SENATE JOURNAL

STATE OF ILLINOIS

NINETY-EIGHTH GENERAL ASSEMBLY

41ST LEGISLATIVE DAY

THURSDAY, APRIL 25, 2013

10:49 O'CLOCK A.M.

NO. 41
[April 25, 2013]

SENATE
Daily Journal Index
41st Legislative Day

The Senate met pursuant to adjournment.
Senator Terry Link, Waukegan, Illinois, presiding.
Prayer by Pastor Shaun Lewis, Capitol Commission, Springfield, Illinois.
Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Wednesday, April 24, 2013, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Independent Living 2012 Annual Report, submitted by the Department of Human Services.

Personal Information Protection Act Report, submitted by Eastern Illinois University.

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

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 1 to Senate Bill 450
Senate Floor Amendment No. 2 to Senate Bill 1204
Senate Floor Amendment No. 2 to Senate Bill 1680

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

Senate Committee Amendment No. 1 to House Bill 1555
Senate Committee Amendment No. 1 to House Bill 1562
Senate Committee Amendment No. 1 to House Bill 2962

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 254

Offered by Senator Biss and all Senators:
Mourns the death of Thomas Francis Dee III of Wilmette.

SENATE RESOLUTION NO. 255

Offered by Senator Morrison and all Senators:
Mourns the death of Richard A. Giesen of Lake Forest.

SENATE RESOLUTION NO. 258

Offered by Senator Harmon and all Senators:
Mourns the death of Leo J. Harmon, Sr., of River Forest.

SENATE RESOLUTION NO. 259

Offered by Senator Link and all Senators:
Mourns the death of Nota J. Kallianis of Waukegan.

SENATE RESOLUTION NO. 260

Offered by Senator Link and all Senators:
Mourns the death of Mary Ann Cavener of Waukegan.

SENATE RESOLUTION NO. 261

Offered by Senator Hunter and all Senators:
Mourns the death of Inell Brewer.

SENATE RESOLUTION NO. 262

Offered by Senator Hunter and all Senators:
Mourns the death of Jacoby Dickens of Fisher Island, Florida, formerly of Chicago.

SENATE RESOLUTION NO. 263

Offered by Senator McGuire and all Senators
Mourns the death of Morton "Mort" D. Barnett, M.D., of Scottsdale, Arizona, formerly of Joliet.

SENATE RESOLUTION NO. 264

Offered by Senator McGuire and all Senators
Mourns the death of John B. Tipton.

SENATE RESOLUTION NO. 265

Offered by Senator Koehler and all Senators:
Mourns the death of Keiya "Laurie Winkler" Dancer of Peoria.

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

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

SENATE RESOLUTION NO. 256

WHEREAS, The Illinois Association of Park Districts (IAPD) is recognizing a momentous hallmark in its exceptional years of service by celebrating its 85th anniversary during 2013; and

WHEREAS, The Illinois Association of Park Districts represents more than 2,100 locally elected officials and serves more than 360 park districts, forest preserves, conservation, recreation, and special recreation agencies throughout the State of Illinois; and

WHEREAS, During the past 85 years, thousands of elected park officials have selflessly embraced the meaning of true volunteerism, dedicating countless hours of service and contributing their wisdom, talents and resources to the Illinois Association of Park Districts and to improving the quality of life in the communities they represent; and

WHEREAS, Throughout its 85-year history, the Illinois Association of Park Districts has advanced its member agencies, their citizen board members, and professional staff through education, research, and advocacy in order to enhance their ability to provide outstanding park and recreation opportunities, preserve natural resources, and improve the quality of life for all people in Illinois; and

WHEREAS, As a result of their collaborative efforts, millions of Illinois citizens of all ages enjoy access to high quality, affordable recreational facilities, parks, and programs, including more than 3,800 baseball and softball fields, 3,700 playgrounds, 3,100 miles of recreational trails, 2,600 tennis courts, 1,600 soccer fields, 670 aquatic facilities, 600 fishing areas, 460 football fields, 140 golf courses, 110 museums, 90 campgrounds, and numerous botanic and community gardens, natural areas, skate parks, and other recreational areas; and

WHEREAS, IAPD's steadfast determination in establishing and securing dedicated funding for parks, recreation, and conservation, such as the OSLAD grant program, has resulted in an investment of more than three quarters of a billion dollars in Illinois' recreational infrastructure and protected more than 10,000 acres of open space for public parks, recreation, and conservation; and

WHEREAS, Eighty-five years after the Illinois Association of Park Districts was formed, the spirit and commitment to excellence of the Association is strong with an active and dedicated board of trustees and staff whose energy, enthusiasm, and perseverance to make Illinois a better place to live, work, and play is an inspiring example to all; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we designate Wednesday, May 1, 2013 as Parks and Park District Day in the State of Illinois; and be it further

RESOLVED, That we recognize the board of trustees, staff, and entire membership of the Illinois Association of Park Districts on the occasion of its 85th anniversary; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Illinois Association of Park Districts as a symbol of our esteem and respect.

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

SENATE RESOLUTION NO. 257

WHEREAS, No resident of Illinois should have to be food-insecure; and

WHEREAS, 1,932,580, or 1 in 7 residents of the State of Illinois are experiencing food insecurity, meaning they lack access to adequate nutritious food for a healthy lifestyle; and

WHEREAS, 684,960, or just over 1 in 5 children in the State of Illinois are experiencing food insecurity; and

WHEREAS, Food insecurity is experienced in every county in the State of Illinois; and

WHEREAS, Hunger increases health care costs, lowers workers' productivity, harms children's development, and diminishes children's educational performance; and

WHEREAS, Fighting hunger is a public-private partnership; in Illinois, a strong private network exists that has provided 1.4 million people in Illinois with more than 127 million pounds of food in 2010; however, private charity cannot do it alone and a strong federal hunger relief safety net is required; and

WHEREAS, The Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), The Emergency Food Assistance Program (TEFAP), the Older Adult Congregate Dining and Home Delivered Meals, The Free and Reduced School Breakfast and Lunch Program, the Summer Feeding Supplemental Program (SFSP), the Child and Adult Care Food Program (CACFP), and the Commodity Supplemental Food Program (CSFP) are all important pieces to the federal food and nutrition safety net that require State engagement and support; and

WHEREAS, SNAP is the cornerstone of the nutrition safety net, with 2 million, or 1 in 6, Illinois residents enrolled in the program; just under half of those utilizing the program are children; and

WHEREAS, Any reduction in funding of or change in policy that seeks to exclude individuals from participating in the SNAP Program will increase the number of food-insecure people in Illinois; and

WHEREAS, Threats to the federal food and nutrition safety net, including SNAP, exist in both the reauthorization of the Farm Bill and the annual federal budget process; and

WHEREAS, Attempts to change State policy for federal food and nutrition programs, including

SNAP, can have harmful effects on the food insecure; and

WHEREAS, Maintaining the current model of 100% federal funding of SNAP assistance is essential to retaining the program's effectiveness in fighting hunger; and

WHEREAS, TEFAP is a means-tested federal program that provides food commodities at no cost to Illinoisans in need of short-term hunger relief through organizations like food banks, pantries, soup kitchens, and emergency shelters; and

WHEREAS, The decisions made in developing the next Farm Bill, which includes SNAP, TEFAP, and CSFP, will impact the ability of food-insecure Illinoisans to access the food and nutrition safety they need; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge Congress to develop the 2013 Farm Bill with a strong Title IV that protects and strengthens federal food and nutrition programs; and be it further

RESOLVED, That we state our opposition to cuts in funding to the federal food and nutrition safety net through the annual federal budget process or any other measures; and be it further

RESOLVED, That we reject changes to the State's administration of the federal food and nutrition safety net that would limit access or add undo burdens to those families facing food insecurity; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the members of the Illinois congressional delegation, the President of the United States, and the United States Secretary of Agriculture.

