENT MESSAGES

Appointment Message No. 0558

To the Honorable Members of the Senate, Ninety-Seventh General Assembly:

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

Title of Office: Director

Agency or Other Body: Illinois Department of Commerce and Economic Opportunity

Start Date: November 26, 2012

End Date: January 21, 2013

Name: Adam Pollet

Residence: 1913 W. Estes Ave., Chicago, IL 60626

Annual Compensation: \$142,339

Per diem: Not Applicable

[December 4, 2012]

Nominee's Senator: Senator Heather A. Steans

Most Recent Holder of Office: David Vaught

Superseded Appointment Message: Not Applicable

Appointment Message No. 0559

To the Honorable Members of the Senate, Ninety-Seventh General Assembly:

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

Title of Office: Member

Agency or Other Body: Illinois Finance Authority

Start Date: November 30, 2012

End Date: July 20, 2015

Name: Bradley A. Zeller

Residence: 1313 Franklin Alexander Rd., Alexander, IL 62601

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Wm. Sam McCann

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 0560

To the Honorable Members of the Senate, Ninety-Seventh General Assembly:

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

Title of Office: Member

Agency or Other Body: Illinois Finance Authority

Start Date: November 30, 2012

End Date: July 20, 2015

Name: Edward Leonard, Sr.

Residence: 510 S. Illinois St., Niantic, IL 62551

[December 4, 2012]

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator William E. Brady

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

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

ANNOUNCEMENT ON ATTENDANCE

Senator Murphy announced for the record that Senators Althoff and Righter were absent due to legislative business.

At the hour of 12:16 o'clock p.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 12:29 o'clock p.m., the Senate resumed consideration of business.
Senator Sullivan, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its December 4, 2012 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Labor: **Senate Committee Amendment No. 3 to House Bill 1041; Senate Committee Amendment No. 1 to House Bill 2607.**

Public Health: **HOUSE BILL 153.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its December 4, 2012 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Executive: **Motion to Concur in House Amendment 3 to Senate Bill 678**
Motion to Concur in House Amendments 1 and 2 to Senate Bill 3430

Licensed Activities: **Motion to Concur in House Amendment 1 to Senate Bill 2915**
Motion to Concur in House Amendment 2 to Senate Bill 3237

State Government and Veterans Affairs:

Motion to Concur in House Amendment 1 to Senate Bill 551
Motion to Concur in House Amendments 2 and 3 to Senate Bill 3245

Senator Clayborne, Chairperson of the Committee on Assignments, during its December 4, 2012 meeting, to which was referred **House Bills Numbered 2557 and 4148** on July 1, 2012, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

[December 4, 2012]

The report of the Committee was concurred in.
And **House Bills Numbered 2557 and 4148** were returned to the order of third reading.

Senator Clayborne, Chairperson of the Committee on Assignments, during its December 4, 2012 meeting, reported that the following Legislative Measures have been approved for consideration:

House Joint Resolution No. 102

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

Senator Clayborne, Chairperson of the Committee on Assignments, during its December 4, 2012 meeting, reported that the following Legislative Measure has been approved for consideration:

Motion to Recede from Senate Amendment No. 1 to House Bill 5547

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

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following committee to meet at 1:00 o'clock p.m.:

Labor in Room 400

The Chair announced the following committees to meet at 2:00 o'clock p.m.:

Executive in Room 212
Licensed Activities in Room 409

The Chair announced the following committee to meet at 2:30 o'clock p.m.:

State Government and Veterans Affairs in Room 409

The Chair announced the following committee to meet at 3:00 o'clock p.m.:

Criminal Law in Room 212

Senator Murphy asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

At the hour of 12:38 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 1:27 o'clock p.m., the Senate resumed consideration of business.
Senator Schoenberg, presiding.

HOUSE BILL RECALLED

On motion of Senator Maloney, **House Bill No. 4666** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment Nos. 1 and 2 was postponed in the Committee on Pensions and Investments.

Senator Maloney offered the following amendment and moved its adoption:

[December 4, 2012]

AMENDMENT NO. 3 TO HOUSE BILL 4666

AMENDMENT NO. 3. Amend House Bill 4666 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 1-109.3 and 1-113.18 as follows:

(40 ILCS 5/1-109.3)

Sec. 1-109.3. Training requirement for pension trustees.

(a) All elected and appointed trustees under Article 3 and 4 of this Code must participate in a mandatory trustee certification training seminar that consists of at least 32 hours of initial trustee certification at a training facility that is accredited and affiliated with a State of Illinois certified college or university. This training must include without limitation all of the following:

- (1) Duties and liabilities of a fiduciary under Article 1 of the Illinois Pension Code.
- (2) Adjudication of pension claims.
- (3) Basic accounting and actuarial training.
- (4) Trustee ethics.
- (5) The Illinois Open Meetings Act.
- (6) The Illinois Freedom of Information Act.

The training required under this subsection (a) must be completed within the first 2 years after the year that a trustee takes office is elected or appointed under an Article 3 or 4 pension fund. At least 8 hours of training during the first year of training must cover trustee ethics and the fiduciary duties and liabilities of pension trustees. The elected and appointed trustees of an Article 3 or 4 pension fund who are police officers (as defined in Section 3-106 of this Code) or firefighters (as defined in Section 4-106 of this Code) or are employed by the municipality shall be permitted time away from their duties to attend such training without reduction of accrued leave or benefit time. Active or appointed trustees serving on August 13, 2009 (the effective date of Public Act 96-429) ~~this amendatory Act of the 96th General Assembly~~ shall not be required to attend the training required under this subsection (a).

(b) ~~Upon completion of, and in addition to,~~ the initial trustee certification training required under subsection (a), all elected and appointed trustees under Article 3 and 4 of this Code, including trustees serving on August 13, 2009 (the effective date of Public Act 96-429) ~~this amendatory Act of the 96th General Assembly~~, shall also complete at least an additional ~~participate in a minimum of~~ 16 hours of continuing trustee education during (i) the 2 years following the date by which the training required under subsection (a) must be completed and (ii) every 2 years thereafter. At least 4 hours of training during each of those years shall be devoted to trustee ethics and the fiduciary duties and liabilities of pension trustees. At least 8 hours of the biennial training required under this subsection (b) must be in the form of a live lecture or classroom training forum or, if taken online, must be in an interactive form with ascertainable verification of participation and learning by the trustee in the online training program. The balance of biennial trustee training required under this subsection (b) may take the form of participation in other training opportunities incident to the functioning of the pension board, such as participation in board hearings on the award of disability or other benefits or training opportunities associated with other organizations or employment that are applicable to the duties of a pension fund trustee ~~each year after the first year that the trustee is elected or appointed.~~

(c) The training required under this Section shall be paid for by the pension fund.

(d) Any board member who does not timely complete the training required under this Section is not eligible to serve on the board of trustees of an Article 3 or 4 pension fund, unless the board member completes the missed training within 6 months after the date the member failed to complete the required training. In the event of a board member's failure to complete the required training, a successor shall be appointed or elected, as applicable, for the unexpired term. A successor who is elected under such circumstances must be elected at a special election called by the board and conducted in the same manner as a regular election under Article 3 or 4, as applicable.

(Source: P.A. 96-429, eff. 8-13-09.)

(40 ILCS 5/1-113.18)

Sec. 1-113.18. Ethics training. All board members of a retirement system, pension fund, or investment board created under this Code must attend ethics training of at least 8 hours per year. The training required under this Section shall include training on ethics, fiduciary duty, and investment issues and any other curriculum that the board of the retirement system, pension fund, or investment board establishes as being important for the administration of the retirement system, pension fund, or investment board. The Supreme Court of Illinois shall be responsible for ethics training and curriculum for judges

designated by the Court to serve as members of a retirement system, pension fund, or investment board. Each board shall annually certify its members' compliance with this Section and submit an annual certification to the Division of Insurance of the Department of Financial and Professional Regulation. Judges shall annually certify compliance with the ethics training requirement and shall submit an annual certification to the Chief Justice of the Supreme Court of Illinois. Fulfillment of the requirements of Section 1-109.3 by elected and appointed trustees under Articles 3 and 4 of this Code constitutes compliance with the requirements of this Section. (Source: P.A. 96-6, eff. 4-3-09)."

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.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Maloney, **House Bill No. 4666** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 51; NAYS None; Present 2.

The following voted in the affirmative:

Bivins	Haine	Luechtefeld	Radogno
Bomke	Harmon	Maloney	Rezin
Brady	Holmes	Martinez	Sandack
Clayborne	Hunter	McCann	Sandoval
Collins, J.	Jacobs	McCarter	Schmidt
Crotty	Johnson, C.	McGuire	Schoenberg
Cultra	Johnson, T.	Meeks	Silverstein
Delgado	Jones, E.	Millner	Steans
Dillard	Koehler	Mulroe	Sullivan
Duffy	Kotowski	Muñoz	Syverson
Forby	LaHood	Murphy	Trotter
Frerichs	Lightford	Noland	Mr. President
Garrett	Link	Pankau	

The following voted present:

Lauzen
Raoul

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Martinez, **House Bill No. 4866** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

[December 4, 2012]

Bivins	Harmon	Luechtefeld	Raoul
Bomke	Holmes	Maloney	Rezin
Brady	Hunter	Martinez	Sandack
Clayborne	Jacobs	McCann	Sandoval
Collins, J.	Johnson, C.	McCarter	Schmidt
Crotty	Johnson, T.	McGuire	Schoenberg
Cultra	Jones, E.	Meeks	Silverstein
Delgado	Koehler	Millner	Steans
Dillard	Kotowski	Mulroe	Sullivan
Duffy	LaHood	Muñoz	Trotter
Forby	Landek	Murphy	Mr. President
Frerichs	Lauzen	Noland	
Garrett	Lightford	Pankau	
Haine	Link	Radogno	

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

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

On motion of Senator Noland, **House Bill No. 1299** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Bivins	Holmes	Maloney	Rezin
Bomke	Hunter	Martinez	Sandack
Clayborne	Jacobs	McCann	Sandoval
Collins, J.	Johnson, C.	McCarter	Schmidt
Crotty	Johnson, T.	McGuire	Schoenberg
Cultra	Jones, E.	Meeks	Silverstein
Delgado	Koehler	Millner	Steans
Dillard	Kotowski	Mulroe	Sullivan
Duffy	LaHood	Muñoz	Syverson
Forby	Landek	Murphy	Trotter
Frerichs	Lauzen	Noland	Mr. President
Garrett	Lightford	Pankau	
Haine	Link	Radogno	
Harmon	Luechtefeld	Raoul	

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

Ordered that the Secretary inform the House of Representatives thereof.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Haine, **House Bill No. 2065** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 2065

AMENDMENT NO. 1. Amend House Bill 2065 by replacing everything after the enacting clause

[December 4, 2012]

with the following:

"Section 5. The Illinois Insurance Code is amended by changing Section 1 as follows:
(215 ILCS 5/1) (from Ch. 73, par. 613)

Sec. 1. Short title. This Act shall be known ~~and~~ and may be cited as the Illinois Insurance Code.
(Source: P.A. 96-328, eff. 8-11-09.)".

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.

At the hour of 1:39 o'clock p.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 1:43 o'clock p.m., the Senate resumed consideration of business.

Senator Schoenberg, presiding.

CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL ON SECRETARY'S DESK

On motion of Senator Jacobs, **House Bill No. 4110**, with Senate Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Jacobs moved that the Senate recede from its Amendments numbered 1 and 2 to **House Bill No. 4110**.

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

YEAS 43; NAYS 10.

The following voted in the affirmative:

Bivins	Holmes	McGuire	Sandack
Clayborne	Hunter	Meeks	Sandoval
Collins, J.	Jacobs	Millner	Schmidt
Crotty	Jones, E.	Mulroe	Schoenberg
Delgado	Koehler	Muñoz	Silverstein
Dillard	Kotowski	Murphy	Steans
Forby	Landek	Noland	Sullivan
Frerichs	Lightford	Pankau	Syverson
Garrett	Link	Radogno	Trotter
Haine	Maloney	Raoul	Mr. President
Harmon	Martinez	Rezin	

The following voted in the negative:

Bomke	Johnson, C.	Lauzen	McCarter
Cultra	Johnson, T.	Luechtefeld	
Duffy	LaHood	McCann	

The motion prevailed.

And the Senate receded from their Amendments numbered 1 and 2 to **House Bill No. 4110**.

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

[December 4, 2012]

Senator Lightford moved that **House Joint Resolution No. 102**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Lightford moved that House Joint Resolution No. 102 be adopted.

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

YEAS 50; NAYS 4.

The following voted in the affirmative:

Bivins	Harmon	Martinez	Rezin
Bomke	Holmes	McCann	Sandack
Brady	Hunter	McCarter	Sandoval
Clayborne	Jacobs	McGuire	Schmidt
Collins, A.	Johnson, C.	Meeks	Schoenberg
Collins, J.	Johnson, T.	Millner	Silverstein
Crotty	Koehler	Mulroe	Steans
Delgado	Kotowski	Muñoz	Sullivan
Dillard	Landek	Murphy	Syverson
Forby	Lightford	Noland	Trotter
Frerichs	Link	Pankau	Mr. President
Garrett	Luechtefeld	Radogno	
Haine	Maloney	Raoul	

The following voted in the negative:

Cultra	LaHood
Duffy	Lauzen

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF HOUSE BILL ON CONSIDERATION POSTPONED

On motion of Senator Muñoz, **House Bill No. 506**, having been read by title a third time on November 29, 2012, and pending roll call further consideration postponed, was taken up again on third reading.

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

YEAS 26; NAYS 24.

The following voted in the affirmative:

Collins, A.	Harmon	Martinez	Schoenberg
Collins, J.	Hunter	Meeks	Silverstein
Crotty	Jacobs	Millner	Steans
Delgado	Lauzen	Mulroe	Trotter
Dillard	Lightford	Muñoz	Mr. President
Frerichs	Link	Raoul	
Garrett	Maloney	Sandoval	

The following voted in the negative:

Bivins	Johnson, C.	McCarter	Schmidt
Bomke	Johnson, T.	McGuire	Sullivan
Brady	Kotowski	Noland	Syverson

Clayborne	LaHood	Pankau
Cultra	Landek	Radogno
Duffy	Luechtefeld	Rezin
Haine	McCann	Sandack

This bill, having failed to receive the vote of three-fifths of the members elected, was declared lost.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Link, **Senate Bill No. 3925** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 31; NAYS 17; Present 1.

The following voted in the affirmative:

Bomke	Haine	Maloney	Sandoval
Clayborne	Harmon	Martinez	Silverstein
Collins, A.	Hunter	Mulroe	Steans
Crotty	Jacobs	Muñoz	Sullivan
Delgado	Koehler	Murphy	Syverson
Dillard	Landek	Pankau	Trotter
Forby	Lightford	Raoul	Mr. President
Frerichs	Link	Sandack	

The following voted in the negative:

Bivins	Johnson, C.	McCarter	Schmidt
Collins, J.	Johnson, T.	Meeks	Schoenberg
Cultra	LaHood	Millner	
Duffy	Lauzen	Noland	
Garrett	McCann	Rezin	

The following voted present:

Brady

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

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

Senator E. Jones III asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 3925**.

SENATE BILL RECALLED

On motion of Senator Cullerton, **Senate Bill No. 957** was recalled from the order of third reading to the order of second reading.

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

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 957

AMENDMENT NO. 2. Amend Senate Bill 957 by replacing everything after the enacting clause with the following:

[December 4, 2012]

"Section 5. The State Finance Act is amended by adding Section 5.826 as follows:
(30 ILCS 105/5.826 new)
Sec. 5.826. The Driver Services Administration Fund.

Section 10. The Illinois Vehicle Code is amended by changing Section 6-105.1 as follows:
(625 ILCS 5/6-105.1)

Sec. 6-105.1. Temporary visitor's driver's license.

(a) The Secretary of State may issue a temporary visitor's driver's license to a foreign national who (i) resides in this State, (ii) is ineligible to obtain a social security number, and (iii) presents to the Secretary documentation, issued by United States Citizenship and Immigration Services, authorizing the person's presence in this country.