REPORTS FROM STANDING COMMITTEES

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

Senate Amendment No. 1 to Senate Bill 206

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

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

Senate Amendment No. 3 to Senate Bill 1900

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 **Senate Bill No. 1639,** reported the same back with the recommendation that the bill, as amended, do pass.

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

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

Senate Amendment No. 3 to Senate Bill 494
Senate Amendment No. 2 to Senate Bill 577
Senate Amendment No. 1 to Senate Bill 1132
Senate Amendment No. 2 to Senate Bill 1847

Senate Amendment No. 2 to Senate Bill 2136

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

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

Senate Amendment No. 1 to Senate Bill 1210
Senate Amendment No. 3 to Senate Bill 1399

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

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

Senate Amendment No. 3 to Senate Bill 1961

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

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

Senate Amendment No. 3 to Senate Bill 2350

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

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

Senate Amendment No. 1 to Senate Bill 1984

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 1814, sponsored by Senator McConnaughay, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2036, sponsored by Senator Connelly, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2454, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2674, sponsored by Senator McGuire, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3243, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3379, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Assignments.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Frerichs, **Senate Bill No. 105** 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 45; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Landek	Oberweis
Bertino-Tarrant	Frerichs	Link	Righter
Biss	Haine	Manar	Rose
Bivins	Harmon	Martinez	Silverstein
Brady	Harris	McCann	Stadelman
Bush	Hastings	McCarter	Steans
Clayborne	Holmes	McConnaughay	Sullivan
Collins	Hutchinson	McGuire	Van Pelt
Connelly	Jacobs	Morrison	Mr. President
Cullerton, T.	Jones, E.	Muñoz	
Delgado	Kotowski	Murphy	
Dillard	LaHood	Noland	

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 Koehler asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 105**.

SENATE BILL RECALLED

On motion of Senator Koehler, **Senate Bill No. 577** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment No. 1 was postponed in the Committee on Executive.

Senator Koehler offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 577

AMENDMENT NO. 2. Amend Senate Bill 577 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 14-7.02b as follows:

(105 ILCS 5/14-7.02b)

Sec. 14-7.02b. Funding for children requiring special education services. Payments to school districts for children requiring special education services documented in their individualized education program regardless of the program from which these services are received, excluding children claimed under Sections 14-7.02 and 14-7.03 of this Code, shall be made in accordance with this Section. Funds received under this Section may be used only for the provision of special educational facilities and services as defined in Section 14-1.08 of this Code.

The appropriation for fiscal year 2005 and thereafter shall be based upon the IDEA child count of all students in the State, excluding students claimed under Sections 14-7.02 and 14-7.03 of this Code, on December 1 of the fiscal year 2 years preceding, multiplied by 17.5% of the general State aid foundation level of support established for that fiscal year under Section 18-8.05 of this Code.

Beginning with fiscal year 2005 and through fiscal year 2007, individual school districts shall not receive payments under this Section totaling less than they received under the funding authorized under Section 14-7.02a of this Code during fiscal year 2004, pursuant to the provisions of Section 14-7.02a as they were in effect before the effective date of this amendatory Act of the 93rd General Assembly. This

base level funding shall be computed first.

Beginning with fiscal year 2008 and each fiscal year thereafter, individual school districts must not receive payments under this Section totaling less than they received in fiscal year 2007. This funding shall be computed last and shall be a separate calculation from any other calculation set forth in this Section. This amount is exempt from the requirements of Section 1D-1 of this Code. Beginning with fiscal year 2014 and each fiscal year thereafter, if the State authorizes the conduct of electronic gaming or authorizes owners licenses under the Riverboat Gambling Act in addition to the 10 initial licenses authorized under subsection (e) of Section 7 of the Riverboat Gambling Act, $15,000,000 in gaming revenues deposited into the Education Assistance Fund from the State Gaming Fund shall be used by the State Board of Education for the purpose of making the hold harmless payments authorized in this paragraph.

An amount equal to 85% of the funds remaining in the appropriation shall be allocated to school districts based upon the district's average daily attendance reported for purposes of Section 18-8.05 of this Code for the preceding school year. Fifteen percent of the funds remaining in the appropriation shall be allocated to school districts based upon the district's low income eligible pupil count used in the calculation of general State aid under Section 18-8.05 of this Code for the same fiscal year. One hundred percent of the funds computed and allocated to districts under this Section shall be distributed and paid to school districts.

For individual students with disabilities whose program costs exceed 4 times the district's per capita tuition rate as calculated under Section 10-20.12a of this Code, the costs in excess of 4 times the district's per capita tuition rate shall be paid by the State Board of Education from unexpended IDEA discretionary funds originally designated for room and board reimbursement pursuant to Section 14-8.01 of this Code. The amount of tuition for these children shall be determined by the actual cost of maintaining classes for these children, using the per capita cost formula set forth in Section 14-7.01 of this Code, with the program and cost being pre-approved by the State Superintendent of Education. Reimbursement for individual students with disabilities whose program costs exceed 4 times the district's per capita tuition rate shall be claimed beginning with costs encumbered for the 2004-2005 school year and thereafter.

The State Board of Education shall prepare vouchers equal to one-fourth the amount allocated to districts, for transmittal to the State Comptroller on the 30th day of September, December, and March, respectively, and the final voucher, no later than June 20. The Comptroller shall make payments pursuant to this Section to school districts as soon as possible after receipt of vouchers. If the money appropriated from the General Assembly for such purposes for any year is insufficient, it shall be apportioned on the basis of the payments due to school districts.

Nothing in this Section shall be construed to decrease or increase the percentage of all special education funds that are allocated annually under Article 1D of this Code or to alter the requirement that a school district provide special education services.

Nothing in this amendatory Act of the 93rd General Assembly shall eliminate any reimbursement obligation owed as of the effective date of this amendatory Act of the 93rd General Assembly to a school district with in excess of 500,000 inhabitants.

(Source: P.A. 93-1022, eff. 8-24-08. 95-705, eff. 1-8-08.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Koehler, **Senate Bill No. 577** 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 13.

The following voted in the affirmative:

Althoff	Haine	LaHood	Raoul
Bertino-Tarrant	Harmon	Link	Rezin
Biss	Harris	Luechtefeld	Rose
Bush	Hastings	Manar	Silverstein
Clayborne	Holmes	Martinez	Steans
Collins	Hunter	McCarter	Sullivan
Cullerton, T.	Hutchinson	McGuire	Van Pelt
Cunningham	Jacobs	Morrison	Mr. President
Delgado	Jones, E.	Mulroe	
Dillard	Koehler	Muñoz	
Frerichs	Kotowski	Noland	

The following voted in the negative:

Barickman	Duffy	Oberweis	Syverson
Bivins	McCann	Radogno	
Brady	McConnaughay	Righter	
Connelly	Murphy	Stadelman	

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

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

At the hour of 11:14 o'clock a.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 11:21 o'clock p.m., the Senate resumed consideration of business.
Senator Link, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 25, 2013 meeting, reported that the following Legislative Measures have been approved for consideration:

Senate Floor Amendment No. 2 to Senate Bill 1006
Senate Floor Amendment No. 2 to Senate Bill 1680

The foregoing floor amendments were placed on the Secretary's Desk.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Kotowski, **Senate Bill No. 572** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 49; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Frerichs	Luechtefeld	Raoul
Bertino-Tarrant	Haine	Manar	Rezin

Biss	Harmon	Martinez	Righter
Bivins	Harris	McCann	Rose
Bush	Hastings	McConnaughay	Silverstein
Clayborne	Holmes	McGuire	Stadelman
Collins	Hunter	Morrison	Steans
Connelly	Jacobs	Mulroe	Sullivan
Cullerton, T.	Jones, E.	Muñoz	Syverson
Cunningham	Koehler	Murphy	Mr. President
Delgado	Kotowski	Noland	
Dillard	LaHood	Oberweis	
Duffy	Link	Radogno	

The following voted present:

McCarter

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

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

SENATE BILL RECALLED

On motion of Senator Raoul, **Senate Bill No. 1006** was recalled from the order of third reading to the order of second reading.

Senator Raoul offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1006

AMENDMENT NO. 1. Amend Senate Bill 1006 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Criminal Justice Information Act is amended by adding Section 7.7 as follows:

(20 ILCS 3930/7.7 new)

Sec. 7.7. Electronic Recordings Database.

(a) Subject to appropriation, an Electronic Recordings Database is created within the Illinois Criminal Justice Information Authority.

(b) The Illinois Criminal Justice Information Authority shall collect and retain in the Electronic Recordings Database all information on the electronic recording of custodial interrogations under Section 5-401.5 of the Juvenile Court Act of 1987 and Section 103-2.1 of the Code of Criminal Procedure of 1963. The Electronic Recordings Database shall serve as a repository for all of the foregoing collected information.

(c) The Illinois Criminal Justice Information Authority shall develop administrative rules to provide for the coordination and collection of information relating to the Electronic Recordings Database from all law enforcement agencies in this State.

(d) The Illinois Criminal Justice Information Authority shall develop procedures and protocols for the submission of information to the Database in conjunction with the agencies submitting information.

Section 10. The Juvenile Court Act of 1987 is amended by changing Section 5-401.5 as follows:

(705 ILCS 405/5-401.5)

Sec. 5-401.5. When statements by minor may be used.

(a) In this Section, "custodial interrogation" means any interrogation (i) during which a reasonable person in the subject's position would consider himself or herself to be in custody and (ii) during which a question is asked that is reasonably likely to elicit an incriminating response.

In this Section, "electronic recording" includes motion picture, audiotape, videotape, or digital recording.

In this Section, "place of detention" means a building or a police station that is a place of operation for a municipal police department or county sheriff department or other law enforcement agency at which

persons are or may be held in detention in connection with criminal charges against those persons or allegations that those persons are delinquent minors.

(b) An oral, written, or sign language statement of a minor who, at the time of the commission of the offense was under the age of 17 years, made as a result of a custodial interrogation conducted at a police station or other place of detention on or after the effective date of this amendatory Act of the 93rd General Assembly shall be presumed to be inadmissible as evidence against the minor in any criminal proceeding or juvenile court proceeding, for an act that if committed by an adult would be brought under Section 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, or 9-3.3, of the Criminal Code of 1961 or the Criminal Code of 2012, or under clause (d)(1)(F) of Section 11-501 of the Illinois Vehicle Code unless:

(1) an electronic recording is made of the custodial interrogation; and

(2) the recording is substantially accurate and not intentionally altered.

(b-1) Electronic recordings may be made of statements of a minor regarding offenses in addition to those enumerated in subsection (b).

(c) Every electronic recording prepared ~~required~~ under this Section must be preserved until such time as the minor's adjudication for any offense relating to the statement is final and all direct and habeas corpus appeals are exhausted, or the prosecution of such offenses is barred by law.

(d) If the court finds, by a preponderance of the evidence, that the minor was subjected to a custodial interrogation in violation of subsection (b) ~~this Section~~, then any statements made by the minor during or following that non-recorded custodial interrogation, even if otherwise in compliance with this Section, are presumed to be inadmissible in any criminal proceeding or juvenile court proceeding against the minor except for the purposes of impeachment.

(e) Nothing in this Section precludes the admission (i) of a statement made by the minor in open court in any criminal proceeding or juvenile court proceeding, before a grand jury, or at a preliminary hearing, (ii) of a statement made during a custodial interrogation that was not recorded as required by this Section because electronic recording was not feasible, (iii) of a voluntary statement, whether or not the result of a custodial interrogation, that has a bearing on the credibility of the accused as a witness, (iv) of a spontaneous statement that is not made in response to a question, (v) of a statement made after questioning that is routinely asked during the processing of the arrest of the suspect, (vi) of a statement made during a custodial interrogation by a suspect who requests, prior to making the statement, to respond to the interrogator's questions only if an electronic recording is not made of the statement, provided that an electronic recording is made of the statement of agreeing to respond to the interrogator's question, only if a recording is not made of the statement, (vii) of a statement made during a custodial interrogation that is conducted out-of-state, (viii) of a statement given at a time when the interrogators are unaware that a death has in fact occurred, or (ix) of any other statement that may be admissible under law. The State shall bear the burden of proving, by a preponderance of the evidence, that one of the exceptions described in this subsection (e) is applicable. Nothing in this Section precludes the admission of a statement, otherwise inadmissible under this Section, that is used only for impeachment and not as substantive evidence. Nothing in this Section precludes the admission of a statement in a criminal court proceeding or juvenile court proceeding involving an offense other than those enumerated in subsection (b).

(f) The presumption of inadmissibility of a statement made by a suspect at a custodial interrogation at a police station or other place of detention may be overcome by a preponderance of the evidence that the statement was voluntarily given and is reliable, based on the totality of the circumstances.

(g) Any electronic recording of any statement made by a minor during a custodial interrogation that is compiled by any law enforcement agency ~~as required by this Section for the purposes of fulfilling the requirements of this Section~~ shall be confidential and exempt from public inspection and copying, as provided under Section 7 of the Freedom of Information Act, and the information shall not be transmitted to anyone except as needed to comply with this Section.

(g-1) All law enforcement agencies shall submit monthly reports to the Electronic Recordings Database in the Illinois Criminal Justice Information Authority regarding any electronic recordings made under this Section in a form and in a manner as may be prescribed by rules adopted by the Illinois Criminal Justice Information Authority.

(h) A statement, admission, confession, or incriminating information made by or obtained from a minor related to the instant offense, as part of any behavioral health screening, assessment, evaluation, or treatment, whether or not court-ordered, shall not be admissible as evidence against the minor on the issue of guilt only in the instant juvenile court proceeding. The provisions of this subsection (h) are in addition to and do not override any existing statutory and constitutional prohibition on the admission into evidence in delinquency proceedings of information obtained during screening, assessment, or treatment.

(Source: P.A. 96-1251, eff. 1-1-11; 97-1150, eff. 1-25-13.)