(a-5) The Secretary of State may issue a temporary visitor's driver's license to an applicant who (i) has resided in this State for a period in excess of one year, (ii) is ineligible to obtain a social security number, and (iii) is unable to present documentation issued by the United States Citizenship and Immigration Services authorizing the person's presence in this country. The applicant shall submit a valid unexpired passport from the applicant's country of citizenship or a valid unexpired consular identification document issued by a consulate of that country as defined in Section 5 of the Consular Identification Document Act (5 ILCS 230/5).

(a-10) Applicants for a temporary visitor's driver's license who are under 18 years of age at the time of application, shall be subject to the provisions of Sections 6-107 and 6-108 of this Code.

(b) A temporary visitor's driver's license issued under subsection (a) is valid for 3 years, or for the period of time the individual is authorized to remain in this country, whichever ends sooner. A temporary visitor's driver's license issued under subsection (a-5) shall be valid for a period of 3 years.

(b-5) A temporary visitor's driver's license issued under this Section may not be accepted for proof of the holder's identity. A temporary visitor's driver's license issued under this Section shall contain a notice on its face, in capitalized letters, stating that the temporary' visitor's driver's license may not be accepted for proof of identity.

(c) The Secretary shall adopt rules for implementing this Section, including rules:

- (1) regarding the design and content of the temporary visitor's driver's license;
 - (2) establishing criteria for proof of identification and residency of an individual applying under (a-5);
 - (3) designating acceptable evidence that an applicant is not eligible for a social security number;
- and
- (4) regarding the issuance of temporary visitor's instruction permits.

(d) Any person to whom the Secretary of State may issue a temporary visitor's driver's license shall be subject to any and all provisions of this Code and any and all implementing regulations issued by the Secretary of State to the same extent as any person issued a driver's license, unless otherwise provided in this Code or by administrative rule, including but not limited to the examination requirements in Section 6-109 as well as the mandatory insurance requirements and penalties set forth in Article VI of Chapter 7 of this Code.

(e) Temporary visitor's driver's licenses shall be issued from a central location after the Secretary of State has verified the information provided by the applicant.

(f) There is created in the State treasury a special fund to be known as the Driver Services Administration Fund. All fees collected for the issuance of temporary visitor's driver's licenses shall be deposited into the Fund. These funds shall, subject to appropriation, be used by the Office of the Secretary of State for costs related to the issuance of temporary visitor's driver's licenses, and other operational costs, including personnel, facilities, computer programming, and data transmission.
(Source: P.A. 93-752, eff. 1-1-05.)

Section 15. The Consular Identification Document Act is amended by changing Section 10 as follows:
(5 ILCS 230/10)

Sec. 10. Acceptance of consular identification document.

(a) When requiring members of the public to provide identification, each State agency and officer and unit of local government shall accept a consular identification document as valid identification of a person.

(b) A consular identification document shall be accepted for purposes of identification only and does not convey an independent right to receive benefits of any type.

(c) A consular identification document may not be accepted as identification for obtaining a driver's

license, other than a temporary visitor's driver's license, or registering to vote.

(d) A consular identification document does not establish or indicate lawful U.S. immigration status and may not be viewed as valid for that purpose, nor does a consular identification document establish a foreign national's right to be in the United States or remain in the United States.

(e) The requirements of subsection (a) do not apply if:

(1) a federal law, regulation, or directive or a federal court decision requires a State agency or officer or a unit of local government to obtain different identification;

(2) a federal law, regulation, or directive preempts state regulation of identification requirements; or

(3) a State agency or officer or a unit of local government would be unable to comply with a condition imposed by a funding source which would cause the State agency or officer or unit of local government to lose funds from that source.

(f) Nothing in subsection (a) shall be construed to prohibit a State agency or officer or a unit of local government from:

(1) requiring additional information from persons in order to verify a current address or other facts that would enable the State agency or officer or unit of local government to fulfill its responsibilities, except that this paragraph (1) does not permit a State agency or officer or a unit of local government to require additional information solely in order to establish identification of the person when the consular identification document is the form of identification presented;

(2) requiring fingerprints for identification purposes under circumstances where the State agency or officer or unit of local government also requires fingerprints from persons who have a driver's license or Illinois Identification Card; or

(3) requiring additional evidence of identification if the State agency or officer or unit of local government reasonably believes that: (A) the consular identification document is forged, fraudulent, or altered; or (B) the holder does not appear to be the same person on the consular identification document.

(Source: P.A. 94-389, eff. 1-1-06.)

Section 99. Effective date. This Act takes effect 10 months after becoming law."

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Millner offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 957

AMENDMENT NO. 3. Amend Senate Bill 957, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, as follows:

on page 1, line 9 by replacing "Section 6-105.1", with "Sections 6-105.1 and 6-601"; and

on page 3, line 10 by replacing "(a-5)" with "subsection (a-5)"; and

on page 3, by inserting after line 23 the following:

"(d-5) A temporary visitor's driver's license is invalid if the holder is unable to provide proof of liability insurance as required by Section 7-601 of this Code upon the request of a law enforcement officer, in which case the holder commits a violation of Section 6-101 of this Code."; and

on page 4, by inserting after line 10 the following:

"(625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)

Sec. 6-601. Penalties.

(a) It is a petty offense for any person to violate any of the provisions of this Chapter unless such violation is by this Code or other law of this State declared to be a misdemeanor or a felony.

(b) General penalties. Unless another penalty is in this Code or other laws of this State, every person convicted of a petty offense for the violation of any provision of this Chapter shall be punished by a fine of not more than \$500.

(c) Unlicensed driving. Except as hereinafter provided a violation of Section 6-101 shall be:

1. A Class A misdemeanor if the person failed to obtain a driver's license or permit after expiration of a period of revocation.

2. A Class B misdemeanor if the person has been issued a driver's license or permit,

[December 4, 2012]

which has expired, and if the period of expiration is greater than one year; or if the person has never been issued a driver's license or permit, or is not qualified to obtain a driver's license or permit because of his age.

3. A petty offense if the person has been issued a temporary visitor's driver's license or permit and is unable to provide proof of liability insurance as provided in subsection (d-5) of Section 6-105.1.

If a licensee under this Code is convicted of violating Section 6-303 for operating a motor vehicle during a time when such licensee's driver's license was suspended under the provisions of Section 6-306.3, then such act shall be a petty offense (provided the licensee has answered the charge which was the basis of the suspension under Section 6-306.3), and there shall be imposed no additional like period of suspension as provided in paragraph (b) of Section 6-303.
(Source: P.A. 96-607, eff. 8-24-09.)"

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Cullerton, **Senate Bill No. 957** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 41; NAYS 14; Present 1.

The following voted in the affirmative:

Brady	Hunter	Meeks	Sandoval
Clayborne	Jacobs	Millner	Schmidt
Collins, A.	Johnson, T.	Mulroe	Schoenberg
Collins, J.	Jones, E.	Muñoz	Silverstein
Crotty	Koehler	Murphy	Steans
Delgado	Kotowski	Noland	Sullivan
Dillard	Landek	Pankau	Trotter
Frerichs	Lightford	Radogno	Mr. President
Garrett	Link	Raoul	
Harmon	Martinez	Rezin	
Holmes	McGuire	Sandack	

The following voted in the negative:

Bivins	Haine	Lauzen	McCarter
Bomke	Johnson, C.	Luechtefeld	Syverson
Cultra	Jones, J.	Maloney	
Duffy	LaHood	McCann	

The following voted present:

Forby

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

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

COMMITTEE MEETING ANNOUNCEMENTS

[December 4, 2012]

The Chair announced the following committees to meet immediately upon recess:

Labor in Room 400
Executive in Room 212
Licensed Activities in Room 409

The Chair announced the following committee to meet immediately following the Licensed Activities Committee:

State Government and Veterans Affairs in Room 409

The Chair announced the following committee to meet immediately following the Executive Committee:

Criminal Law in Room 212

MESSAGE FROM THE PRESIDENT

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

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

December 4, 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 Toi Hutchinson as a member of the Senate Labor Committee. This appointment will automatically expire upon adjournment of the Senate Labor Committee.

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

cc: Senate Minority Leader Christine Radogno

At the hour of 2:57 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 4:55 o'clock p.m., the Senate resumed consideration of business.
Senator Schoenberg, presiding.

REPORTS FROM STANDING COMMITTEES

[December 4, 2012]

Senator Forby, Chairperson of the Committee on Labor, to which was referred **House Bills Numbered 1041 and 2607**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

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

Senate Amendment No. 1 to Senate Bill 641

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

Senator Harmon, Chairperson of the Committee on Executive, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 3 to Senate Bill 678; Motion to Concur in House Amendments 1 and 2 to Senate Bill 3430

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Raoul, Vice-Chairperson of the Committee on Criminal Law, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to House Bill 3804

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

Senator Holmes, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 551; Motion to Concur in House Amendments 2 and 3 to Senate Bill 3245

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Martinez, Chairperson of the Committee on Licensed Activities, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 2915; Motion to Concur in House Amendment 2 to Senate Bill 3237

Under the rules, the foregoing motions are eligible for consideration by the Senate.

MESSAGE FROM THE PRESIDENT

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

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

[December 4, 2012]

December 4, 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 John Sullivan to temporarily replace Senator James Clayborne as a member of the Senate Committee on Assignments. In addition, I hereby appoint Senator Don Harmon to temporarily replace Senator James Clayborne as Chairman 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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 1024

Offered by Senator McCann and all Senators:
Mourns the death of Eugene O. Adkins of Carlinville.

SENATE RESOLUTION NO. 1025

Offered by Senator McCann and all Senators:
Mourns the death of Mary Jane Rudd Rimbey.

SENATE RESOLUTION NO. 1026

Offered by Senator McCann and all Senators:
Mourns the death of Dr. Ronald G. Rathke of Carlinville.

SENATE RESOLUTION NO. 1027

Offered by Senator McCann and all Senators:
Mourns the death of Jo Ann Cannedy of Carlinville.

SENATE RESOLUTION NO. 1028

Offered by Senator McCann and all Senators:
Mourns the death of Maxine Rausch of Meredosia.

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

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

SENATE RESOLUTION NO. 1029

WHEREAS, The State of Illinois comprises part of the largest urban landscape market in the country with more than 4 million ash trees total; our tree canopy now faces a crisis due to the emerald ash borer that will lead to a financial crisis for the State and its many municipalities; and

[December 4, 2012]

WHEREAS, Mature trees provide homeowners and municipalities tremendous environmental and economic benefits; trees reduce energy costs in the summer, play a role in rainwater management, and filter air; trees represent quantifiable value to homeowners; conservatively, five percent of a home's value is attributable to the trees on its property; and

WHEREAS, The State of Illinois is now infested with the invasive species known as the emerald ash borer (EAB); 100% of all ash trees in the State of Illinois will be exposed to the EAB in the next five years and every ash tree not treated will expire shortly thereafter; and

WHEREAS, The average cost of tree removal and replacement in the State of Illinois is approximately \$1,000; this crisis will cost the State and its villages, towns, and cities \$3 billion to \$4 billion over the next several years; and

WHEREAS, Trees can be treated for a fraction of the cost of removal and replacement; and

WHEREAS, The State of Illinois needs to update its understanding of the science of treating EAB, as integrated management of the EAB has evolved and improved greatly in the past five years; and

WHEREAS, Leading academic researchers from The University of Illinois, Michigan State University, Purdue University, and Ohio State have found insecticide treatment methods to be effective, and one treatment method to be more than 95% effective at preserving ash trees; and

WHEREAS, The Society of Municipal Arborists (SMA), the prestigious professional organization of practicing arborists, published in May 2012 its latest findings and recommendations on management of the emerald ash borer; the SMA paper warns municipalities of a "financial tsunami" if they are not proactive and develop an EAB management paper; and

WHEREAS, The SMA found that the two extremes of removing trees and doing nothing is neither practical nor prudent; removing trees is not financially viable for many municipalities and does great harm to home values; doing nothing puts people and property at great risk as dead trees will come crashing down in an unpredictable fashion; and

WHEREAS, The SMA found that an integrated approach that utilizes treatment along with the removal of low-grade ash trees is the best management option; and

WHEREAS, The International Society Arboriculture, the premier tree care organization in the world, supports the findings and recommendations of the SMA that advocates conservation of the urban ash canopy as the most prudent and practical management option; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge every village, town, and city within the State of Illinois to reevaluate its EAB management plan in light of the latest facts and recommendations presented by the leading experts in Spring of 2012; specifically, municipalities should spend the little time required to evaluate EAB management options over a 20-year period utilizing readily available and online economic models from either The University of Wisconsin-Stevens Point or Purdue University; and be it further

RESOLVED, That the Illinois Department of Agriculture should publicly communicate and include on its website, <http://www.agr.state.il.us>, the 2012 EAB Management approach and explain the financial and environmental benefits to municipalities, citizens, and homeowners of that same approach.

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 concurred with the Senate in the passage of a bill of the following title, to-wit:

[December 4, 2012]

SENATE BILL NO. 16

A bill for AN ACT concerning foreclosure.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 5 to SENATE BILL NO. 16

House Amendment No. 6 to SENATE BILL NO. 16

House Amendment No. 7 to SENATE BILL NO. 16

House Amendment No. 8 to SENATE BILL NO. 16

Passed the House, as amended, December 4, 2012.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 5 TO SENATE BILL 16

AMENDMENT NO. 5. Amend Senate Bill 16, AS AMENDED, with reference to page and line numbers of House Amendment No. 3, on page 15, line 20, by replacing "fines" with "costs".

AMENDMENT NO. 6 TO SENATE BILL 16

AMENDMENT NO. 6. Amend Senate Bill 16 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by adding Section 11-20-17 as follows:

(65 ILCS 5/11-20-17 new)

Sec. 11-20-17. Mortgagee maintenance requirements for vacant residential property.

(a) For the purposes of minimizing the hazards to persons and property resulting from vacant residential property, the corporate authorities of each municipality may adopt an ordinance that is substantially in compliance with this Section requiring a mortgagee to maintain, register, and secure vacant residential property. The corporate authority of a municipality that enacts an ordinance pursuant to this Section shall transmit a copy of that ordinance to the Illinois Housing Development Authority within 30 days after the ordinance's enactment. The Illinois Housing Development Authority shall, within 30 days after the receipt of an ordinance, post on its website a copy of the ordinance or a link to a site where the municipality has the ordinance posted on the municipality's website.

(b) For the purpose of this Section, "owner" means the legal or beneficial owner of an improved or unimproved parcel of real estate.

(c) For the purpose of this Section, "mortgagee" means: (i) the holder of an indebtedness, the obligee of a non-monetary obligation secured by a mortgage, any assignee of the mortgage, or any person designated or authorized to act on behalf of a holder; (ii) any person or entity that previously initiated a foreclosure of the vacant residential property or obtained a foreclosure judgment against the vacant residential property if the deed to the vacant residential property has not been transferred to the purchaser at the judicial sale; (iii) any person claiming through a mortgagee as successor; and (iv) any person identified as such in a recorded document which has not been released, assigned, or superseded of record.

(d) For the purpose of this Section, "mortgage" means any consensual lien created by a written instrument which grants or retains an interest in real estate to secure a debt or other obligation. The term includes, without limitation: (i) mortgages securing reverse mortgage loans; (ii) mortgages securing revolving credit loans; (iii) every deed conveying real estate, although an absolute conveyance in its terms, which shall have been intended only as a security in the nature of a mortgage; and (iv) equitable mortgages. The term does not include: (i) a mechanics or materialman lien; (ii) a judgment; (iii) a receiver's certificate, or (iv) a tax lien.

(e) For the purpose of this Section, "vacant residential property" means any real estate, other than a single tract of agricultural real estate consisting of more than 40 acres, improved with a complete structure containing one or more dwelling units or an incomplete structure if the real estate is zoned for residential development, where the structure is empty or otherwise uninhabited and the structure or lot is in need of maintenance, repair, or securing, and with respect to which one or more of the following conditions exist:

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

(2) it has been declared unfit for occupancy and ordered to remain vacant and unoccupied by municipal authorities or a court of competent jurisdiction;

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

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

[December 4, 2012]

unlocked;

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

(6) gas, electrical, or water service to the entire premises has been terminated.

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

(f) For the purpose of this Section, "default" means: (i) with respect to a building containing 4 or fewer dwelling units, when a mortgagor is 60 days past due on that mortgagor's obligation to pay under a mortgage or a note secured by that mortgage; and (ii) with respect to all other buildings, when a mortgagor is 90 days past due on that mortgagor's obligation to pay under a mortgage or a note secured by that mortgage.