Section 15. The Criminal Code of 2012 is amended by changing Section 14-3 as follows:

(720 ILCS 5/14-3)

Sec. 14-3. Exemptions. The following activities shall be exempt from the provisions of this Article:

(a) Listening to radio, wireless and television communications of any sort where the same are publicly made;

(b) Hearing conversation when heard by employees of any common carrier by wire incidental to the normal course of their employment in the operation, maintenance or repair of the equipment of such common carrier by wire so long as no information obtained thereby is used or divulged by the hearer;

(c) Any broadcast by radio, television or otherwise whether it be a broadcast or recorded for the purpose of later broadcasts of any function where the public is in attendance and the conversations are overheard incidental to the main purpose for which such broadcasts are then being made;

(d) Recording or listening with the aid of any device to any emergency communication made in the normal course of operations by any federal, state or local law enforcement agency or institutions dealing in emergency services, including, but not limited to, hospitals, clinics, ambulance services, fire fighting agencies, any public utility, emergency repair facility, civilian defense establishment or military installation;

(e) Recording the proceedings of any meeting required to be open by the Open Meetings Act, as amended;

(f) Recording or listening with the aid of any device to incoming telephone calls of phone lines publicly listed or advertised as consumer "hotlines" by manufacturers or retailers of food and drug products. Such recordings must be destroyed, erased or turned over to local law enforcement authorities within 24 hours from the time of such recording and shall not be otherwise disseminated. Failure on the part of the individual or business operating any such recording or listening device to comply with the requirements of this subsection shall eliminate any civil or criminal immunity conferred upon that individual or business by the operation of this Section;

(g) With prior notification to the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded under circumstances where the use of the device is necessary for the protection of the law enforcement officer or any person acting at the direction of law enforcement, in the course of an investigation of a forcible felony, a felony offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons under Section 10-9 of this Code, an offense involving prostitution, solicitation of a sexual act, or pandering, a felony violation of the Illinois Controlled Substances Act, a felony violation of the Cannabis Control Act, a felony violation of the Methamphetamine Control and Community Protection Act, any "streetgang related" or "gang-related" felony as those terms are defined in the Illinois Streetgang Terrorism Omnibus Prevention Act, or any felony offense involving any weapon listed in paragraphs (1) through (11) of subsection (a) of Section 24-1 of this Code. Any recording or evidence derived as the result of this exemption shall be inadmissible in any proceeding, criminal, civil or administrative, except (i) where a party to the conversation suffers great bodily injury or is killed during such conversation, or (ii) when used as direct impeachment of a witness concerning matters contained in the interception or recording. The Director of the Department of State Police shall issue regulations as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use;

(g-5) With approval of the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded in the course of an investigation of any offense defined in Article 29D of this Code. In all such cases, an application for an order approving the previous or continuing use of an eavesdropping device must be made within 48 hours of the commencement of such use. In the absence of such an order, or upon its denial, any continuing use shall immediately terminate. The Director of State Police shall issue rules as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use.

Any recording or evidence obtained or derived in the course of an investigation of any offense defined in Article 29D of this Code shall, upon motion of the State's Attorney or Attorney General prosecuting any violation of Article 29D, be reviewed in camera with notice to all parties present by the court presiding over the criminal case, and, if ruled by the court to be relevant and otherwise admissible, it shall be admissible at the trial of the criminal case.

This subsection (g-5) is inoperative on and after January 1, 2005. No conversations recorded or monitored pursuant to this subsection (g-5) shall be inadmissible in a court of law by virtue of the repeal of this subsection (g-5) on January 1, 2005;

(g-6) With approval of the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded in the course of an investigation of involuntary servitude, involuntary sexual servitude of a minor, trafficking in persons, child pornography, aggravated child pornography, indecent solicitation of a child, child abduction, luring of a minor, sexual exploitation of a child, predatory criminal sexual assault of a child, aggravated criminal sexual abuse in which the victim of the offense was at the time of the commission of the offense under 18 years of age, criminal sexual abuse by force or threat of force in which the victim of the offense was at the time of the commission of the offense under 18 years of age, or aggravated criminal sexual assault in which the victim of the offense was at the time of the commission of the offense under 18 years of age. In all such cases, an application for an order approving the previous or continuing use of an eavesdropping device must be made within 48 hours of the commencement of such use. In the absence of such an order, or upon its denial, any continuing use shall immediately terminate. The Director of State Police shall issue rules as are necessary concerning the use of devices, retention of recordings, and reports regarding their use. Any recording or evidence obtained or derived in the course of an investigation of involuntary servitude, involuntary sexual servitude of a minor, trafficking in persons, child pornography, aggravated child pornography, indecent solicitation of a child, child abduction, luring of a minor, sexual exploitation of a child, predatory criminal sexual assault of a child, aggravated criminal sexual abuse in which the victim of the offense was at the time of the commission of the offense under 18 years of age, criminal sexual abuse by force or threat of force in which the victim of the offense was at the time of the commission of the offense under 18 years of age, or aggravated criminal sexual assault in which the victim of the offense was at the time of the commission of the offense under 18 years of age shall, upon motion of the State's Attorney or Attorney General prosecuting any case involving involuntary servitude, involuntary sexual servitude of a minor, trafficking in persons, child pornography, aggravated child pornography, indecent solicitation of a child, child abduction, luring of a minor, sexual exploitation of a child, predatory criminal sexual assault of a child, aggravated criminal sexual abuse in which the victim of the offense was at the time of the commission of the offense under 18 years of age, criminal sexual abuse by force or threat of force in which the victim of the offense was at the time of the commission of the offense under 18 years of age, or aggravated criminal sexual assault in which the victim of the offense was at the time of the commission of the offense under 18 years of age, be reviewed in camera with notice to all parties present by the court presiding over the criminal case, and, if ruled by the court to be relevant and otherwise admissible, it shall be admissible at the trial of the criminal case. Absent such a ruling, any such recording or evidence shall not be admissible at the trial of the criminal case;

(h) Recordings made simultaneously with the use of an in-car video camera recording of an oral conversation between a uniformed peace officer, who has identified his or her office, and a person in the presence of the peace officer whenever (i) an officer assigned a patrol vehicle is conducting an enforcement stop; or (ii) patrol vehicle emergency lights are activated or would otherwise be activated if not for the need to conceal the presence of law enforcement.

For the purposes of this subsection (h), "enforcement stop" means an action by a law enforcement officer in relation to enforcement and investigation duties, including but not limited to, traffic stops, pedestrian stops, abandoned vehicle contacts, motorist assists, commercial motor vehicle stops, roadside safety checks, requests for identification, or responses to requests for emergency assistance;

(h-5) Recordings of utterances made by a person while in the presence of a uniformed peace officer and while an occupant of a police vehicle including, but not limited to, (i) recordings made simultaneously with the use of an in-car video camera and (ii) recordings made in the presence of the peace officer utilizing video or audio systems, or both, authorized by the law enforcement agency;

(h-10) Recordings made simultaneously with a video camera recording during the use of a taser or similar weapon or device by a peace officer if the weapon or device is equipped with such camera;

(h-15) Recordings made under subsection (h), (h-5), or (h-10) shall be retained by the law enforcement agency that employs the peace officer who made the recordings for a storage period of 90 days, unless the recordings are made as a part of an arrest or the recordings are deemed evidence in any criminal, civil, or administrative proceeding and then the recordings must only be destroyed upon a final disposition and an order from the court. Under no circumstances shall any recording be altered or erased prior to the expiration of the designated storage period. Upon completion of the storage period, the recording medium may be erased and reissued for operational use;

(i) Recording of a conversation made by or at the request of a person, not a law enforcement officer or agent of a law enforcement officer, who is a party to the conversation, under reasonable suspicion that another party to the conversation is committing, is about to commit, or has committed a criminal offense against the person or a member of his or her immediate household, and there is reason to believe that evidence of the criminal offense may be obtained by the recording;

(j) The use of a telephone monitoring device by either (1) a corporation or other business entity engaged in marketing or opinion research or (2) a corporation or other business entity engaged in telephone solicitation, as defined in this subsection, to record or listen to oral telephone solicitation conversations or marketing or opinion research conversations by an employee of the corporation or other business entity when:

(i) the monitoring is used for the purpose of service quality control of marketing or opinion research or telephone solicitation, the education or training of employees or contractors engaged in marketing or opinion research or telephone solicitation, or internal research related to marketing or opinion research or telephone solicitation; and

(ii) the monitoring is used with the consent of at least one person who is an active party to the marketing or opinion research conversation or telephone solicitation conversation being monitored.