(g) Liability.

(1) A mortgagee's acts or omissions required by any ordinance enacted pursuant to this Section shall not subject the mortgagee to civil or criminal liability unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct. This provision shall not waive any requirement to obtain permits or licenses for performing certain work required by an ordinance enacted under this Section, or the penalties provided for failure to do so.

(2) If a vacant residential property is registered pursuant to an ordinance enacted under this Section, only the registered mortgagee shall be liable under the ordinance during the registration period. Nothing in this Section shall bar the concurrent enforcement of any law or ordinance against the owner of a property.

(h) Registration.

(1) A municipality may require that the mortgagee of any residential property that has become vacant and is not registered as vacant by an owner, if applicable, within the later of 30 days after the residential property becomes vacant and unregistered or 60 days after a default, file a registration statement with the municipality. A municipality may charge a reasonable fee for any registration, which fee shall not exceed \$500. The registration shall remain valid for 6 months from the date of registration. The mortgagee shall be required to renew the registration every 6 months as long as the building remains vacant. The mortgagee shall notify, in writing, the municipality within 20 days of any change in the registration information. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted under an ordinance enacted pursuant to this Section by the municipality against the mortgagee with respect to the registered property.

(2) In addition to other information required by the municipality, the registration statement shall include the name, street address, and telephone number of a natural person, 18 years of age or older, or business entity registered with the Secretary of State designated by the mortgagee as an authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of the mortgagee in connection with enforcement of an ordinance enacted pursuant to this Section. A mortgagee meeting these criteria may designate itself as agent. By designating an authorized agent under an ordinance enacted pursuant to this Section, a mortgagee consents to receive any and all notices of violations of an ordinance enacted pursuant to this Section concerning the registered building and all process in any court proceeding or administrative enforcement proceeding brought to enforce an ordinance enacted pursuant to this Section with respect to the registered building by service of the notice or process on the authorized agent. Any mortgagee that has designated an authorized agent under the provisions of an ordinance enacted pursuant to this Section shall be deemed to consent to the continuation of the agent's designation for the purposes of an ordinance enacted pursuant to this Section until the mortgagee notifies the municipality of a change of authorized agent or until the mortgagee files a new registration statement. The municipality shall notify in writing the designated agent of all violations and enforcement proceedings brought under an ordinance enacted pursuant to this Section.

(i) A municipality may require that the mortgagee of any residential property that has become vacant and which is not otherwise registered as vacant by an owner, if applicable, within the later of 30 days after the residential property becomes vacant and unregistered, if applicable, or 60 days after a default:

(1) enclose and secure the vacant residential property so that all doors and windows are closed and secured, using: secure doors; windows without broken or cracked panes; commercial-quality metal security panels, filled with like-kind material as the surrounding wall; or plywood installed and secured in accordance with rules and regulations issued by the municipality. At least one building entrance shall be accessible from the exterior and secured with a door that is locked to allow access only to authorized persons. If 2 or more exit doors exist, a minimum of 2 exit doors shall be available to exit from the interior of the building, with at least one exit door available per 150 linear feet of horizontal travel at ground-floor level;

(2) maintain all grass and weeds on the vacant residential property below 10 inches in height and cut and remove all dead or broken trees, tree limbs, or shrubbery;

(3) clear or remove snow from the walkway leading to the main entry door, and any public sidewalk on or adjoining the vacant residential property;

(4) abate the accumulation of debris, trash, and litter that does not constitute personal property on any portion of the exterior of the vacant residential property;

(5) reasonably maintain fences and gates;

(6) reasonably maintain the structural integrity of stairs and steps that lead to the main entrance of the building;

(7) winterize the vacant residential property, which shall mean cleaning all toilets and completely draining all plumbing and heating systems;

(8) maintain and secure the exterior of the building;

(9) post a sign affixed to the building indicating the information required by the municipality. A sign shall be legible and no smaller than 8.5 inches by 11 inches and placed in such a location so as to be visible from the nearest public street or sidewalk, whichever is nearer; and if there is any alley adjacent to the property, a sign shall also be posted so as to be visible from the alley;

(10) maintain the building in a secure and closed condition and maintain any required sign until the vacant residential property is reoccupied or demolished with all permits required by the municipality. If during the registration period and following the initial boarding and securing of the building in compliance with an ordinance enacted pursuant to this Section the municipality notifies the mortgagee in writing that the vacant residential property was found unsecured or open or it has been judicially or administratively found to be unsecured or open on 2 separate occasions at least 30 days apart, the municipality may require that the vacant residential property shall thereafter be secured only with commercial-quality metal security panels or a method deemed equivalent by the municipality;

(11) inspect the vacant residential property on a monthly basis. A mortgagee may elect to inspect any vacant residential property on a more frequent basis; and

(12) exterminate vermin and pests on the exterior of the property.

(j) A municipality may require that, beginning 45 days after a default, a mortgagee determine, on a monthly basis, if the building on the real estate subject to its mortgage is vacant. A municipality may provide that this determination may be made by communication with the mortgagor, a visual inspection of the real estate, or other means reasonably calculated to determine if the building is vacant.

(k) A municipality adopting an ordinance pursuant to this Section may impose a fine of not more than \$1,000 and not less than \$500 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. The following shall be affirmative defenses under any ordinance adopted pursuant to this Section:

(1) that at the time of the violation the building was occupied by any number of persons lawfully or unlawfully;

(2) that the owner or another mortgagee has registered the building with the municipality and that registration is current at the time of the violation;

(3) that the mortgagee is barred from taking any action required by an ordinance enacted under this Section by an automatic stay pursuant to a bankruptcy proceeding, provided that the mortgagee tenders evidence of that proceeding including the bankruptcy case number;

(4) that the mortgagee has cured all violations within 30 days after receiving written notice of such violations. Notice sent by U.S. mail shall be deemed received 7 days after mailing. An affidavit shall be conclusive proof of mailing;

(5) that at the time of the violation, the mortgage was not in default;

(6) that at the time of the violation, the mortgagee was not the holder of the senior lien on the real estate;

(7) that a receiver is appointed for the property by a court of competent jurisdiction;

(8) that the mortgagee has diligently applied for a permit required to comply with any obligation under an ordinance enacted pursuant to this Section, and a permit has not yet been issued;

- (9) that in a foreclosure of the property, the owner or mortgagor took any of the following actions:
- (i) filed any pleading which asserts a claim against the mortgagee or a defense;
 - (ii) filed any motion which asserts a defense or claim against the mortgagee;
 - (iii) filed any discovery request for response by the mortgagee; or
 - (iv) filed a request for mediation.

(l) Termination of ordinance requirements.

(1) Upon the occurrence of any of the following, the requirements of any ordinance enacted pursuant to this Section shall terminate with respect to a mortgagee:

- (i) a recorded assignment of the mortgagee's mortgage; or
- (ii) a recorded satisfaction or release of the mortgagee's mortgage.

(2) Upon the occurrence of any of the following, the requirements of any ordinance enacted pursuant to this Section shall terminate with respect to a vacant residential property:

(i) a recorded conveyance of title to the underlying real estate, pursuant to foreclosure proceedings or otherwise;

(ii) the building ceases to be vacant; or

(iii) the building is demolished with all permits required by the municipality.

(m) No municipality may impose requirements for the maintenance, registration, or securing of vacant residential property upon any financial institution that has no interest in the property other than that of a mortgagee, except pursuant to an ordinance that: (1) substantially complies with this Section; and (2) has been posted on the website of the Illinois Housing Development Authority pursuant to subsection (a) of this Section. For purposes of this subsection (m), "financial institution" means a bank, savings bank, savings and loan association, or credit union.

Section 10. The Code of Civil Procedure is amended by changing Sections 15-1503, 15-1506, 15-1508, and 15-1603 as follows:

(735 ILCS 5/15-1503) (from Ch. 110, par. 15-1503)

Sec. 15-1503. Notice of Foreclosure.

(a) A notice of foreclosure, whether the foreclosure is initiated by complaint or counterclaim, made in accordance with this Section and recorded in the county in which the mortgaged real estate is located shall be constructive notice of the pendency of the foreclosure to every person claiming an interest in or lien on the mortgaged real estate, whose interest or lien has not been recorded prior to the recording of such notice of foreclosure. Such notice of foreclosure must be executed by any party or any party's attorney and shall include (i) the names of all plaintiffs and the case number, (ii) the court in which the action was brought, (iii) the names of title holders of record, (iv) a legal description of the real estate sufficient to identify it with reasonable certainty, (v) a common address or description of the location of the real estate and (vi) identification of the mortgage sought to be foreclosed. An incorrect common address or description of the location, or an immaterial error in the identification of a plaintiff or title holder of record, shall not invalidate the lis pendens effect of the notice under this Section. A notice which complies with this Section shall be deemed to comply with Section 2-1901 of the Code of Civil Procedure and shall have the same effect as a notice filed pursuant to that Section; however, a notice which complies with Section 2-1901 shall not be constructive notice unless it also complies with the requirements of this Section.

(b) With respect to residential real estate, a copy of the notice of foreclosure described in subsection (a) of Section 15-1503 shall be sent by first class mail, postage prepaid, to the municipality within the boundary of which the mortgaged real estate is located, or to the county within the boundary of which the mortgaged real estate is located if the mortgaged real estate is located in an unincorporated territory. A municipality or county must clearly publish on its website a single address to which such notice shall be sent. If a municipality or county does not maintain a website, then the municipality or county must publicly post in its main office a single address to which such notice shall be sent. In the event that a municipality or county has not complied with the publication requirement in this subsection (b), then the copy of the ~~such~~ notice to the municipality or county shall be sent by first class mail, postage prepaid, to the chairperson of the county board or county clerk in the case of a county, to the mayor or city clerk in the case of a city, to the president of the board of trustees or village clerk in the case of a village, or to the president or town clerk in the case of a town provided pursuant to Section 2-211 of the Code of Civil Procedure. Additionally, if the real estate is located in a city with a population of more than 2,000,000, regardless of whether that city has complied with the publication requirement in this subsection (b), the party must, within 10 days after filing the complaint or counterclaim: (i) send by first class mail, postage prepaid, a copy of the notice of foreclosure to the alderman for the ward in which the real estate is located and (ii) file an affidavit with the court attesting to the fact that the notice was sent to the

alderman for the ward in which the real estate is located. The failure to send a copy of the notice to the alderman or to file an affidavit as required results in the dismissal without prejudice of the complaint or counterclaim on a motion of a party or the court. If, after the complaint or counterclaim has been dismissed without prejudice, the party refiles the complaint or counterclaim, then the party must again comply with the requirements that the party send by first class mail, postage prepaid, the notice to the alderman for the ward in which the real estate is located and file an affidavit attesting to the fact that the notice was sent.

(Source: P.A. 96-856, eff. 3-1-10.)

(735 ILCS 5/15-1506) (from Ch. 110, par. 15-1506)

Sec. 15-1506. Judgment. (a) Evidence. In the trial of a foreclosure, the evidence to support the allegations of the complaint shall be taken in open court, except:

(1) where an allegation of fact in the complaint is not denied by a party's verified answer or verified counterclaim, or where a party pursuant to subsection (b) of Section 2-610 of the Code of Civil Procedure states, or is deemed to have stated, in its pleading that it has no knowledge of such allegation sufficient to form a belief and attaches the required affidavit, a sworn verification of the complaint or a separate affidavit setting forth such fact is sufficient evidence thereof against such party and no further evidence of such fact shall be required; and

(2) where all the allegations of fact in the complaint have been proved by verification of the complaint or affidavit, the court upon motion supported by an affidavit stating the amount which is due the mortgagee, shall enter a judgment of foreclosure as requested in the complaint.

(b) Instruments. In all cases the evidence of the indebtedness and the mortgage foreclosed shall be exhibited to the court and appropriately marked, and copies thereof shall be filed with the court.

(c) Summary and Default Judgments.

(1) Nothing in this Section 15-1506 shall prevent a party from obtaining a summary or default judgment authorized by Article II of the Code of Civil Procedure.

(2) Judgment on abandoned real estate. A mortgagee may elect to file a motion seeking a finding of abandonment pursuant to paragraph (4) of subsection (b) of Section 15-1603 and concurrently file a motion for summary or default judgment, and both motions shall be given priority and must be set before the court by the circuit clerk within 15 days after filing, so long as one of the following have occurred:

(i) 30 days have transpired since service of the summons on the mortgagor, or, if there is more than one mortgagor, 30 days have transpired since service on all mortgagors, and the mortgagor has not filed any answer or appearance;

(ii) 30 days have transpired since the date of first publication, if service of process is by publication, and the mortgagor has not filed any answer or appearance; or

(iii) 30 days have transpired since all mortgagors have otherwise submitted to the jurisdiction of the court, and the mortgagor has not filed any answer or appearance.

The Court shall proceed to determine if the real estate is abandoned pursuant to the requirements of paragraph (4) of subsection (b) of Section 15-1603 and shall proceed on any motion for default or summary judgment pursuant to the requirements in Article II of the Code of Civil Procedure. If the court finds that the real estate is abandoned, pursuant to Section 15-1603, and also grants the mortgagee's motion for default or summary judgment then the court, if requested, shall immediately enter a judgment of foreclosure as requested in the complaint which shall include the matters identified in Section 15-1506.

(d) Notice of Entry of Default. When any judgment in a foreclosure is entered by default, notice of such judgment shall be given in accordance with Section 2-1302 of the Code of Civil Procedure.

(e) Matters Required in Judgment. A judgment of foreclosure shall include the last date for redemption and all rulings of the court entered with respect to each request for relief set forth in the complaint. The omission of the date for redemption shall not extend the time for redemption or impair the validity of the judgment.

(f) Special Matters in Judgment. Without limiting the general authority and powers of the court, special matters may be included in the judgment of foreclosure if sought by a party in the complaint or by separate motion. Such matters may include, without limitation:

(1) a manner of sale other than public auction;

(2) a sale by sealed bid;

(3) an official or other person who shall be the officer to conduct the sale other than the one customarily designated by the court;

(4) provisions for non-exclusive broker listings or designating a duly licensed real estate broker nominated by one of the parties to exclusively list the real estate for sale;

(5) the fees or commissions to be paid out of the sale proceeds to the listing or other duly licensed

broker, if any, who shall have procured the accepted bid;

(6) the fees to be paid out of the sale proceeds to an auctioneer, if any, who shall have been authorized to conduct a public auction sale;

(7) whether and in what manner and with what content signs shall be posted on the real estate;

(8) a particular time and place at which such bids shall be received;

(9) a particular newspaper or newspapers in which notice of sale shall be published;

(10) the format for the advertising of such sale, including the size, content and format of such advertising, and additional advertising of such sale;

(11) matters or exceptions to which title in the real estate may be subject at the sale;

(12) a requirement that title insurance in a specified form be provided to a purchaser at the sale, and who shall pay for such insurance;

(13) whether and to what extent bids with mortgage or other contingencies will be allowed;

(14) such other matters as approved by the court to ensure sale of the real estate for the most commercially favorable price for the type of real estate involved.

(g) Agreement of the Parties. If all of the parties agree in writing on the minimum price and that the real estate may be sold to the first person who offers in writing to purchase the real estate for such price, and on such other commercially reasonable terms and conditions as the parties may agree, then the court shall order the real estate to be sold on such terms, subject to confirmation of the sale in accordance with Section 15-1508.

(h) Postponement of Proving Priority. With the approval of the court prior to the entry of the judgment of foreclosure, a party claiming an interest in the proceeds of the sale of the mortgaged real estate may defer proving the priority of such interest until the hearing to confirm the sale.

(i) Effect of Judgment and Lien. (1) Upon the entry of the judgment of foreclosure, all rights of a party in the foreclosure against the mortgagor provided for in the judgment of foreclosure or this Article shall be secured by a lien on the mortgaged real estate, which lien shall have the same priority as the claim to which the judgment relates and shall be terminated upon confirmation of a judicial sale in accordance with this Article.

(2) Upon the entry of the judgment of foreclosure, the rights in the real estate subject to the judgment of foreclosure of (i) all persons made a party in the foreclosure and (ii) all nonrecord claimants given notice in accordance with paragraph (2) of subsection (c) of Section 15-1502, shall be solely as provided for in the judgment of foreclosure and in this Article.

(Source: P.A. 85-907.)

(735 ILCS 5/15-1508) (from Ch. 110, par. 15-1508)

Sec. 15-1508. Report of Sale and Confirmation of Sale.

(a) Report. The person conducting the sale shall promptly make a report to the court, which report shall include a copy of all receipts and, if any, certificate of sale.

(b) Hearing. Upon motion and notice in accordance with court rules applicable to motions generally, which motion shall not be made prior to sale, the court shall conduct a hearing to confirm the sale. Unless the court finds that (i) a notice required in accordance with subsection (c) of Section 15-1507 or a notice to an alderman required in accordance with subsection (b) of Section 15-1503 was not given, (ii) the terms of sale were unconscionable, (iii) the sale was conducted fraudulently, or (iv) justice was otherwise not done, the court shall then enter an order confirming the sale. The confirmation order shall include a name, address, and telephone number of the holder of the certificate of sale or deed issued pursuant to that certificate or, if no certificate or deed was issued, the purchaser, whom a municipality or county may contact with concerns about the real estate. The confirmation order may also:

(1) approve the mortgagee's fees and costs arising between the entry of the judgment of foreclosure and the confirmation hearing, those costs and fees to be allowable to the same extent as provided in the note and mortgage and in Section 15-1504;

(2) provide for a personal judgment against any party for a deficiency; ~~and~~

(3) determine the priority of the judgments of parties who deferred proving the priority pursuant to subsection (h) of Section 15-1506, but the court shall not defer confirming the sale pending the determination of such priority; ~~and~~ -

(4) provide that if the court has entered a finding of abandonment pursuant to paragraph (4) of subsection (b) of Section 15-1603, then any personal property remaining in or upon the abandoned mortgaged real estate shall be deemed to have been abandoned by the owner of such personal property and may be disposed of or donated by the holder of the certificate of sale (or, if none, by the purchaser at the sale). In the event of the donation of any such personal property, the holder of the certificate of sale (or, if none, the purchaser at the sale) may transfer the donated property with a bill of sale. No mortgagee or its successor or assign, holder of a certificate of sale, or purchaser at the sale shall be liable for any

such disposal or donation of personal property.

(b-5) Notice with respect to residential real estate. With respect to residential real estate, the notice required under subsection (b) of this Section shall be sent to the mortgagor even if the mortgagor has previously been held in default. In the event the mortgagor has filed an appearance, the notice shall be sent to the address indicated on the appearance. In all other cases, the notice shall be sent to the mortgagor at the common address of the foreclosed property. The notice shall be sent by first class mail. Unless the right to possession has been previously terminated by the court, the notice shall include the following language in 12-point boldface capitalized type:

IF YOU ARE THE MORTGAGOR (HOMEOWNER), YOU HAVE THE RIGHT TO REMAIN IN POSSESSION FOR 30 DAYS AFTER ENTRY OF AN ORDER OF POSSESSION, IN ACCORDANCE WITH SECTION 15-1701(c) OF THE ILLINOIS MORTGAGE FORECLOSURE LAW.

(b-6) Notice with respect to real estate that has been declared abandoned. With respect to real estate that has been declared abandoned, the notice required in accordance with subsection (b) of this Section shall be sent to the mortgagor even if the mortgagor has previously been held in default. The notice shall be sent to the address indicated on the affidavit of return of service. In all other cases, the notice shall be sent to the mortgagor at the common address of the foreclosed real estate. The notice shall be sent by first class mail. The notice shall include the following language in 12-point boldface capitalized type:

THE MORTGAGEE HAS ASKED THE COURT TO DECLARE THAT THE OWNER HAS ABANDONED ALL OF HIS OR HER PERSONAL PROPERTY LOCATED AT THE FORECLOSED REAL ESTATE. IF THAT MOTION IS GRANTED, THE PERSONAL PROPERTY CAN BE DISPOSED OF AND REMOVED BY THE MORTGAGEE. THE COURT WILL RULE ON THIS ISSUE AT THE TIME, DATE, AND LOCATION OF THE ATTACHED MOTION.

(b-10) Notice of confirmation order sent to municipality or county. With respect to residential real estate, a copy of the confirmation order required under subsection (b) shall be sent by first class mail, postage prepaid, to the municipality in which the foreclosed property is located, or to the county within the boundary of which the foreclosed property is located if the foreclosed property is located in an unincorporated territory. A municipality or county must clearly publish on its website a single address to which such order notice shall be sent. If a municipality or county does not maintain a website, then the municipality or county must publicly post in its main office a single address to which such order notice shall be sent. In the event that a municipality or county has not complied with the publication requirement in this subsection (b-10), then the copy of the order for such notice to the municipality or county shall be sent by first class mail to the chairperson of the county board or county clerk in the case of a county, to the mayor or city clerk in the case of a city, to the president of the board of trustees or village clerk in the case of a village, or the president or town clerk in the case of a town. Additionally, if the real estate is located in a city with a population of more than 2,000,000, regardless of whether that city has complied with the publication requirements of this subsection (b-10), the party filing the complaint or counterclaim must, within 10 days after the entry of the confirmation order: (i) send by first class mail, postage prepaid, a copy of the confirmation order to the alderman for the ward in which the real estate is located and (ii) file an affidavit attesting to the fact that a copy of the confirmation order was sent to the alderman for the ward in which the real estate is located provided pursuant to Section 2-211 of the Code of Civil Procedure.

(c) Failure to Give Notice. If any sale is held without compliance with subsection (c) of Section 15-1507 of this Article, any party entitled to the notice provided for in paragraph (3) of that subsection (c) who was not so notified may, by motion supported by affidavit made prior to confirmation of such sale, ask the court which entered the judgment to set aside the sale. Any such party shall guarantee or secure by bond a bid equal to the successful bid at the prior sale, unless the party seeking to set aside the sale is the mortgagor, the real estate sold at the sale is residential real estate, and the mortgagor occupies the residential real estate at the time the motion is filed. In that event, no guarantee or bond shall be required of the mortgagor. Any subsequent sale is subject to the same notice requirement as the original sale.

(d) Validity of Sale. Except as provided in subsection (c) of Section 15-1508, no sale under this Article shall be held invalid or be set aside because of any defect in the notice thereof or in the publication of the same, or in the proceedings of the officer conducting the sale, except upon good cause shown in a hearing pursuant to subsection (b) of Section 15-1508. At any time after a sale has occurred, any party entitled to notice under paragraph (3) of subsection (c) of Section 15-1507 may recover from the mortgagee any damages caused by the mortgagee's failure to comply with such paragraph (3). Any party who recovers damages in a judicial proceeding brought under this subsection may also recover from the mortgagee the reasonable expenses of litigation, including reasonable attorney's fees.

(d-5) Making Home Affordable Program. The court that entered the judgment shall set aside a sale

held pursuant to Section 15-1507, upon motion of the mortgagor at any time prior to the confirmation of the sale, if the mortgagor proves by a preponderance of the evidence that (i) the mortgagor has applied for assistance under the Making Home Affordable Program established by the United States Department of the Treasury pursuant to the Emergency Economic Stabilization Act of 2008 (Public Law 110-343, Div. A.), as amended by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), and (ii) the mortgaged real estate was sold in material violation of the program's requirements for proceeding to a judicial sale. The provisions of this subsection (d-5), except for this sentence, shall become inoperative on January 1, 2013 for all actions filed under this Article after December 31, 2012, in which the mortgagor did not apply for assistance under the Making Home Affordable Program on or before December 31, 2012.

(e) Deficiency Judgment. In any order confirming a sale pursuant to the judgment of foreclosure, the court shall also enter a personal judgment for deficiency against any party (i) if otherwise authorized and (ii) to the extent requested in the complaint and proven upon presentation of the report of sale in accordance with Section 15-1508. Except as otherwise provided in this Article, a judgment may be entered for any balance of money that may be found due to the plaintiff, over and above the proceeds of the sale or sales, and enforcement may be had for the collection of such balance, the same as when the judgment is solely for the payment of money. Such judgment may be entered, or enforcement had, only in cases where personal service has been had upon the persons personally liable for the mortgage indebtedness, unless they have entered their appearance in the foreclosure action.

(f) Satisfaction. Upon confirmation of the sale, the judgment stands satisfied to the extent of the sale price less expenses and costs. If the order confirming the sale includes a deficiency judgment, the judgment shall become a lien in the manner of any other judgment for the payment of money.

(g) The order confirming the sale shall include, notwithstanding any previous orders awarding possession during the pendency of the foreclosure, an award to the purchaser of possession of the mortgaged real estate, as of the date 30 days after the entry of the order, against the parties to the foreclosure whose interests have been terminated. If the court has determined that the real estate is abandoned pursuant to paragraph (4) of subsection (b) of Section 2-1603 and the parties whose interests have been terminated have not appeared at the hearing to confirm the sale, the purchaser shall be awarded possession of the mortgaged real estate immediately.

An order of possession authorizing the removal of a person from possession of the mortgaged real estate shall be entered and enforced only against those persons personally named as individuals in the complaint or the petition under subsection (h) of Section 15-1701 and in the order of possession and shall not be entered and enforced against any person who is only generically described as an unknown owner or nonrecord claimant or by another generic designation in the complaint.

Notwithstanding the preceding paragraph, the failure to personally name, include, or seek an award of possession of the mortgaged real estate against a person in the confirmation order shall not abrogate any right that the purchaser may have to possession of the mortgaged real estate and to maintain a proceeding against that person for possession under Article 9 of this Code or subsection (h) of Section 15-1701; and possession against a person who (1) has not been personally named as a party to the foreclosure and (2) has not been provided an opportunity to be heard in the foreclosure proceeding may be sought only by maintaining a proceeding under Article 9 of this Code or subsection (h) of Section 15-1701.

(h) With respect to mortgaged real estate containing 5 or more dwelling units, the order confirming the sale shall also provide that (i) the mortgagor shall transfer to the purchaser the security deposits, if any, that the mortgagor received to secure payment of rent or to compensate for damage to the mortgaged real estate from any current occupant of a dwelling unit of the mortgaged real estate, as well as any statutory interest that has not been paid to the occupant, and (ii) the mortgagor shall provide an accounting of the security deposits that are transferred, including the name and address of each occupant for whom the mortgagor holds the deposit and the amount of the deposit and any statutory interest.

(Source: P.A. 96-265, eff. 8-11-09; 96-856, eff. 3-1-10; 96-1245, eff. 7-23-10; 97-333, eff. 8-12-11; 97-575, eff. 8-26-11.)

(735 ILCS 5/15-1603) (from Ch. 110, par. 15-1603)

Sec. 15-1603. Redemption.

(a) Owner of Redemption. Except as provided in subsection (b) of Section 15-1402, only an owner of redemption may redeem from the foreclosure, and such owner of redemption may redeem only during the redemption period specified in subsection (b) of Section 15-1603 and only if the right of redemption has not been validly waived.

(b) Redemption Period.

(1) In the foreclosure of a mortgage of real estate which is residential real estate at

the time the foreclosure is commenced, the redemption period shall end on the later of (i) the date 7 months from the date the mortgagor or, if more than one, all the mortgagors (A) have been served with summons or by publication or (B) have otherwise submitted to the jurisdiction of the court, or (ii) the date 3 months from the date of entry of a judgment of foreclosure.

(2) In all other foreclosures, the redemption period shall end on the later of (i) the date 6 months from the date the mortgagor or, if more than one, all the mortgagors (A) have been served with summons or by publication or (B) have otherwise submitted to the jurisdiction of the court, or (ii) the date 3 months from the date of entry of a judgment of foreclosure.

(3) Notwithstanding paragraphs (1) and (2), the redemption period shall end at the later of the expiration of any reinstatement period provided for in Section 15-1602 or the date 60 days after the date the judgment of foreclosure is entered, if the court finds that (i) the value of the mortgaged real estate as of the date of the judgment is less than 90% of the amount specified pursuant to subsection (d) of Section 15-1603 and (ii) the mortgagee waives any and all rights to a personal judgment for a deficiency against the mortgagor and against all other persons liable for the indebtedness or other obligations secured by the mortgage.

(4) Notwithstanding paragraphs (1) and (2), the redemption period shall end on the date 30 days after the date the judgment of foreclosure is entered if, upon motion and notice in accordance with court rules applicable to motions generally, the court finds that the mortgaged real estate has been abandoned. In cases where the redemption period is shortened on account of abandonment, the reinstatement period shall not extend beyond the redemption period as shortened.

(A) The court may find that the mortgaged real estate is abandoned if the mortgagee proves, by a preponderance of the evidence, with the mortgagee's proof being offered by personal testimony or affidavit, that the mortgaged real estate has been abandoned. To determine that the real estate has been abandoned, the court must find the following:

(i) the mortgaged real estate is not actually occupied; and

(ii) at least one of the following applies:

(aa) the mortgagee has made at least 3 attempts to contact the mortgagor, which shall include any attempts to contact the mortgagor as required by law, and at least 2 of the following supporting facts are true:

(I) construction was initiated on the real estate and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least 6 months;

(II) the real estate has had at least one uncorrected municipal code violation over the past year, or has been unfit for occupancy and ordered to remain vacant and unoccupied by the municipal authorities;

(III) gas, electric, or water service to the entire premises has been terminated;

(IV) windows or entrances to the premises are boarded up or closed off, or multiple window panes are broken and unrepaired;

(V) doors to the premises are smashed through, broken off, unhinged, or continuously unlocked;

(VI) the police or sheriff's office received at least one report of a trespasser on the premises, vandalism, or other illegal acts being committed on the premises in the past 6 months;

(VII) the mortgagee or other interested or authorized party has secured or winterized the premises due to the real estate being declared vacant in a proceeding initiated under an ordinance enacted pursuant to Section 11-17-20 of the Illinois Municipal Code;

(VIII) the mortgagee or other interested or authorized party has secured or winterized the premises upon the request of the local police, fire, or code enforcement authorities due to the local authorities declaring the premises to be an imminent danger to the health, safety, and welfare of the public;

(IX) the mortgagee or other interested or authorized party has, after conducting a reasonable inquiry and investigation, secured or winterized the premises due to the premises being vacant and open, unprotected, or in reasonable danger of damage due to exposure to the elements, vandalism, or freezing;

(bb) 3 or more attempts to contact the mortgagor have been made and there exist written statements of the mortgagor or the mortgagor's personal representative or assign, including documents of conveyance, which indicate a clear intent to abandon the mortgaged real estate; or

(cc) 3 or more attempts to contact the mortgagor have been made and the mortgaged real estate is a vacant lot.

(B) Notwithstanding the provisions of this subsection, if an appearance by the mortgagor or other

occupant is made at or before the hearing on a motion brought pursuant to this subsection, the mortgaged real estate shall not be deemed abandoned and the court shall deny the motion to shorten the redemption period.

(c) Extension of Redemption Period.

(1) Once expired, the right of redemption provided for in Sections 15-1603 or 15-1604 shall not be revived. The period within which the right of redemption provided for in Sections 15-1603 or 15-1604 may be exercised runs independently of any action by any person to enforce the judgment of foreclosure or effect a sale pursuant thereto. Neither the initiation of any legal proceeding nor the order of any court staying the enforcement of a judgment of foreclosure or the sale pursuant to a judgment or the confirmation of the sale, shall have the effect of tolling the running of the redemption period.

(2) If a court has the authority to stay, and does stay, the running of the redemption period, or if the redemption period is extended by any statute of the United States, the redemption period shall be extended until the expiration of the same number of days after the expiration of the stay order as the number of days remaining in the redemption period at the time the stay order became effective, or, if later, until the expiration of 30 days after the stay order terminates. If the stay order terminates more than 30 days prior to the expiration of the redemption period, the redemption period shall not be extended.

(d) Amount Required to Redeem. The amount required to redeem shall be the sum of:

(1) The amount specified in the judgment of foreclosure, which shall consist of (i) all principal and accrued interest secured by the mortgage and due as of the date of the judgment, (ii) all costs allowed by law, (iii) costs and expenses approved by the court, (iv) to the extent provided for in the mortgage and approved by the court, additional costs, expenses and reasonable attorneys' fees incurred by the mortgagee, (v) all amounts paid pursuant to Section 15-1505 and (vi) per diem interest from the date of judgment to the date of redemption calculated at the mortgage rate of interest applicable as if no default had occurred; and

(2) The amount of other expenses authorized by the court which the mortgagee reasonably incurs between the date of judgment and the date of redemption, which shall be the amount certified by the mortgagee in accordance with subsection (e) of Section 15-1603.