No communication or conversation or any part, portion, or aspect of the communication or conversation made, acquired, or obtained, directly or indirectly, under this exemption (j), may be, directly or indirectly, furnished to any law enforcement officer, agency, or official for any purpose or used in any inquiry or investigation, or used, directly or indirectly, in any administrative, judicial, or other proceeding, or divulged to any third party.

When recording or listening authorized by this subsection (j) on telephone lines used for marketing or opinion research or telephone solicitation purposes results in recording or listening to a conversation that does not relate to marketing or opinion research or telephone solicitation; the person recording or listening shall, immediately upon determining that the conversation does not relate to marketing or opinion research or telephone solicitation, terminate the recording or listening and destroy any such recording as soon as is practicable.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide current and prospective employees with notice that the monitoring or recordings may occur during the course of their employment. The notice shall include prominent signage notification within the workplace.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide their employees or agents with access to personal-only telephone lines which may be pay telephones, that are not subject to telephone monitoring or telephone recording.

For the purposes of this subsection (j), "telephone solicitation" means a communication through the use of a telephone by live operators:

(i) soliciting the sale of goods or services;

(ii) receiving orders for the sale of goods or services;

(iii) assisting in the use of goods or services; or

(iv) engaging in the solicitation, administration, or collection of bank or retail credit accounts.

For the purposes of this subsection (j), "marketing or opinion research" means a marketing or opinion research interview conducted by a live telephone interviewer engaged by a corporation or other business entity whose principal business is the design, conduct, and analysis of polls and surveys measuring the opinions, attitudes, and responses of respondents toward products and services, or social or political issues, or both;

(k) Electronic recordings, including but not limited to, a motion picture, videotape, digital, or other visual or audio recording, made of a custodial interrogation of an individual at a police station or other place of detention by a law enforcement officer or prosecutor ~~under Section 5-401.5 of the Juvenile Court Act of 1987 or Section 103-2.1 of the Code of Criminal Procedure of 1963~~;

(l) Recording the interview or statement of any person when the person knows that the interview is being conducted by a law enforcement officer or prosecutor and the interview takes place at a police station that is currently participating in the Custodial Interview Pilot Program established under the Illinois Criminal Justice Information Act;

(m) An electronic recording, including but not limited to, a motion picture, videotape, digital, or other visual or audio recording, made of the interior of a school bus while the school bus is being used in the transportation of students to and from school and school-sponsored activities, when the school board has adopted a policy authorizing such recording, notice of such recording policy is included in student

handbooks and other documents including the policies of the school, notice of the policy regarding recording is provided to parents of students, and notice of such recording is clearly posted on the door of and inside the school bus.

Recordings made pursuant to this subsection (m) shall be confidential records and may only be used by school officials (or their designees) and law enforcement personnel for investigations, school disciplinary actions and hearings, proceedings under the Juvenile Court Act of 1987, and criminal prosecutions, related to incidents occurring in or around the school bus;

(n) Recording or listening to an audio transmission from a microphone placed by a person under the authority of a law enforcement agency inside a bait car surveillance vehicle while simultaneously capturing a photographic or video image;

(o) The use of an eavesdropping camera or audio device during an ongoing hostage or barricade situation by a law enforcement officer or individual acting on behalf of a law enforcement officer when the use of such device is necessary to protect the safety of the general public, hostages, or law enforcement officers or anyone acting on their behalf;

(p) Recording or listening with the aid of any device to incoming telephone calls of phone lines publicly listed or advertised as the "CPS Violence Prevention Hotline", but only where the notice of recording is given at the beginning of each call as required by Section 34-21.8 of the School Code. The recordings may be retained only by the Chicago Police Department or other law enforcement authorities, and shall not be otherwise retained or disseminated; and

(q)(1) With prior request to and verbal approval of the State's Attorney of the county in which the conversation is anticipated to occur, recording or listening with the aid of an eavesdropping device to a conversation in which a law enforcement officer, or any person acting at the direction of a law enforcement officer, is a party to the conversation and has consented to the conversation being intercepted or recorded in the course of an investigation of a drug offense. The State's Attorney may grant this verbal approval only after determining that reasonable cause exists to believe that a drug offense will be committed by a specified individual or individuals within a designated period of time.

(2) Request for approval. To invoke the exception contained in this subsection (q), a law enforcement officer shall make a written or verbal request for approval to the appropriate State's Attorney. This request for approval shall include whatever information is deemed necessary by the State's Attorney but shall include, at a minimum, the following information about each specified individual whom the law enforcement officer believes will commit a drug offense:

(A) his or her full or partial name, nickname or alias;

(B) a physical description; or

(C) failing either (A) or (B) of this paragraph (2), any other supporting information known to the law enforcement officer at the time of the request that gives rise to reasonable cause to believe the individual will commit a drug offense.

(3) Limitations on verbal approval. Each verbal approval by the State's Attorney under this subsection (q) shall be limited to:

(A) a recording or interception conducted by a specified law enforcement officer or person acting at the direction of a law enforcement officer;

(B) recording or intercepting conversations with the individuals specified in the request for approval, provided that the verbal approval shall be deemed to include the recording or intercepting of conversations with other individuals, unknown to the law enforcement officer at the time of the request for approval, who are acting in conjunction with or as co-conspirators with the individuals specified in the request for approval in the commission of a drug offense;

(C) a reasonable period of time but in no event longer than 24 consecutive hours.

(4) Admissibility of evidence. No part of the contents of any wire, electronic, or oral communication that has been recorded or intercepted as a result of this exception may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of this State, or a political subdivision of the State, other than in a prosecution of:

(A) a drug offense;

(B) a forcible felony committed directly in the course of the investigation of a drug offense for which verbal approval was given to record or intercept a conversation under this subsection (q); or

(C) any other forcible felony committed while the recording or interception was approved in accordance with this Section (q), but for this specific category of prosecutions, only if the law enforcement officer or person acting at the direction of a law enforcement officer who has consented to the conversation being intercepted or recorded suffers great bodily injury or is killed during the

commission of the charged forcible felony.

(5) Compliance with the provisions of this subsection is a prerequisite to the admissibility in evidence of any part of the contents of any wire, electronic or oral communication that has been intercepted as a result of this exception, but nothing in this subsection shall be deemed to prevent a court from otherwise excluding the evidence on any other ground, nor shall anything in this subsection be deemed to prevent a court from independently reviewing the admissibility of the evidence for compliance with the Fourth Amendment to the U.S. Constitution or with Article I, Section 6 of the Illinois Constitution.

(6) Use of recordings or intercepts unrelated to drug offenses. Whenever any wire, electronic, or oral communication has been recorded or intercepted as a result of this exception that is not related to a drug offense or a forcible felony committed in the course of a drug offense, no part of the contents of the communication and evidence derived from the communication may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of this State, or a political subdivision of the State, nor may it be publicly disclosed in any way.

(7) Definitions. For the purposes of this subsection (q) only:

"Drug offense" includes and is limited to a felony violation of one of the following:

(A) the Illinois Controlled Substances Act, (B) the Cannabis Control Act, and (C) the Methamphetamine Control and Community Protection Act.

"Forcible felony" includes and is limited to those offenses contained in Section 2-8 of

the Criminal Code of 1961 as of the effective date of this amendatory Act of the 97th General Assembly, and only as those offenses have been defined by law or judicial interpretation as of that date.

"State's Attorney" includes and is limited to the State's Attorney or an assistant

State's Attorney designated by the State's Attorney to provide verbal approval to record or intercept conversations under this subsection (q).

(8) Sunset. This subsection (q) is inoperative on and after January 1, 2015. No conversations intercepted pursuant to this subsection (q), while operative, shall be inadmissible in a court of law by virtue of the inoperability of this subsection (q) on January 1, 2015.