(e) Notice of Intent to Redeem. An owner of redemption who intends to redeem shall give written notice of such intent to redeem to the mortgagee's attorney of record specifying the date designated for redemption and the current address of the owner of redemption for purposes of receiving notice. Such owner of redemption shall file with the clerk of the court a certification of the giving of such notice. The notice of intent to redeem must be received by the mortgagee's attorney at least 15 days (other than Saturday, Sunday or court holiday) prior to the date designated for redemption. The mortgagee shall thereupon file with the clerk of the court and shall give written notice to the owner of redemption at least three days (other than Saturday, Sunday or court holiday) before the date designated for redemption a certification, accompanied by copies of paid receipts or appropriate affidavits, of any expenses authorized in paragraph (2) of subsection (d) of Section 15-1603. If the mortgagee fails to serve such certification within the time specified herein, then the owner of redemption intending to redeem may redeem on the date designated for redemption in the notice of intent to redeem, and the mortgagee shall not be entitled to payment of any expenses authorized in paragraph (2) of subsection (d) of Section 15-1603.

(f) Procedure for Redemption.

(1) An owner of redemption may redeem the real estate from the foreclosure by paying the amount specified in subsection (d) of Section 15-1603 to the mortgagee or the mortgagee's attorney of record on or before the date designated for redemption pursuant to subsection (e) of Section 15-1603.

(2) If the mortgagee refuses to accept payment or if the owner of redemption redeeming from the foreclosure objects to the reasonableness of the additional expenses authorized in paragraph (2) of subsection (d) of Section 15-1603 and certified in accordance with subsection (e) of Section 15-1603, the owner of redemption shall pay the certified amount to the clerk of the court on or before the date designated for redemption, together with a written statement specifying the expenses to which objection is made. In such case the clerk shall pay to the mortgagee the amount tendered minus the amount to which the objection pertains.

(3) Upon payment to the clerk, whether or not the owner of redemption files an objection at the time of payment, the clerk shall give a receipt of payment to the person redeeming from the foreclosure, and shall file a copy of that receipt in the foreclosure record. Upon receipt of the amounts specified to be paid to the mortgagee pursuant to this Section, the mortgagee shall promptly furnish the mortgagor with a release of the mortgage or satisfaction of the judgment, as appropriate, and the

evidence of all indebtedness secured by the mortgage shall be cancelled.

(g) Procedure Upon Objection. If an objection is filed by an owner of redemption in accordance with paragraph (2) of subsection (f) of Section 15-1603, the clerk shall hold the amount to which the objection pertains until the court orders distribution of those funds. The court shall hold a hearing promptly to determine the distribution of any funds held by the clerk pursuant to such objection. Each party shall pay its own costs and expenses in connection with any objection, including attorneys' fees, subject to Section 2-611 of the Code of Civil Procedure.

(h) Failure to Redeem. Unless the real estate being foreclosed is redeemed from the foreclosure, it shall be sold as provided in this Article.

(Source: P.A. 86-974.)

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

AMENDMENT NO. 7 TO SENATE BILL 16

AMENDMENT NO. 7. Amend Senate Bill 16, AS AMENDED, with reference to the page and line numbers of House Amendment No. 6, on page 3, line 6, by replacing "certificate," with "certificate"; and

on page 14, line 16, by replacing "be be" with "be"; and

on page 23, line 3, after "mail", by inserting ", postage prepaid"; and

on page 23, line 19, after "mail", by inserting ", postage prepaid"; and

on page 24, line 17, after "mail", by inserting ", postage prepaid".

AMENDMENT NO. 8 TO SENATE BILL 16

AMENDMENT NO. 8. Amend Senate Bill 16, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Housing Development Act is amended by changing Sections 7.30 and 7.31 as follows:

(20 ILCS 3805/7.30)

Sec. 7.30. Foreclosure Prevention Program.

(a) The Authority shall establish and administer a Foreclosure Prevention Program. The Authority shall use moneys in the Foreclosure Prevention Program Fund, and any other funds appropriated for this purpose, to make grants to (i) approved counseling agencies for approved housing counseling and (ii) approved community-based organizations for approved foreclosure prevention outreach programs. The Authority shall promulgate rules to implement this Program and may adopt emergency rules as soon as practicable to begin implementation of the Program.

(b) Subject to appropriation, the Authority shall make grants from the Foreclosure Prevention Program Fund derived from fees paid as specified in subsection (a) of Section 15-1504.1 of the Code of Civil Procedure as follows:

(1) 25% of the moneys in the Fund shall be used to make grants to approved counseling agencies that provide services in Illinois outside of the City of Chicago. Grants shall be based upon the number of foreclosures filed in an approved counseling agency's service area, the capacity of the agency to provide foreclosure counseling services, and any other factors that the Authority deems appropriate.

(2) 25% of the moneys in the Fund shall be distributed to the City of Chicago to make grants to approved counseling agencies located within the City of Chicago for approved housing counseling or to support foreclosure prevention counseling programs administered by the City of Chicago.

(3) 25% of the moneys in the Fund shall be used to make grants to approved community-based organizations located outside of the City of Chicago for approved foreclosure prevention outreach programs.

(4) 25% of the moneys in the Fund shall be used to make grants to approved community-based organizations located within the City of Chicago for approved foreclosure prevention outreach programs, with priority given to programs that provide door-to-door outreach.

(b-1) Subject to appropriation, the Authority shall make grants from the Foreclosure Prevention

Program Fund derived from fees paid as specified in paragraph (1) of subsection (a-5) of Section 15-1504.1 of the Code of Civil Procedure, as follows:

(1) 30% shall be used to make grants for approved housing counseling in Cook County outside of the City of Chicago;

(2) 25% shall be used to make grants for approved housing counseling in the City of Chicago;

(3) 30% shall be used to make grants for approved housing counseling in DuPage, Kane, Lake, McHenry, and Will Counties; and

(4) 15% shall be used to make grants for approved housing counseling in Illinois in counties other than Cook, DuPage, Kane, Lake, McHenry, and Will Counties provided that grants to provide approved housing counseling to borrowers residing within these counties shall be based (i) proportionately on the amount of fees paid to the respective clerks of the courts within these counties and (ii) on any other factors that the Authority deems appropriate.

(b-5) As used in this Section:

"Approved community-based organization" means a not-for-profit entity that provides educational and financial information to residents of a community through in-person contact. "Approved community-based organization" does not include a not-for-profit corporation or other entity or person that provides legal representation or advice in a civil proceeding or court-sponsored mediation services, or a governmental agency.

"Approved foreclosure prevention outreach program" means a program developed by an approved community-based organization that includes in-person contact with residents to provide (i) pre-purchase and post-purchase home ownership counseling, (ii) education about the foreclosure process and the options of a mortgagor in a foreclosure proceeding, and (iii) programs developed by an approved community-based organization in conjunction with a State or federally chartered financial institution.

"Approved counseling agency" means a housing counseling agency approved by the U.S. Department of Housing and Urban Development.

"Approved housing counseling" means in-person counseling provided by a counselor employed by an approved counseling agency to all borrowers, or documented telephone counseling where a hardship would be imposed on one or more borrowers. A hardship shall exist in instances in which the borrower is confined to his or her home due to a medical condition, as verified in writing by a physician, or the borrower resides 50 miles or more from the nearest approved counseling agency. In instances of telephone counseling, the borrower must supply all necessary documents to the counselor at least 72 hours prior to the scheduled telephone counseling session.

(c) (Blank). As used in this Section, "approved counseling agencies" and "approved housing counseling" have the meanings ascribed to those terms in Section 15-1502.5 of the Code of Civil Procedure.

(Source: P.A. 96-1419, eff. 10-1-10.)

(20 ILCS 3805/7.31)

Sec. 7.31. Abandoned Residential Property Municipality Relief Program.

(a) The Authority shall establish and administer an Abandoned Residential Property Municipality Relief Program. The Authority shall use moneys in the Abandoned Residential Property Municipality Relief Fund, and any other funds appropriated for this purpose, to make grants to municipalities and to counties to assist with ~~removal costs and securing or enclosing~~ costs incurred by the municipality or county for: cutting of neglected weeds or grass, trimming of trees or bushes, and removal of nuisance bushes or trees; extermination of pests or prevention of the ingress of pests; removal of garbage, debris, and graffiti; boarding up, closing off, or locking windows or entrances or otherwise making the interior of a building inaccessible to the general public; surrounding part or all of an abandoned residential property's underlying parcel with a fence or wall or otherwise making part or all of the abandoned residential property's underlying parcel inaccessible to the general public; demolition of abandoned residential property; and repair or rehabilitation of abandoned residential property pursuant to Section 11-20-15.1 of the Illinois Municipal Code, as approved by the Authority under the Program. For purposes of this subsection (a), "pests" has the meaning ascribed to that term in subsection (c) of Section 11-20-8 of the Illinois Municipal Code. The Authority shall promulgate rules for the administration, operation, and maintenance of the Program and may adopt emergency rules as soon as practicable to begin implementation of the Program.

(b) Subject to appropriation, the Authority shall make grants from the Abandoned Residential Property Municipality Relief Fund derived from fees paid as specified in paragraph (1) of subsection (a-5) of Section 15-1504.1 of the Code of Civil Procedure as follows:

(1) 30% of the moneys in the Fund shall be used to make grants to municipalities other than the City of Chicago in Cook County and to Cook County; 75% of the moneys in the Fund shall be

~~distributed to municipalities, other than the City of Chicago, to assist with removal costs and securing or enclosing costs incurred by the municipality pursuant to Section 11-20-15.1 of the Illinois Municipal Code.~~

~~(2) 25% of the moneys in the Fund shall be used to make grants to the City of Chicago; 25% of the moneys in the Fund shall be distributed to the City of Chicago to assist with removal costs and securing or enclosing costs incurred by the municipality pursuant to Section 11-20-15.1 of the Illinois Municipal Code.~~

~~(3) 30% of the moneys in the Fund shall be used to make grants to municipalities in DuPage, Kane, Lake, McHenry and Will Counties, and to those counties; and~~

~~(4) 15% of the moneys in the Fund shall be used to make grants to municipalities in Illinois in counties other than Cook, DuPage, Kane, Lake, McHenry, and Will Counties, and to counties other than Cook, DuPage, Kane, Lake, McHenry, and Will Counties. Grants distributed to the municipalities and counties identified in this paragraph (4) shall be based (i) proportionately on the amount of fees paid to the respective clerks of the courts within these counties and (ii) on any other factors that the Authority deems appropriate.~~

(Source: P.A. 96-1419, eff. 10-1-10.)

Section 10. The Criminal Code of 2012 is amended by changing Section 21-3 as follows:

(720 ILCS 5/21-3) (from Ch. 38, par. 21-3)

Sec. 21-3. Criminal trespass to real property.

(a) A person commits criminal trespass to real property when he or she:

- (1) knowingly and without lawful authority enters or remains within or on a building;
- (2) enters upon the land of another, after receiving, prior to the entry, notice from the owner or occupant that the entry is forbidden;
- (3) remains upon the land of another, after receiving notice from the owner or occupant to depart;

(3.5) presents false documents or falsely represents his or her identity orally to the owner or occupant of a building or land in order to obtain permission from the owner or occupant to enter or remain in the building or on the land; or

(3.7) intentionally removes a notice posted on residential real estate as required by subsection (l) of Section 15-1505.8 of Article XV of the Code of Civil Procedure before the date and time set forth in the notice; or

(4) enters a field used or capable of being used for growing crops, an enclosed area containing livestock, an agricultural building containing livestock, or an orchard in or on a motor vehicle (including an off-road vehicle, motorcycle, moped, or any other powered two-wheel vehicle) after receiving, prior to the entry, notice from the owner or occupant that the entry is forbidden or remains upon or in the area after receiving notice from the owner or occupant to depart.

For purposes of item (1) of this subsection, this Section shall not apply to being in a building which is open to the public while the building is open to the public during its normal hours of operation; nor shall this Section apply to a person who enters a public building under the reasonable belief that the building is still open to the public.

(b) A person has received notice from the owner or occupant within the meaning of Subsection (a) if he or she has been notified personally, either orally or in writing including a valid court order as defined by subsection (7) of Section 112A-3 of the Code of Criminal Procedure of 1963 granting remedy (2) of subsection (b) of Section 112A-14 of that Code, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to the land or the forbidden part thereof.

(b-5) Subject to the provisions of subsection (b-10), as an alternative to the posting of real property as set forth in subsection (b), the owner or lessee of any real property may post the property by placing identifying purple marks on trees or posts around the area to be posted. Each purple mark shall be:

(1) A vertical line of at least 8 inches in length and the bottom of the mark shall be no less than 3 feet nor more than 5 feet high. Such marks shall be placed no more than 100 feet apart and shall be readily visible to any person approaching the property; or

(2) A post capped or otherwise marked on at least its top 2 inches. The bottom of the cap or mark shall be not less than 3 feet but not more than 5 feet 6 inches high. Posts so marked shall be placed not more than 36 feet apart and shall be readily visible to any person approaching the property. Prior to applying a cap or mark which is visible from both sides of a fence shared by different property owners or lessees, all such owners or lessees shall concur in the decision to post their own property.

Nothing in this subsection (b-5) shall be construed to authorize the owner or lessee of any real

property to place any purple marks on any tree or post or to install any post or fence if doing so would violate any applicable law, rule, ordinance, order, covenant, bylaw, declaration, regulation, restriction, contract, or instrument.

(b-10) Any owner or lessee who marks his or her real property using the method described in subsection (b-5) must also provide notice as described in subsection (b) of this Section. The public of this State shall be informed of the provisions of subsection (b-5) of this Section by the Illinois Department of Agriculture and the Illinois Department of Natural Resources. These Departments shall conduct an information campaign for the general public concerning the interpretation and implementation of subsection (b-5). The information shall inform the public about the marking requirements and the applicability of subsection (b-5) including information regarding the size requirements of the markings as well as the manner in which the markings shall be displayed. The Departments shall also include information regarding the requirement that, until the date this subsection becomes inoperative, any owner or lessee who chooses to mark his or her property using paint, must also comply with one of the notice requirements listed in subsection (b). The Departments may prepare a brochure or may disseminate the information through agency websites. Non-governmental organizations including, but not limited to, the Illinois Forestry Association, Illinois Tree Farm and the Walnut Council may help to disseminate the information regarding the requirements and applicability of subsection (b-5) based on materials provided by the Departments. This subsection (b-10) is inoperative on and after January 1, 2013.

(b-15) Subsections (b-5) and (b-10) do not apply to real property located in a municipality of over 2,000,000 inhabitants.

(c) This Section does not apply to any person, whether a migrant worker or otherwise, living on the land with permission of the owner or of his or her agent having apparent authority to hire workers on this land and assign them living quarters or a place of accommodations for living thereon, nor to anyone living on the land at the request of, or by occupancy, leasing or other agreement or arrangement with the owner or his or her agent, nor to anyone invited by the migrant worker or other person so living on the land to visit him or her at the place he is so living upon the land.

(d) A person shall be exempt from prosecution under this Section if he or she beautifies unoccupied and abandoned residential and industrial properties located within any municipality. For the purpose of this subsection, "unoccupied and abandoned residential and industrial property" means any real estate (1) in which the taxes have not been paid for a period of at least 2 years; and (2) which has been left unoccupied and abandoned for a period of at least one year; and "beautifies" means to landscape, clean up litter, or to repair dilapidated conditions on or to board up windows and doors.

(e) No person shall be liable in any civil action for money damages to the owner of unoccupied and abandoned residential and industrial property which that person beautifies pursuant to subsection (d) of this Section.

(e-5) Mortgage or agent of the mortgagee exceptions.

(1) A mortgagee or agent of the mortgagee shall be exempt from prosecution for criminal trespass for entering, securing, or maintaining an abandoned residential property.

(2) No mortgagee or agent of the mortgagee shall be liable to the mortgagor or other owner of an abandoned residential property in any civil action for negligence or civil trespass in connection with entering, securing, or maintaining the abandoned residential property.

(3) For the purpose of this subsection (e-5) only, "abandoned residential property" means mortgaged real estate that the mortgagee or agent of the mortgagee determines in good faith meets the definition of abandoned residential property set forth in Section 15-1200.5 of Article XV of the Code of Civil Procedure.