(Source: P.A. 96-425, eff. 8-13-09; 96-547, eff. 1-1-10; 96-643, eff. 1-1-10; 96-670, eff. 8-25-09; 96-1000, eff. 7-2-10; 96-1425, eff. 1-1-11; 96-1464, eff. 8-20-10; 97-333, eff. 8-12-11; 97-846, eff. 1-1-13; 97-897, eff. 1-1-13; revised 8-23-12.)

Section 20. The Code of Criminal Procedure of 1963 is amended by changing Section 103-2.1 as follows:

(725 ILCS 5/103-2.1)

Sec. 103-2.1. When statements by accused may be used.

(a) In this Section, "custodial interrogation" means any interrogation during which (i) a reasonable person in the subject's position would consider himself or herself to be in custody and (ii) during which a question is asked that is reasonably likely to elicit an incriminating response.

In this Section, "place of detention" means a building or a police station that is a place of operation for a municipal police department or county sheriff department or other law enforcement agency, not a courthouse, that is owned or operated by a law enforcement agency at which persons are or may be held in detention in connection with criminal charges against those persons.

In this Section, "electronic recording" includes motion picture, audiotape, or videotape, or digital recording.

(b) An oral, written, or sign language statement of an accused made as a result of a custodial interrogation at a police station or other place of detention shall be presumed to be inadmissible as evidence against the accused in any criminal proceeding brought under Section 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, or 9-3.3 of the Criminal Code of 1961 or the Criminal Code of 2012 or under clause (d)(1)(F) of Section 11-501 of the Illinois Vehicle Code unless:

(1) an electronic recording is made of the custodial interrogation; and

(2) the recording is substantially accurate and not intentionally altered.

(b-1) Electronic recordings may be made of statements of an accused regarding offenses in addition to those enumerated in subsection (b).

(c) Every electronic recording prepared ~~required~~ under this Section must be preserved until such time as the defendant's conviction for any offense relating to the statement is final and all direct and habeas corpus appeals are exhausted, or the prosecution of such offenses is barred by law.

(d) If the court finds, by a preponderance of the evidence, that the defendant was subjected to a custodial interrogation in violation of subsection (b) ~~this Section~~, then any statements made by the

defendant during or following that non-recorded custodial interrogation, even if otherwise in compliance with this Section, are presumed to be inadmissible in any criminal proceeding against the defendant except for the purposes of impeachment.

(e) Nothing in this Section precludes the admission (i) of a statement made by the accused in open court at his or her trial, before a grand jury, or at a preliminary hearing, (ii) of a statement made during a custodial interrogation that was not recorded as required by this Section, because electronic recording was not feasible, (iii) of a voluntary statement, whether or not the result of a custodial interrogation, that has a bearing on the credibility of the accused as a witness, (iv) of a spontaneous statement that is not made in response to a question, (v) of a statement made after questioning that is routinely asked during the processing of the arrest of the suspect, (vi) of a statement made during a custodial interrogation by a suspect who requests, prior to making the statement, to respond to the interrogator's questions only if an electronic recording is not made of the statement, provided that an electronic recording is made of the statement of agreeing to respond to the interrogator's question, only if a recording is not made of the statement, (vii) of a statement made during a custodial interrogation that is conducted out-of-state, (viii) of a statement given at a time when the interrogators are unaware that a death has in fact occurred, or (ix) of any other statement that may be admissible under law. The State shall bear the burden of proving, by a preponderance of the evidence, that one of the exceptions described in this subsection (e) is applicable. Nothing in this Section precludes the admission of a statement, otherwise inadmissible under this Section, that is used only for impeachment and not as substantive evidence. Nothing in this Section precludes the admission of a statement in a prosecution for an offense other than those enumerated in subsection (b).

(f) The presumption of inadmissibility of a statement made by a suspect at a custodial interrogation at a police station or other place of detention may be overcome by a preponderance of the evidence that the statement was voluntarily given and is reliable, based on the totality of the circumstances.

(g) Any electronic recording of any statement made by an accused during a custodial interrogation that is compiled by any law enforcement agency ~~as required by this Section for the purposes of fulfilling the requirements of this Section~~ shall be confidential and exempt from public inspection and copying, as provided under Section 7 of the Freedom of Information Act, and the information shall not be transmitted to anyone except as needed to comply with this Section.

(h) All law enforcement agencies shall submit monthly reports to the Electronic Recordings Database in the Illinois Criminal Justice Information Authority regarding any electronic recordings made under this Section in a form and in a manner as may be prescribed by rules adopted by the Illinois Criminal Justice Information Authority.

(Source: P.A. 97-1150, eff. 1-25-13.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Raoul offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1006

AMENDMENT NO. 2. Amend Senate Bill 1006, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 4, by replacing "Section 5. The Illinois Criminal Justice Information Act" with the following:

"Section 2. The Freedom of Information Act is amended by changing Section 7.5 as follows:

(5 ILCS 140/7.5)

Sec. 7.5. Statutory Exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing

Act.

(f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act.

(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.

(q) Information prohibited from being disclosed by the Personnel Records Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

(s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(t) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange Authority due to its administration of the Illinois Health Information Exchange. The terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance Accountability and Portability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.

(u) Records and information provided to an independent team of experts under Brian's Law.

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act.

(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(y) Any and all abstract data and information collected under Section 7.7 of the Illinois Criminal Justice Information Act.

(Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11; 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff. 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976, eff. 1-1-13.)

Section 5. The Illinois Criminal Justice Information Act"; and

on page 1, line 13, by replacing "information on" with "abstract data of the numbers of investigations and types of crimes captured during"; and

on page 2, lines 1, 4, 9, and 10 by replacing "information" wherever it appears with "abstract data"; and

on page 2, line 6, by inserting ", which shall be shared only with other government agencies", after "State"; and

on page 3, line 22, by inserting "felony", after "regarding"; and

on page 5, line 15, by replacing "an" with "a felony"; and

on page 24, line 18, by inserting "felony", after "regarding"; and

on page 26, line 10, by replacing "an" with "a felony".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Raoul, **Senate Bill No. 1006** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Duffy	Landek	Oberweis
Barickman	Frerichs	Link	Radogno
Bertino-Tarrant	Haine	Luechtefeld	Raoul
Biss	Harmon	Manar	Rezin
Bivins	Harris	Martinez	Righter
Brady	Hastings	McCann	Rose
Bush	Holmes	McCarter	Silverstein
Clayborne	Hunter	McConnaughay	Stadelman
Collins	Hutchinson	McGuire	Steans
Connelly	Jacobs	Morrison	Sullivan
Cullerton, T.	Jones, E.	Mulroe	Syverson
Cunningham	Koehler	Muñoz	Mr. President
Delgado	Kotowski	Murphy	
Dillard	LaHood	Noland	

The following voted present:

Van Pelt

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

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

SENATE BILL RECALLED

On motion of Senator Silverstein, **Senate Bill No. 1210** was recalled from the order of third reading to the order of second reading.

Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1210

AMENDMENT NO. 1. Amend Senate Bill 1210 as follows:

on page 2, line 8, by deleting "seeking"; and

on page 2, line 9, before "maintaining", by deleting "or"; and

on page 3, by deleting lines 12 through 23; and

by deleting pages 4 through 9.

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Silverstein, **Senate Bill No. 1210** 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 11; Present 1.

The following voted in the affirmative:

Bertino-Tarrant	Frerichs	Manar	Righter
Biss	Harmon	Martinez	Silverstein
Bivins	Harris	McGuire	Stadelman
Brady	Holmes	Morrison	Steans
Bush	Hunter	Mulroe	Sullivan
Clayborne	Hutchinson	Muñoz	Syverson
Collins	Jacobs	Murphy	Van Pelt
Cullerton, T.	Koehler	Noland	Mr. President
Cunningham	Kotowski	Radogno	
Delgado	Link	Raoul	
Dillard	Luechtefeld	Rezin	

The following voted in the negative:

Barickman	Haine	McCann	Oberweis
Connelly	LaHood	McCarter	Rose
Duffy	Landek	McConnaughay	

The following voted present:

Hastings

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

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

At the hour of 11:36 o'clock p.m., Senator Muñoz, presiding.

On motion of Senator T. Cullerton, **Senate Bill No. 1410** 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 38; NAYS 14.

The following voted in the affirmative:

Althoff	Haine	Kotowski	Raoul
Bertino-Tarrant	Harmon	Landek	Silverstein
Biss	Harris	Link	Stadelman
Bush	Hastings	Manar	Steans
Clayborne	Holmes	Martinez	Sullivan
Collins	Hunter	McGuire	Syverson
Cullerton, T.	Hutchinson	Morrison	Van Pelt
Cunningham	Jacobs	Mulroe	Mr. President
Delgado	Jones, E.	Muñoz	
Frerichs	Koehler	Radogno	

The following voted in the negative:

Barickman	Dillard	McCarter	Righter
Bivins	Duffy	McConnaughay	Rose
Brady	LaHood	Oberweis	
Connelly	Luechtefeld	Rezin	

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 Noland asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 1410**.

SENATE BILL RECALLED

On motion of Senator Link, **Senate Bill No. 1399** was recalled from the order of third reading to the order of second reading.

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

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 1399

AMENDMENT NO. _3_. Amend Senate Bill 1399 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Section 13-202.2 as follows:

(735 ILCS 5/13-202.2) (from Ch. 110, par. 13-202.2)

Sec. 13-202.2. Childhood sexual abuse.

(a) In this Section:

"Childhood sexual abuse" means an act of sexual abuse that occurs when the person abused is under 18 years of age.

"Sexual abuse" includes but is not limited to sexual conduct and sexual penetration as defined in Section 11-0.1 of the Criminal Code of 2012.

(b) Notwithstanding any other provision of law, an action for damages for personal injury based on childhood sexual abuse must be commenced within 20 years of the date the limitation period begins to run under subsection (d) or within 20 years of the date the person abused discovers or through the use of reasonable diligence should discover both (i) that the act of childhood sexual abuse occurred and (ii) that the injury was caused by the childhood sexual abuse. The fact that the person abused discovers or

through the use of reasonable diligence should discover that the act of childhood sexual abuse occurred is not, by itself, sufficient to start the discovery period under this subsection (b). Knowledge of the abuse does not constitute discovery of the injury or the causal relationship between any later-discovered injury and the abuse.

(c) If the injury is caused by 2 or more acts of childhood sexual abuse that are part of a continuing series of acts of childhood sexual abuse by the same abuser, then the discovery period under subsection (b) shall be computed from the date the person abused discovers or through the use of reasonable diligence should discover both (i) that the last act of childhood sexual abuse in the continuing series occurred and (ii) that the injury was caused by any act of childhood sexual abuse in the continuing series. The fact that the person abused discovers or through the use of reasonable diligence should discover that the last act of childhood sexual abuse in the continuing series occurred is not, by itself, sufficient to start the discovery period under subsection (b). Knowledge of the abuse does not constitute discovery of the injury or the causal relationship between any later-discovered injury and the abuse.

(d) The limitation periods under subsection (b) do not begin to run before the person abused attains the age of 18 years; and, if at the time the person abused attains the age of 18 years he or she is under other legal disability, the limitation periods under subsection (b) do not begin to run until the removal of the disability.

(d-1) The limitation periods in subsection (b) do not run during a time period when the person abused is subject to threats, intimidation, manipulation, or fraud perpetrated by the abuser or by any person acting in the interest of the abuser.

(e) This Section applies to actions pending on the effective date of this amendatory Act of 1990 as well as to actions commenced on or after that date. The changes made by this amendatory Act of 1993 shall apply only to actions commenced on or after the effective date of this amendatory Act of 1993. The changes made by this amendatory Act of the 93rd General Assembly apply to actions pending on the effective date of this amendatory Act of the 93rd General Assembly as well as actions commenced on or after that date. The changes made by this amendatory Act of the 96th General Assembly apply to actions commenced on or after the effective date of this amendatory Act of the 96th General Assembly if the action would not have been time barred under any statute of limitations or statute of repose prior to the effective date of this amendatory Act of the 96th General Assembly.

(f) Notwithstanding any other provision of law, an action for damages based on childhood sexual abuse may be commenced at any time; provided, however, that the changes made by this amendatory Act of the 98th General Assembly apply to actions commenced on or after the effective date of this amendatory Act of the 98th General Assembly if the action would not have been time barred under any statute of limitations or statute of repose prior to the effective date of this amendatory Act of the 98th General Assembly.

(Source: P.A. 96-1093, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Link, **Senate Bill No. 1399** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 48; NAYS 4.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Rezin
Barickman	Harmon	Manar	Righter
Bertino-Tarrant	Harris	Martinez	Rose
Brady	Holmes	McCann	Silverstein
Bush	Hunter	McConnaughay	Stadelman

Clayborne	Hutchinson	McGuire	Steans
Collins	Jacobs	Morrison	Sullivan
Connelly	Jones, E.	Mulroe	Syverson
Cullerton, T.	Koehler	Muñoz	Mr. President
Cunningham	Kotowski	Murphy	
Delgado	LaHood	Noland	
Dillard	Landek	Radogno	
Frerichs	Link	Raoul	

The following voted in the negative:

Bivins	Oberweis
McCarter	Van Pelt

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 Morrison, **Senate Bill No. 1479** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Landek	Oberweis
Barickman	Frerichs	Link	Radogno
Bertino-Tarrant	Haine	Luechtefeld	Raoul
Biss	Harmon	Manar	Rezin
Bivins	Harris	Martinez	Righter
Brady	Hastings	McCann	Silverstein
Bush	Holmes	McCarter	Stadelman
Clayborne	Hunter	McConnaughay	Steans
Collins	Hutchinson	McGuire	Sullivan
Connelly	Jacobs	Morrison	Syverson
Cullerton, T.	Jones, E.	Mulroe	Van Pelt
Cunningham	Koehler	Muñoz	Mr. President
Delgado	Kotowski	Murphy	
Dillard	LaHood	Noland	

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 Rose asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 1479**.

On motion of Senator Rose, **Senate Bill No. 1532** 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 52; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Luechtefeld	Rezin
Barickman	Haine	Manar	Righter
Bertino-Tarrant	Harris	Martinez	Rose
Bivins	Hastings	McCarter	Silverstein
Brady	Holmes	McConnaughay	Stadelman
Bush	Hunter	McGuire	Steans
Clayborne	Hutchinson	Morrison	Sullivan
Collins	Jacobs	Mulroe	Syverson
Connelly	Jones, E.	Muñoz	Van Pelt
Cullerton, T.	Koehler	Murphy	Mr. President
Cunningham	Kotowski	Noland	
Delgado	LaHood	Oberweis	
Dillard	Landek	Radogno	
Duffy	Link	Raoul	

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

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

On motion of Senator Delgado, **Senate Bill No. 1572** 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 52; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Link	Raoul
Barickman	Frerichs	Luechtefeld	Rezin
Bertino-Tarrant	Haine	Manar	Rose
Biss	Harmon	Martinez	Silverstein
Bivins	Harris	McCann	Stadelman
Brady	Hastings	McCarter	Steans
Bush	Holmes	McConnaughay	Sullivan
Clayborne	Hunter	McGuire	Syverson
Collins	Hutchinson	Morrison	Van Pelt
Connelly	Jacobs	Mulroe	Mr. President
Cullerton, T.	Jones, E.	Muñoz	
Cunningham	Koehler	Murphy	
Delgado	Kotowski	Noland	
Dillard	Landek	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.