(f) This Section does not prohibit a person from entering a building or upon the land of another for emergency purposes. For purposes of this subsection (f), "emergency" means a condition or circumstance in which an individual is or is reasonably believed by the person to be in imminent danger of serious bodily harm or in which property is or is reasonably believed to be in imminent danger of damage or destruction.

(g) Paragraph (3.5) of subsection (a) does not apply to a peace officer or other official of a unit of government who enters a building or land in the performance of his or her official duties.

(h) Sentence. A violation of subdivision (a)(1), (a)(2), (a)(3), or (a)(3.5) is a Class B misdemeanor. A violation of subdivision (a)(4) is a Class A misdemeanor.

(i) Civil liability. A person may be liable in any civil action for money damages to the owner of the land he or she entered upon with a motor vehicle as prohibited under paragraph (4) of subsection (a) of this Section. A person may also be liable to the owner for court costs and reasonable attorney's fees. The measure of damages shall be: (i) the actual damages, but not less than \$250, if the vehicle is operated in

a nature preserve or registered area as defined in Sections 3.11 and 3.14 of the Illinois Natural Areas Preservation Act; (ii) twice the actual damages if the owner has previously notified the person to cease trespassing; or (iii) in any other case, the actual damages, but not less than \$50. If the person operating the vehicle is under the age of 16, the owner of the vehicle and the parent or legal guardian of the minor are jointly and severally liable. For the purposes of this subsection (i):

"Land" includes, but is not limited to, land used for crop land, fallow land, orchard, pasture, feed lot, timber land, prairie land, mine spoil nature preserves and registered areas. "Land" does not include driveways or private roadways upon which the owner allows the public to drive.

"Owner" means the person who has the right to possession of the land, including the owner, operator or tenant.

"Vehicle" has the same meaning as provided under Section 1-217 of the Illinois Vehicle Code.

(j) This Section does not apply to the following persons while serving process:

(1) a person authorized to serve process under Section 2-202 of the Code of Civil Procedure; or

(2) a special process server appointed by the circuit court.

(Source: P.A. 97-184, eff. 7-22-11; 97-477, eff. 8-22-11; 97-813, eff. 7-13-12; 97-1108, eff. 1-1-13.)

Section 15. The Code of Civil Procedure is amended by changing Sections 15-1219, 15-1503, 15-1504, 15-1504.1, and 15-1508 and by adding Sections 15-1108, 15-1200.5, 15-1200.7, and 15-1505.8 as follows:

(735 ILCS 5/15-1108 new)

Sec. 15-1108. Declaration of policy relating to abandoned residential property. The following findings directly relate to the changes made by this amendatory Act of the 97th General Assembly. The General Assembly finds that residential mortgage foreclosures and the abandoned properties that sometimes follow create enormous challenges for Illinois residents, local governments, and the courts, reducing neighboring property values, reducing the tax base, increasing crime, placing neighbors at greater risk of foreclosure, imposing additional costs on local governments, and increasing the burden on the courts of this State; conversely, maintaining and securing abandoned properties stabilizes property values and the tax base, decreases crime, reduces the risk of foreclosure for nearby properties, thus reducing costs for local governments and making a substantial contribution to the operation and maintenance of the courts of this State by reducing the volume of matters which burden the court system in this State. The General Assembly further finds that the average foreclosure case for residential property takes close to 2 years in Illinois: when a property is abandoned, the lengthy foreclosure process harms lien-holders, neighbors, and local governments, and imposes significant and unnecessary burdens on the courts of this State; and an expedited foreclosure process for abandoned residential property can also help the courts of this State by decreasing the volume of foreclosure cases and allowing these cases to proceed more efficiently through the court system. The General Assembly further finds that housing counseling has proven to be an effective way to help many homeowners find alternatives to foreclosure; and that housing counseling therefore also reduces the volume of matters which burden the court system in this State and allows the courts to more efficiently handle the burden of foreclosure cases.

(735 ILCS 5/15-1200.5 new)

Sec. 15-1200.5. Abandoned residential property. "Abandoned residential property" means residential real estate that:

(a) either:

(1) is not occupied by any mortgagor or lawful occupant as a principal residence; or

(2) contains an incomplete structure if the real estate is zoned for residential development, where the structure is empty or otherwise uninhabited and is in need of maintenance, repair, or securing; and

(b) with respect to which either:

(1) two or more of the following conditions are shown to exist:

(A) construction was initiated on the property and was discontinued prior to completion, leaving a building unsuitable for occupancy, and no construction has taken place for at least 6 months;

(B) multiple windows on the property are boarded up or closed off or are smashed through, broken off, or unhinged, or multiple window panes are broken and unrepaired;

(C) doors on the property are smashed through, broken off, unhinged, or continuously unlocked;

(D) the property has been stripped of copper or other materials, or interior fixtures to the property have been removed;

(E) gas, electrical, or water services to the entire property have been terminated;

(F) there exist one or more written statements of the mortgagor or the mortgagor's personal

representative or assigns, including documents of conveyance, which indicate a clear intent to abandon the property;

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

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

(I) the local police, fire, or code enforcement authority has requested the owner or other interested or authorized party to secure or winterize the property due to the local authority declaring the property to be an imminent danger to the health, safety, and welfare of the public;

(J) the property is open and unprotected and in reasonable danger of significant damage due to exposure to the elements, vandalism, or freezing; or

(K) there exists other evidence indicating a clear intent to abandon the property; or

(2) the real estate is zoned for residential development and is a vacant lot that is in need of maintenance, repair, or securing.

(735 ILCS 5/15-1200.7 new)

Sec. 15-1200.7. Abandoned residential property; exceptions. A property shall not be considered abandoned residential property if: (i) there is an unoccupied building which is undergoing construction, renovation, or rehabilitation that is proceeding diligently to completion, and the building is in substantial compliance with all applicable ordinances, codes, regulations, and laws; (ii) there is a building occupied on a seasonal basis, but otherwise secure; (iii) there is a secure building on which there are bona fide rental or sale signs; (iv) there is a building that is secure, but is the subject of a probate action, action to quiet title, or other ownership dispute; or (v) there is a building that is otherwise secure and in substantial compliance with all applicable ordinances, codes, regulations, and laws.

(735 ILCS 5/15-1219) (from Ch. 110, par. 15-1219)

Sec. 15-1219. Residential Real Estate. "Residential real estate" means any real estate, except a single tract of agricultural real estate consisting of more than 40 acres, which is improved with a single family residence or residential condominium units or a multiple dwelling structure containing single family dwelling units for six or fewer families living independently of each other, which residence, or at least one of which condominium or dwelling units, is occupied as a principal residence either (i) if a mortgagor is an individual, by that mortgagor, that mortgagor's spouse or that mortgagor's descendants, or (ii) if a mortgagor is a trustee of a trust or an executor or administrator of an estate, by a beneficiary of that trust or estate or by such beneficiary's spouse or descendants or (iii) if a mortgagor is a corporation, by persons owning collectively at least 50 percent of the shares of voting stock of such corporation or by a spouse or descendants of such persons. The use of a portion of residential real estate for non-residential purposes shall not affect the characterization of such real estate as residential real estate. For purposes of the definition of the term "abandoned residential property" in Section 15-1200.5 of this Article, "abandoned residential property" shall not include the requirement that the real estate be occupied, or if zoned for residential development, improved with a dwelling structure.

(Source: P.A. 85-907.)

(735 ILCS 5/15-1503) (from Ch. 110, par. 15-1503)

Sec. 15-1503. Notice of Foreclosure.

(a) A notice of foreclosure, whether the foreclosure is initiated by complaint or counterclaim, made in accordance with this Section and recorded in the county in which the mortgaged real estate is located shall be constructive notice of the pendency of the foreclosure to every person claiming an interest in or lien on the mortgaged real estate, whose interest or lien has not been recorded prior to the recording of such notice of foreclosure. Such notice of foreclosure must be executed by any party or any party's attorney and shall include (i) the names of all plaintiffs and the case number, (ii) the court in which the action was brought, (iii) the names of title holders of record, (iv) a legal description of the real estate sufficient to identify it with reasonable certainty, (v) a common address or description of the location of the real estate and (vi) identification of the mortgage sought to be foreclosed. An incorrect common address or description of the location, or an immaterial error in the identification of a plaintiff or title holder of record, shall not invalidate the lis pendens effect of the notice under this Section. A notice which complies with this Section shall be deemed to comply with Section 2-1901 of the Code of Civil Procedure and shall have the same effect as a notice filed pursuant to that Section; however, a notice which complies with Section 2-1901 shall not be constructive notice unless it also complies with the requirements of this Section.

(b) With respect to residential real estate, a copy of the notice of foreclosure described in subsection (a) of Section 15-1503 shall be sent by first class mail, postage prepaid, to the municipality within the

boundary of which the mortgaged real estate is located, or to the county within the boundary of which the mortgaged real estate is located if the mortgaged real estate is located in an unincorporated territory. A municipality or county must clearly publish on its website a single address to which such notice shall be sent. If a municipality or county does not maintain a website, then the municipality or county must publicly post in its main office a single address to which such notice shall be sent. In the event that a municipality or county has not complied with the publication requirement in this subsection (b), then the copy of the such notice to the municipality or county shall be sent by first class mail, postage prepaid, to the chairperson of the county board or county clerk in the case of a county, to the mayor or city clerk in the case of a city, to the president of the board of trustees or village clerk in the case of a village, or to the president or town clerk in the case of a town provided pursuant to Section 2-211 of the Code of Civil Procedure. Additionally, if the real estate is located in a city with a population of more than 2,000,000, regardless of whether that city has complied with the publication requirement in this subsection (b), the party must, within 10 days after filing the complaint or counterclaim: (i) send by first class mail, postage prepaid, a copy of the notice of foreclosure to the alderman for the ward in which the real estate is located and (ii) file an affidavit with the court attesting to the fact that the notice was sent to the alderman for the ward in which the real estate is located. The failure to send a copy of the notice to the alderman or to file an affidavit as required results in the dismissal without prejudice of the complaint or counterclaim on a motion of a party or the court. If, after the complaint or counterclaim has been dismissed without prejudice, the party refiles the complaint or counterclaim, then the party must again comply with the requirements that the party send by first class mail, postage prepaid, the notice to the alderman for the ward in which the real estate is located and file an affidavit attesting to the fact that the notice was sent.

(Source: P.A. 96-856, eff. 3-1-10.)

(735 ILCS 5/15-1504) (from Ch. 110, par. 15-1504)

Sec. 15-1504. Pleadings and service.

(a) Form of Complaint. A foreclosure complaint may be in substantially the following form:

(1) Plaintiff files this complaint to foreclose the mortgage (or other conveyance in the nature of a mortgage) (hereinafter called "mortgage") hereinafter described and joins the following person as defendants: (here insert names of all defendants).

(2) Attached as Exhibit "A" is a copy of the mortgage and as Exhibit "B" is a copy of the note secured thereby.

(3) Information concerning mortgage:

(A) Nature of instrument: (here insert whether a mortgage, trust deed or other instrument in the nature of a mortgage, etc.)

(B) Date of mortgage:

(C) Name of mortgagor:

(D) Name of mortgagee:

(E) Date and place of recording:

(F) Identification of recording: (here insert book and page number or document number)

(G) Interest subject to the mortgage: (here insert whether fee simple, estate for years, undivided interest, etc.)

(H) Amount of original indebtedness, including subsequent advances made under the mortgage:

(I) Both the legal description of the mortgaged real estate and the common address or other information sufficient to identify it with reasonable certainty:

(J) Statement as to defaults, including, but not necessarily limited to, date of default, current unpaid principal balance, per diem interest accruing, and any further information concerning the default:

(K) Name of present owner of the real estate:

(L) Names of other persons who are joined as defendants and whose interest in or lien on the mortgaged real estate is sought to be terminated:

(M) Names of defendants claimed to be personally liable for deficiency, if any:

(N) Capacity in which plaintiff brings this foreclosure (here indicate whether plaintiff is the legal holder of the indebtedness, a pledgee, an agent, the trustee under a trust deed or otherwise, as appropriate):

(O) Facts in support of redemption period shorter than the longer of (i) 7 months from the date the mortgagor or, if more than one, all the mortgagors (I) have been served with summons or by publication or (II) have otherwise submitted to the jurisdiction of the court, or (ii) 3

months from the entry of the judgment of foreclosure, if sought (here indicate whether based upon the real estate not being residential, abandonment, or real estate value less than 90% of amount owed, etc.):

(P) Statement that the right of redemption has been waived by all owners of redemption, if applicable:

(Q) Facts in support of request for attorneys' fees and of costs and expenses, if applicable:

(R) Facts in support of a request for appointment of mortgagee in possession or for appointment of receiver, and identity of such receiver, if sought:

(S) Offer to mortgagor in accordance with Section 15-1402 to accept title to the real estate in satisfaction of all indebtedness and obligations secured by the mortgage without judicial sale, if sought:

(T) Name or names of defendants whose right to possess the mortgaged real estate, after the confirmation of a foreclosure sale, is sought to be terminated and, if not elsewhere stated, the facts in support thereof:

REQUEST FOR RELIEF

Plaintiff requests:

- (i) A judgment of foreclosure and sale.
- (ii) An order granting a shortened redemption period, if sought.
- (iii) A personal judgment for a deficiency, if sought.
- (iv) An order granting possession, if sought.
- (v) An order placing the mortgagee in possession or appointing a receiver, if sought.
- (vi) A judgment for attorneys' fees, costs and expenses, if sought.

(b) Required Information. A foreclosure complaint need contain only such statements and requests called for by the form set forth in subsection (a) of Section 15-1504 as may be appropriate for the relief sought. Such complaint may be filed as a counterclaim, may be joined with other counts or may include in the same count additional matters or a request for any additional relief permitted by Article II of the Code of Civil Procedure.

(c) Allegations. The statements contained in a complaint in the form set forth in subsection (a) of Section 15-1504 are deemed and construed to include allegations as follows:

(1) that, on the date indicated, the obligor of the indebtedness or other obligations secured by the mortgage was justly indebted in the amount of the indicated original indebtedness to the original mortgagee or payee of the mortgage note;

(2) that the exhibits attached are true and correct copies of the mortgage and note and are incorporated and made a part of the complaint by express reference;

(3) that the mortgagor was at the date indicated an owner of the interest in the real estate described in the complaint and that as of that date made, executed and delivered the mortgage as security for the note or other obligations;

(4) that the mortgage was recorded in the county in which the mortgaged real estate is located, on the date indicated, in the book and page or as the document number indicated;

(5) that defaults occurred as indicated;

(6) that at the time of the filing of the complaint the persons named as present owners are the owners of the indicated interests in and to the real estate described;

(7) that the mortgage constitutes a valid, prior and paramount lien upon the indicated interest in the mortgaged real estate, which lien is prior and superior to the right, title, interest, claim or lien of all parties and nonrecord claimants whose interests in the mortgaged real estate are sought to be terminated;

(8) that by reason of the defaults alleged, if the indebtedness has not matured by its terms, the same has become due by the exercise, by the plaintiff or other persons having such power, of a right or power to declare immediately due and payable the whole of all indebtedness secured by the mortgage;

(9) that any and all notices of default or election to declare the indebtedness due and payable or other notices required to be given have been duly and properly given;

(10) that any and all periods of grace or other period of time allowed for the performance of the covenants or conditions claimed to be breached or for the curing of any breaches have expired;

(11) that the amounts indicated in the statement in the complaint are correctly stated

[December 4, 2012]

and if such statement indicates any advances made or to be made by the plaintiff or owner of the mortgage indebtedness, that such advances were, in fact, made or will be required to be made, and under and by virtue of the mortgage the same constitute additional indebtedness secured by the mortgage; and

(12) that, upon confirmation of the sale, the holder of the certificate of sale or deed issued pursuant to that certificate or, if no certificate or deed was issued, the purchaser at the sale will be entitled to full possession of the mortgaged real estate against the parties named in clause (T) of paragraph (3) of subsection (a) of Section 15-1504 or elsewhere to the same effect; the omission of any party indicates that plaintiff will not seek a possessory order in the order confirming sale unless the request is subsequently made under subsection (h) of Section 15-1701 or by separate action under Article 9 of this Code.

(d) Request for Fees and Costs. A statement in the complaint that plaintiff seeks the inclusion of attorneys' fees and of costs and expenses shall be deemed and construed to include allegations that:

(1) plaintiff has been compelled to employ and retain attorneys to prepare and file the complaint and to represent and advise the plaintiff in the foreclosure of the mortgage and the plaintiff will thereby become liable for the usual, reasonable and customary fees of the attorneys in that behalf;

(2) ~~that~~ the plaintiff has been compelled to advance or will be compelled to advance, various sums of money in payment of costs, fees, expenses and disbursements incurred in connection with the foreclosure, including, without limiting the generality of the foregoing, filing fees, stenographer's fees, witness fees, costs of publication, costs of procuring and preparing documentary evidence and costs of procuring abstracts of title, Torrens certificates, foreclosure minutes and a title insurance policy;

(3) ~~that~~ under the terms of the mortgage, all such advances, costs, attorneys' fees and other fees, expenses and disbursements are made a lien upon the mortgaged real estate and the plaintiff is entitled to recover all such advances, costs, attorneys' fees, expenses and disbursements, together with interest on all advances at the rate provided in the mortgage, or, if no rate is provided therein, at the statutory judgment rate, from the date on which such advances are made;

(4) ~~that~~ in order to protect the lien of the mortgage, it may become necessary for plaintiff to pay taxes and assessments which have been or may be levied upon the mortgaged real estate;

(5) ~~that~~ in order to protect and preserve the mortgaged real estate, it may also become necessary for the plaintiff to pay liability (protecting mortgagor and mortgagee), fire and other hazard insurance premiums on the mortgaged real estate, make such repairs to the mortgaged real estate as may reasonably be deemed necessary for the proper preservation thereof, advance for costs to inspect the mortgaged real estate or to appraise it, or both, and advance for premiums for pre-existing private or governmental mortgage insurance to the extent required after a foreclosure is commenced in order to keep such insurance in force; and

(6) ~~that~~ under the terms of the mortgage, any money so paid or expended will become an additional indebtedness secured by the mortgage and will bear interest from the date such monies are advanced at the rate provided in the mortgage, or, if no rate is provided, at the statutory judgment rate.

(e) Request for Foreclosure. The request for foreclosure is deemed and construed to mean that the plaintiff requests that:

(1) an accounting may be taken under the direction of the court of the amounts due and owing to the plaintiff;

(2) ~~that~~ the defendants be ordered to pay to the plaintiff before expiration of any redemption period (or, if no redemption period, before a short date fixed by the court) whatever sums may appear to be due upon the taking of such account, together with attorneys' fees and costs of the proceedings (to the extent provided in the mortgage or by law);

(3) ~~that~~ in default of such payment in accordance with the judgment, the mortgaged real estate be sold as directed by the court, to satisfy the amount due to the plaintiff as set forth in the judgment, together with the interest thereon at the statutory judgment rate from the date of the judgment;

(4) ~~that~~ in the event the plaintiff is a purchaser of the mortgaged real estate at such sale, the plaintiff may offset against the purchase price of such real estate the amounts due under the judgment of foreclosure and order confirming the sale;

(5) ~~that~~ in the event of such sale and the failure of any person entitled thereto to redeem prior to such sale pursuant to this Article, the defendants made parties to the foreclosure in accordance with this Article, and all nonrecord claimants given notice of the foreclosure in accordance with this Article, and all persons claiming by, through or under them, and each and any and all of them, may be forever barred and foreclosed of any right, title, interest, claim, lien, or right to redeem in and to the

mortgaged real estate; and

(6) ~~that~~ if no redemption is made prior to such sale, a deed may be issued to the purchaser thereat according to law and such purchaser be let into possession of the mortgaged real estate in accordance with Part 17 of this Article.

(f) Request for Deficiency Judgment. A request for a personal judgment for a deficiency in a foreclosure complaint if the sale of the mortgaged real estate fails to produce a sufficient amount to pay the amount found due, the plaintiff may have a personal judgment against any party in the foreclosure indicated as being personally liable therefor and the enforcement thereof be had as provided by law.

(g) Request for Possession or Receiver. A request for possession or appointment of a receiver has the meaning as stated in subsection (b) of Section 15-1706.

(h) Answers by Parties. Any party may assert its interest by counterclaim and such counterclaim may at the option of that party stand in lieu of answer to the complaint for foreclosure and all counter complaints previously or thereafter filed in the foreclosure. Any such counterclaim shall be deemed to constitute a statement that the counter claimant does not have sufficient knowledge to form a belief as to the truth or falsity of the allegations of the complaint and all other counterclaims, except to the extent that the counterclaim admits or specifically denies such allegations.

(Source: P.A. 91-357, eff. 7-29-99; revised 8-3-12.)

(735 ILCS 5/15-1504.1)

Sec. 15-1504.1. Filing fee for Foreclosure Prevention Program Fund and Abandoned Residential Property Municipality Relief Fund.

(a) Fee paid by all plaintiffs with respect to residential real estate. With respect to residential real estate, at the time of the filing of a foreclosure complaint, the plaintiff shall pay to the clerk of the court in which the foreclosure complaint is filed a fee of \$50 for deposit into the Foreclosure Prevention Program Fund, a special fund created in the State treasury. The clerk shall remit the fee collected pursuant to this subsection (a) to the State Treasurer as provided in this Section to be expended for the purposes set forth in Section 7.30 of the Illinois Housing Development Act. All fees paid by plaintiffs to the clerk of the court as provided in this subsection (a) Section shall be disbursed within 60 days after receipt by the clerk of the court as follows: (i) 98% to the State Treasurer for deposit into the Foreclosure Prevention Program Fund, and (ii) 2% to the clerk of the court for administrative expenses related to implementation of this subsection (a) Section. Notwithstanding any other law to the contrary, the Foreclosure Prevention Program Fund is not subject to sweeps, administrative charge-backs, or any other fiscal maneuver that would in any way transfer any amounts from the Foreclosure Prevention Program Fund into any other fund of the State.

(a-5) Additional fee paid by plaintiffs with respect to residential real estate.

(1) Until January 1, 2018, with respect to residential real estate, at the time of the filing of a foreclosure complaint and in addition to the fee set forth in subsection (a) of this Section, the plaintiff shall pay to the clerk of the court in which the foreclosure complaint is filed a fee for the Foreclosure Prevention Program Fund and the Abandoned Residential Property Municipality Relief Fund as follows:

(A) The fee shall be \$500 if:

(i) the plaintiff, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the first tier foreclosure filing category and is filing the complaint on its own behalf as the holder of the indebtedness; or

(ii) the plaintiff, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the first tier foreclosure filing category and is filing the complaint on behalf of a mortgagee that, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the first tier foreclosure filing category; or

(iii) the plaintiff is not a depository institution and is filing the complaint on behalf of a mortgagee that, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the first tier foreclosure filing category.

(B) The fee shall be \$250 if:

(i) the plaintiff, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the second tier foreclosure filing category and is filing the complaint on its own behalf as the holder of the indebtedness; or

(ii) the plaintiff, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the first or second tier foreclosure filing category and is filing the complaint on behalf of a mortgagee that, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the second tier foreclosure filing category; or

(iii) the plaintiff, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the second tier foreclosure filing category and is filing the complaint

on behalf of a mortgagee that, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the first tier foreclosure filing category; or

(iv) the plaintiff is not a depository institution and is filing the complaint on behalf of a mortgagee that, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the second tier foreclosure filing category.

(C) The fee shall be \$50 if:

(i) the plaintiff, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the third tier foreclosure filing category and is filing the complaint on its own behalf as the holder of the indebtedness; or

(ii) the plaintiff, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the first, second, or third tier foreclosure filing category and is filing the complaint on behalf of a mortgagee that, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the third tier foreclosure filing category; or

(iii) the plaintiff, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the third tier foreclosure filing category and is filing the complaint on behalf of a mortgagee that, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the first tier foreclosure filing category; or

(iv) the plaintiff, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the third tier foreclosure filing category and is filing the complaint on behalf of a mortgagee that, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the second tier foreclosure filing category; or

(v) the plaintiff is not a depository institution and is filing the complaint on behalf of a mortgagee that, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the third tier foreclosure filing category.

(2) The clerk shall remit the fee collected pursuant to paragraph (1) of this subsection (a-5) to the State Treasurer to be expended for the purposes set forth in Sections 7.30 and 7.31 of the Illinois Housing Development Act and for administrative expenses. All fees paid by plaintiffs to the clerk of the court as provided in paragraph (1) shall be disbursed within 60 days after receipt by the clerk of the court as follows:

(A) 28% to the State Treasurer for deposit into the Foreclosure Prevention Program Fund;

(B) 70% to the State Treasurer for deposit into the Abandoned Residential Property Municipality Relief Fund; and

(C) 2% to the clerk of the court for administrative expenses related to implementation of this subsection (a-5).

(3) To determine whether a plaintiff is subject to the fee as set forth in paragraph (1) of this subsection (a-5), a person, including the clerk of the court, may rely on:

(A) a verified statement filed by the plaintiff at the time of filing the foreclosure complaint that states whether the plaintiff has an obligation to pay an additional fee as set forth in subsection (a-5) and if so whether the fee is due under subparagraph (A), (B), or (C) of paragraph (1) of subsection (a-5); or

(B) such other processes established by the clerk of the court for plaintiffs to certify their eligibility for the exemption from the additional fee set forth in subsection (a-5).

(4) This subsection (a-5) is inoperative on and after January 1, 2018.

(b) Not later than March 1 of each year, the clerk of the court shall submit to the Illinois Housing Development Authority a report of the funds collected and remitted pursuant to this Section during the preceding year.

(c) As used in this Section:

"Affiliate" means any company that controls, is controlled by, or is under common control with another company.

"Approved counseling agency" and "approved housing counseling" have the meanings ascribed to those terms in Section 7.30 of the Illinois Housing Development Act.

"Depository institution" means a bank, savings bank, savings and loan association, or credit union chartered, organized, or holding a certificate of authority to do business under the laws of this State, another state, or the United States.

"First tier foreclosure filing category" is a classification that only applies to a plaintiff that has filed 175 or more foreclosure complaints on residential real estate located in Illinois during the calendar year immediately preceding the date of the filing of the subject foreclosure complaint.

"Second tier foreclosure filing category" is a classification that only applies to a plaintiff that has filed at least 50, but no more than 174, foreclosure complaints on residential real estate located in Illinois during the calendar year immediately preceding the date of the filing of the subject foreclosure

complaint.

"Third tier foreclosure filing category" is a classification that only applies to a plaintiff that has filed no more than 49 foreclosure complaints on residential real estate located in Illinois during the calendar year immediately preceding the date of the filing of the subject foreclosure complaint.

(d) In no instance shall the fee set forth in subsection (a-5) be assessed for any foreclosure complaint filed before the effective date of this amendatory Act of the 97th General Assembly.

(e) Notwithstanding any other law to the contrary, the Abandoned Residential Property Municipality Relief Fund is not subject to sweeps, administrative charge-backs, or any other fiscal maneuver that would in any way transfer any amounts from the Abandoned Residential Property Municipality Relief Fund into any other fund of the State.

(Source: P.A. 96-1419, eff. 10-1-10; 97-333, eff. 8-12-11.)

(735 ILCS 5/15-1505.8 new)

Sec. 15-1505.8. Expedited judgment and sale procedure for abandoned residential property.

(a) Upon motion and notice, the mortgagee may elect to utilize the expedited judgment and sale procedure for abandoned residential property stated in this Section to obtain a judgment of foreclosure pursuant to Section 15-1506. The motion to expedite the judgment and sale may be combined with or made part of the motion requesting a judgment of foreclosure. The notice of the motion to expedite the judgment and sale shall be sent by first-class mail to the last known address of the mortgagor, and the notice required by paragraph (1) of subsection (l) of this Section shall be posted at the property address.

(b) The motion requesting an expedited judgment of foreclosure and sale may be filed by the mortgagee at the time the foreclosure complaint is filed or any time thereafter, and shall set forth the facts demonstrating that the mortgaged real estate is abandoned residential real estate under Section 15-1200.5 and shall be supported by affidavit.

(c) If a motion for an expedited judgment and sale is filed at the time the foreclosure complaint is filed or before the period to answer the foreclosure complaint has expired, the motion shall be heard by the court no earlier than before the period to answer the foreclosure complaint has expired and no later than 15 days after the period to answer the foreclosure complaint has expired.

(d) If a motion for an expedited judgment and sale is filed after the period to answer the foreclosure complaint has expired, the motion shall be heard no later than 15 days after the motion is filed.

(e) The hearing shall be given priority by the court and shall be scheduled to be heard within the applicable time period set forth in subsection (c) or (d) of this Section.

(f) Subject to subsection (g), at the hearing on the motion requesting an expedited judgment and sale, if the court finds that the mortgaged real estate is abandoned residential property, the court shall grant the motion and immediately proceed to a trial of the foreclosure. A judgment of foreclosure under this Section shall include the matters identified in Section 15-1506.

(g) The court may not grant the motion requesting an expedited judgment and sale if the mortgagor, an unknown owner, or a lawful occupant appears in the action in any manner before or at the hearing and objects to a finding of abandonment.

(h) The court shall vacate an order issued pursuant to subsection (f) of this Section if the mortgagor or a lawful occupant appears in the action at any time prior to the court issuing an order confirming the sale pursuant to subsection (b-3) of Section 15-1508 and presents evidence establishing to the satisfaction of the court that the mortgagor or lawful occupant has not abandoned the mortgaged real estate.

(i) The reinstatement period and redemption period for the abandoned residential property shall end in accordance with paragraph (4) of subsection (b) of Section 15-1603, and the abandoned residential property shall be sold at the earliest practicable time at a sale as provided in this Article.

(j) The mortgagee or its agent may enter, secure, and maintain abandoned residential property subject to subsection (e-5) of Section 21-3 of the Criminal Code of 2012.

(k) Personal property.

(1) Upon confirmation of the sale held pursuant to Section 15-1507, any personal property remaining in or upon the abandoned residential property shall be deemed to have been abandoned by the owner of such personal property and may be disposed of or donated by the holder of the certificate of sale (or, if none, by the purchaser at the sale). In the event of donation of any such personal property, the holder of the certificate of sale (or, if none, the purchaser at the sale) may transfer such donated property with a bill of sale. No mortgagee or its successors or assigns, holder of a certificate of sale, or purchaser at the sale shall be liable for any such disposal or donation of personal property.

(2) Notwithstanding paragraph (1) of this subsection (k), in the event a lawful occupant is in possession of the mortgaged real estate who has not been made a party to the foreclosure and had his or her interests terminated therein, any personal property of the lawful occupant shall not be deemed to have been abandoned, nor shall the rights of the lawful occupant to any personal property be affected.

(l) Notices to be posted at property address.

(1) The notice set out in this paragraph (1) of this subsection (l) shall be conspicuously posted at the property address at least 14 days before the hearing on the motion requesting an expedited judgment and sale and shall be in boldface, in at least 12 point type, and in substantially the following form:

**"NOTICE TO ANY TENANT OR OTHER LAWFUL
OCCUPANT OF THIS PROPERTY**

A lawsuit has been filed to foreclose on this property, and the party asking to foreclose on this property has asked a judge to find that THIS PROPERTY IS ABANDONED.

The judge will be holding a hearing to decide whether this property is ABANDONED.

IF YOU LAWFULLY OCCUPY ANY PART OF THIS PROPERTY, YOU MAY CHOOSE TO GO TO THIS HEARING and explain to the judge how you are a lawful occupant of this property.

If the judge is satisfied that you are a LAWFUL OCCUPANT of this property, the court will find that this property is NOT ABANDONED.

This hearing will be held in the courthouse at the following address, date, and time:

Court name:.....

Court address:.....

Court room number where hearing will be held:.....

(There should be a person in this room called a CLERK who can help you. Make sure you know THIS PROPERTY'S ADDRESS.)

Date of hearing:.....

Time of hearing:.....

MORE INFORMATION

Name of lawsuit:.....

Number of lawsuit:.....

Address of this property:.....

IMPORTANT

This is NOT a notice to vacate the premises. You may wish to contact a lawyer or your local legal aid or housing counseling agency to discuss any rights that you may have.

WARNING

INTENTIONAL REMOVAL OF THIS NOTICE BEFORE THE DATE AND TIME STATED IN THIS NOTICE IS A CLASS B MISDEMEANOR, PUNISHABLE BY UP TO 180 DAYS IN JAIL AND A FINE OF UP TO \$1500, UNDER ILLINOIS LAW. 720 ILCS 5/21-3(a).

NO TRESPASSING

KNOWINGLY ENTERING THIS PROPERTY WITHOUT LAWFUL AUTHORITY IS A CLASS B MISDEMEANOR, PUNISHABLE BY UP TO 180 DAYS IN JAIL AND A FINE OF UP TO \$1500, UNDER ILLINOIS LAW. 720 ILCS 5/21-3(a)."

(2) The notice set out in this paragraph (2) of this subsection (l) shall be conspicuously posted at the property address at least 14 days before the hearing to confirm the sale of the abandoned residential property and shall be in boldface, in at least 12 point type, and in substantially the following form:

**"NOTICE TO ANY TENANT OR OTHER LAWFUL
OCCUPANT OF THIS PROPERTY**

A lawsuit has been filed to foreclose on this property, and the judge has found that THIS PROPERTY IS ABANDONED. As a result, THIS PROPERTY HAS BEEN OR WILL BE SOLD.

HOWEVER, there still must be a hearing for the judge to approve the sale. The judge will NOT APPROVE this sale if the judge finds that any person lawfully occupies any part of this property.

IF YOU LAWFULLY OCCUPY ANY PART OF THIS PROPERTY, YOU MAY CHOOSE TO GO

[December 4, 2012]

TO THIS HEARING and explain to the judge how you are a lawful occupant of this property. You also may appear BEFORE this hearing and explain to the judge how you are a lawful occupant of this property.

If the judge is satisfied that you are a **LAWFUL OCCUPANT** of this property, the court will find that this property is **NOT ABANDONED**, and there will be no sale of the property at this time.

This hearing will be held in the courthouse at the following address, date, and time:

Court name:.....

Court address:.....

Court room number where hearing will be held:.....

(There should be a person in this room called a CLERK who can help you. Make sure you know THIS PROPERTY'S ADDRESS.)

Date of hearing:.....

Time of hearing:.....

MORE INFORMATION

Name of lawsuit:.....

Number of lawsuit:.....

Address of this property:.....

IMPORTANT

This is **NOT** a notice to vacate the premises. You may wish to contact a lawyer or your local legal aid or housing counseling agency to discuss any rights that you may have.

WARNING

INTENTIONAL REMOVAL OF THIS NOTICE BEFORE THE DATE AND TIME STATED IN THIS NOTICE IS A CLASS B MISDEMEANOR, PUNISHABLE BY UP TO 180 DAYS IN JAIL AND A FINE OF UP TO \$1500, UNDER ILLINOIS LAW. 720 ILCS 5/21-3(a).

NO TRESPASSING

KNOWINGLY ENTERING THIS PROPERTY WITHOUT LAWFUL AUTHORITY IS A CLASS B MISDEMEANOR, PUNISHABLE BY UP TO 180 DAYS IN JAIL AND A FINE OF UP TO \$1500, UNDER ILLINOIS LAW. 720 ILCS 5/21-3(a)."

(735 ILCS 5/15-1508) (from Ch. 110, par. 15-1508)

Sec. 15-1508. Report of Sale and Confirmation of Sale.

(a) Report. The person conducting the sale shall promptly make a report to the court, which report shall include a copy of all receipts and, if any, certificate of sale.

(b) Hearing. Upon motion and notice in accordance with court rules applicable to motions generally, which motion shall not be made prior to sale, the court shall conduct a hearing to confirm the sale. Unless the court finds that (i) a notice required in accordance with subsection (c) of Section 15-1507 was not given, (ii) the terms of sale were unconscionable, (iii) the sale was conducted fraudulently, or (iv) justice was otherwise not done, the court shall then enter an order confirming the sale. The confirmation order shall include a name, address, and telephone number of the holder of the certificate of sale or deed issued pursuant to that certificate or, if no certificate or deed was issued, the purchaser, whom a municipality or county may contact with concerns about the real estate. The confirmation order may also:

(1) approve the mortgagee's fees and costs arising between the entry of the judgment of foreclosure and the confirmation hearing, those costs and fees to be allowable to the same extent as provided in the note and mortgage and in Section 15-1504;

(2) provide for a personal judgment against any party for a deficiency; and

(3) determine the priority of the judgments of parties who deferred proving the priority pursuant to subsection (h) of Section 15-1506, but the court shall not defer confirming the sale pending the determination of such priority.

(b-3) Hearing to confirm sale of abandoned residential property. Upon motion and notice by first-class mail to the last known address of the mortgagor, which motion shall be made prior to the sale and heard by the court at the earliest practicable time after conclusion of the sale, and upon the posting at the property address of the notice required by paragraph (2) of subsection (l) of Section 15-1505.8, the court

shall enter an order confirming the sale of the abandoned residential property, unless the court finds that a reason set forth in items (i) through (iv) of subsection (b) of this Section exists for not approving the sale, or an order is entered pursuant to subsection (h) of Section 15-1505.8. The confirmation order also may address the matters identified in items (1) through (3) of subsection (b) of this Section. The notice required under subsection (b-5) of this Section shall not be required.

(b-5) Notice with respect to residential real estate. With respect to residential real estate, the notice required under subsection (b) of this Section shall be sent to the mortgagor even if the mortgagor has previously been held in default. In the event the mortgagor has filed an appearance, the notice shall be sent to the address indicated on the appearance. In all other cases, the notice shall be sent to the mortgagor at the common address of the foreclosed property. The notice shall be sent by first class mail. Unless the right to possession has been previously terminated by the court, the notice shall include the following language in 12-point boldface capitalized type:

IF YOU ARE THE MORTGAGOR (HOMEOWNER), YOU HAVE THE RIGHT TO REMAIN IN
POSSESSION FOR 30 DAYS AFTER ENTRY OF AN ORDER OF POSSESSION, IN
ACCORDANCE WITH SECTION 15-1701(c) OF THE ILLINOIS MORTGAGE FORECLOSURE
LAW.

(b-10) Notice of confirmation order sent to municipality or county. A copy of the confirmation order required under subsection (b) shall be sent to the municipality in which the foreclosed property is located, or to the county within the boundary of which the foreclosed property is located if the foreclosed property is located in an unincorporated territory. A municipality or county must clearly publish on its website a single address to which a copy of the order ~~such notice~~ shall be sent. If a municipality or county does not maintain a website, then the municipality or county must publicly post in its main office a single address to which a copy of the order ~~such notice~~ shall be sent. In the event that a municipality or county has not complied with the publication requirement in this subsection (b-10), then a copy of the order ~~such notice to the municipality or county~~ shall be sent by first class mail, postage prepaid, to the chairperson of the county board or county clerk in the case of a county, to the mayor or city clerk in the case of a city, to the president of the board of trustees or village clerk in the case of a village, or to the president or town clerk in the case of a town provided pursuant to Section 2-211 of the Code of Civil Procedure.

(b-15) Notice of confirmation order sent to known insurers. With respect to residential real estate, the party filing the complaint shall send a copy of the confirmation order required under subsection (b) by first class mail, postage prepaid, to the last known property insurer of the foreclosed property. Failure to send or receive a copy of the order shall not impair or abrogate in any way the rights of the mortgagee or purchaser or affect the status of the foreclosure proceedings.

(c) Failure to Give Notice. If any sale is held without compliance with subsection (c) of Section 15-1507 of this Article, any party entitled to the notice provided for in paragraph (3) of that subsection (c) who was not so notified may, by motion supported by affidavit made prior to confirmation of such sale, ask the court which entered the judgment to set aside the sale. Any such party shall guarantee or secure by bond a bid equal to the successful bid at the prior sale, unless the party seeking to set aside the sale is the mortgagor, the real estate sold at the sale is residential real estate, and the mortgagor occupies the residential real estate at the time the motion is filed. In that event, no guarantee or bond shall be required of the mortgagor. Any subsequent sale is subject to the same notice requirement as the original sale.

(d) Validity of Sale. Except as provided in subsection (c) of Section 15-1508, no sale under this Article shall be held invalid or be set aside because of any defect in the notice thereof or in the publication of the same, or in the proceedings of the officer conducting the sale, except upon good cause shown in a hearing pursuant to subsection (b) of Section 15-1508. At any time after a sale has occurred, any party entitled to notice under paragraph (3) of subsection (c) of Section 15-1507 may recover from the mortgagee any damages caused by the mortgagee's failure to comply with such paragraph (3). Any party who recovers damages in a judicial proceeding brought under this subsection may also recover from the mortgagee the reasonable expenses of litigation, including reasonable attorney's fees.

(d-5) Making Home Affordable Program. The court that entered the judgment shall set aside a sale held pursuant to Section 15-1507, upon motion of the mortgagor at any time prior to the confirmation of the sale, if the mortgagor proves by a preponderance of the evidence that (i) the mortgagor has applied for assistance under the Making Home Affordable Program established by the United States Department of the Treasury pursuant to the Emergency Economic Stabilization Act of 2008, as amended by the American Recovery and Reinvestment Act of 2009, and (ii) the mortgaged real estate was sold in material violation of the program's requirements for proceeding to a judicial sale. The provisions of this subsection (d-5), except for this sentence, shall become inoperative on January 1, 2013 for all actions filed under this Article after December 31, 2012, in which the mortgagor did not apply for assistance

under the Making Home Affordable Program on or before December 31, 2012.

(e) Deficiency Judgment. In any order confirming a sale pursuant to the judgment of foreclosure, the court shall also enter a personal judgment for deficiency against any party (i) if otherwise authorized and (ii) to the extent requested in the complaint and proven upon presentation of the report of sale in accordance with Section 15-1508. Except as otherwise provided in this Article, a judgment may be entered for any balance of money that may be found due to the plaintiff, over and above the proceeds of the sale or sales, and enforcement may be had for the collection of such balance, the same as when the judgment is solely for the payment of money. Such judgment may be entered, or enforcement had, only in cases where personal service has been had upon the persons personally liable for the mortgage indebtedness, unless they have entered their appearance in the foreclosure action.

(f) Satisfaction. Upon confirmation of the sale, the judgment stands satisfied to the extent of the sale price less expenses and costs. If the order confirming the sale includes a deficiency judgment, the judgment shall become a lien in the manner of any other judgment for the payment of money.

(g) The order confirming the sale shall include, notwithstanding any previous orders awarding possession during the pendency of the foreclosure, an award to the purchaser of possession of the mortgaged real estate, as of the date 30 days after the entry of the order, against the parties to the foreclosure whose interests have been terminated.

An order of possession authorizing the removal of a person from possession of the mortgaged real estate shall be entered and enforced only against those persons personally named as individuals in the complaint or the petition under subsection (h) of Section 15-1701 and in the order of possession and shall not be entered and enforced against any person who is only generically described as an unknown owner or nonrecord claimant or by another generic designation in the complaint.

Notwithstanding the preceding paragraph, the failure to personally name, include, or seek an award of possession of the mortgaged real estate against a person in the confirmation order shall not abrogate any right that the purchaser may have to possession of the mortgaged real estate and to maintain a proceeding against that person for possession under Article 9 of this Code or subsection (h) of Section 15-1701; and possession against a person who (1) has not been personally named as a party to the foreclosure and (2) has not been provided an opportunity to be heard in the foreclosure proceeding may be sought only by maintaining a proceeding under Article 9 of this Code or subsection (h) of Section 15-1701.

(h) With respect to mortgaged real estate containing 5 or more dwelling units, the order confirming the sale shall also provide that (i) the mortgagor shall transfer to the purchaser the security deposits, if any, that the mortgagor received to secure payment of rent or to compensate for damage to the mortgaged real estate from any current occupant of a dwelling unit of the mortgaged real estate, as well as any statutory interest that has not been paid to the occupant, and (ii) the mortgagor shall provide an accounting of the security deposits that are transferred, including the name and address of each occupant for whom the mortgagor holds the deposit and the amount of the deposit and any statutory interest. (Source: P.A. 96-265, eff. 8-11-09; 96-856, eff. 3-1-10; 96-1245, eff. 7-23-10; 97-333, eff. 8-12-11; 97-575, eff. 8-26-11.)

Section 20. The Conveyances Act is amended by changing Section 11 as follows:
(765 ILCS 5/11) (from Ch. 30, par. 10)

Sec. 11. (a) Mortgages of lands may be substantially in the following form:

The Mortgagor (here insert name or names), mortgages and warrants to (here insert name or names of mortgagee or mortgagees), to secure the payment of (here recite the nature and amount of indebtedness, showing when due and the rate of interest, and whether secured by note or otherwise), the following described real estate (here insert description thereof), situated in the County of ..., in the State of Illinois.

Dated (insert date).

(signature of mortgagor or mortgagors)

The names of the parties shall be typed or printed below the signatures. Such form shall have a blank space of 3 1/2 inches by 3 1/2 inches for use by the recorder. However, the failure to comply with the requirement that the names of the parties be typed or printed below the signatures and that the form have a blank space of 3 1/2 inches by 3 1/2 inches for use by the recorder shall not affect the validity and effect of such form.

Such mortgage, when otherwise properly executed, shall be deemed and held a good and sufficient mortgage in fee to secure the payment of the moneys therein specified; and if the same contains the words "and warrants," the same shall be construed the same as if full covenants of ownership, good right to convey against incumbrances of quiet enjoyment and general warranty, as expressed in Section 9 of this Act were fully written therein; but if the words "and warrants" are omitted, no such covenants shall

be implied. When the grantor or grantors in such deed or mortgage for the conveyance of any real estate desires to release or waive his, her or their homestead rights therein, they or either of them may release or waive the same by inserting in the form of deed or mortgage (as the case may be), provided in Sections 9, 10 and 11, after the words "State of Illinois," in substance the following words, "hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of this State."

Mortgages securing "reverse mortgage" loans shall be subject to this Section except where requirements concerning the definiteness of the term and amount of indebtedness provisions of a mortgage would be inconsistent with the Acts authorizing "reverse mortgage" loans, or rules and regulations promulgated under those Acts.

Mortgages securing "revolving credit" loans shall be subject to this Section.

(b) The provisions of subsection (a) regarding the form of a mortgage are, and have always been, permissive and not mandatory. Accordingly, the failure of an otherwise lawfully executed and recorded mortgage to be in the form described in subsection (a) in one or more respects, including the failure to state the interest rate or the maturity date, or both, shall not affect the validity or priority of the mortgage, nor shall its recordation be ineffective for notice purposes regardless of when the mortgage was recorded.

(Source: P.A. 91-357, eff. 7-29-99.)

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

Under the rules, the foregoing **Senate Bill No. 16**, with House Amendments numbered 5, 6, 7 and 8, was referred to the Secretary's Desk.

JOINT ACTION MOTION FILED

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

Motion to Concur in House Amendments 5, 6, 7 and 8 to Senate Bill 16

LEGISLATIVE MEASURES FILED

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

Senate Committee Amendment No. 2 to House Bill 153

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

Senate Floor Amendment No. 2 to House Bill 2065

Senate Floor Amendment No. 2 to House Bill 3816

INTRODUCTION OF BILL

SENATE BILL NO. 3942. Introduced by Senator Delgado, a bill for AN ACT concerning public aid.

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

At the hour of 4:59 o'clock p.m., the Chair announced that the Senate stand at ease subject to the call of the Chair.

AT EASE

[December 4, 2012]

At the hour of 5:07 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

Senator Schoenberg, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Harmon, Chairperson of the Committee on Assignments, during its December 4, 2012 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Executive: **Senate Floor Amendment No. 2 to House Bill 3816.**

Public Health: **Senate Committee Amendment No. 2 to House Bill 153.**

Senator Harmon, Chairperson of the Committee on Assignments, during its December 4, 2012 meeting, reported the following Joint Action Motion has been assigned to the indicated Standing Committee of the Senate:

Executive: **Motion to Concur in House Amendments 5, 6, 7 and 8 to Senate Bill 16**

COMMITTEE MEETING ANNOUNCEMENT FOR DECEMBER 5, 2012

The Chair announced the following committee to meet at 10:00 o'clock a.m.:

Executive in Room 212

At the hour of 5:09 o'clock p.m., the Chair announced the Senate stand adjourned until Wednesday, December 5, 2012, at 11:00 o'clock a.m.