At the hour of 12:00 o'clock p.m., Senator Link, presiding.

SENATE BILL RECALLED

On motion of Senator Radogno, **Senate Bill No. 1847** was recalled from the order of third reading to the order of second reading.

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1847

AMENDMENT NO. _2__. Amend Senate Bill 1847, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Workers' Compensation Act is amended by changing Section 6 as follows:

(820 ILCS 305/6) (from Ch. 48, par. 138.6)

Sec. 6. (a) Every employer within the provisions of this Act, shall, under the rules and regulations prescribed by the Commission, post printed notices in their respective places of employment in such number and at such places as may be determined by the Commission, containing such information relative to this Act as in the judgment of the Commission may be necessary to aid employees to safeguard their rights under this Act in event of injury.

In addition thereto, the employer shall post in a conspicuous place on the place of the employment a printed or typewritten notice stating whether he is insured or whether he has qualified and is operating as a self-insured employer. In the event the employer is insured, the notice shall state the name and address of his insurance carrier, the number of the insurance policy, its effective date and the date of termination. In the event of the termination of the policy for any reason prior to the termination date stated, the posted notice shall promptly be corrected accordingly. In the event the employer is operating as a self-insured employer the notice shall state the name and address of the company, if any, servicing the compensation payments of the employer, and the name and address of the person in charge of making compensation payments.

(b) Every employer subject to this Act shall maintain accurate records of work-related deaths, injuries and illness other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job and file with the Commission, in writing, a report of all accidental deaths, injuries and illnesses arising out of and in the course of the employment resulting in the loss of more than 3 scheduled work days. In the case of death such report shall be made no later than 2 working days following the accidental death. In all other cases such report shall be made between the 15th and 25th of each month unless required to be made sooner by rule of the Commission. In case the injury results in permanent disability, a further report shall be made as soon as it is determined that such permanent disability has resulted or will result from the injury. All reports shall state the date of the injury, including the time of day or night, the nature of the employer's business, the name, address, age, sex, conjugal condition of the injured person, the specific occupation of the injured person, the direct cause of the injury and the nature of the accident, the character of the injury, the length of disability, and in case of death the length of disability before death, the wages of the injured person, whether compensation has been paid to the injured person, or to his or her legal representative or his heirs or next of kin, the amount of compensation paid, the amount paid for physicians', surgeons' and hospital bills, and by whom paid, and the amount paid for funeral or burial expenses if known. The reports shall be made on forms and in the manner as prescribed by the Commission and shall contain such further information as the Commission shall deem necessary and require. The making of these reports releases the employer from making such reports to any other officer of the State and shall satisfy the reporting provisions as contained in the "Health and Safety Act" and "An Act in relation to safety inspections and education in industrial and commercial establishments and to repeal an Act therein named", approved July 18, 1955, as now or hereafter amended. The reports filed with the Commission pursuant to this Section shall be made available by the Commission to the Director of Labor or his representatives and to all other departments of the State of Illinois which shall require such information for the proper discharge of their official duties. Failure to file with the Commission any of the reports required in this Section is a petty offense.

Except as provided in this paragraph, all reports filed hereunder shall be confidential and any person having access to such records filed with the Illinois Workers' Compensation Commission as herein required, who shall release any information therein contained including the names or otherwise identify any persons sustaining injuries or disabilities, or give access to such information to any unauthorized person, shall be subject to discipline or discharge, and in addition shall be guilty of a Class B misdemeanor. The Commission shall compile and distribute to interested persons aggregate statistics, taken from the reports filed hereunder. The aggregate statistics shall not give the names or otherwise identify persons sustaining injuries or disabilities or the employer of any injured or disabled person.

(c) Notice of the accident shall be given to the employer as soon as practicable, but not later than 45

days after the accident. Provided:

(1) In case of the legal disability of the employee or any dependent of a deceased employee who may be entitled to compensation under the provisions of this Act, the limitations of time by this Act provided do not begin to run against such person under legal disability until a guardian has been appointed.

(2) In cases of injuries sustained by exposure to radiological materials or equipment, notice shall be given to the employer within 90 days subsequent to the time that the employee knows or suspects that he has received an excessive dose of radiation.

No defect or inaccuracy of such notice shall be a bar to the maintenance of proceedings on arbitration or otherwise by the employee unless the employer proves that he is unduly prejudiced in such proceedings by such defect or inaccuracy.

Notice of the accident shall give the approximate date and place of the accident, if known, and may be given orally or in writing.

(d) Every employer shall notify each injured employee who has been granted compensation under the provisions of Section 8 of this Act of his rights to rehabilitation services and advise him of the locations of available public rehabilitation centers and any other such services of which the employer has knowledge.

In any case, other than one where the injury was caused by exposure to radiological materials or equipment or asbestos unless the application for compensation is filed with the Commission within 3 years after the date of the accident, where no compensation has been paid, or within 2 years after the date of the last payment of compensation, where any has been paid, whichever shall be later, the right to file such application shall be barred.

In any case of injury caused by exposure to radiological materials or equipment or asbestos, unless application for compensation is filed with the Commission within 25 years after the last day that the employee was employed in an environment of hazardous radiological activity or asbestos, the right to file such application shall be barred.

If in any case except one where the injury was caused by exposure to radiological materials or equipment or asbestos, the accidental injury results in death application for compensation for death may be filed with the Commission within 3 years after the date of death where no compensation has been paid or within 2 years after the date of the last payment of compensation where any has been paid, whichever shall be later, but not thereafter.

If an accidental injury caused by exposure to radiological material or equipment or asbestos results in death within 25 years after the last day that the employee was so exposed application for compensation for death may be filed with the Commission within 3 years after the date of death, where no compensation has been paid, or within 2 years after the date of the last payment of compensation where any has been paid, whichever shall be later, but not thereafter.

(e) Any contract or agreement made by any employer or his agent or attorney with any employee or any other beneficiary of any claim under the provisions of this Act within 7 days after the injury shall be presumed to be fraudulent.

(f) Any condition or impairment of health of an employee employed as a firefighter, emergency medical technician (EMT), or paramedic which results directly or indirectly from any bloodborne pathogen, lung or respiratory disease or condition, heart or vascular disease or condition, hypertension, tuberculosis, or cancer resulting in any disability (temporary, permanent, total, or partial) to the employee shall be rebuttably presumed to arise out of and in the course of the employee's firefighting, EMT, or paramedic employment and, further, shall be rebuttably presumed to be causally connected to the hazards or exposures of the employment. This presumption shall also apply to any hernia or hearing loss suffered by an employee employed as a firefighter, EMT, or paramedic. However, this presumption shall not apply to any employee who has been employed as a firefighter, EMT, or paramedic for less than 5 years at the time he or she files an Application for Adjustment of Claim concerning this condition or impairment with the Illinois Workers' Compensation Commission. <u>The rebuttable presumption established under this subsection, however, does not apply to an emergency medical technician (EMT) or paramedic employed by a private employer if the employee spends the preponderance of his or her work time for that employer engaged in medical transfers between medical care facilities or non-emergency medical transfers to or from medical care facilities. The changes made to this subsection by this amendatory Act of the 98th General Assembly shall be narrowly construed.</u> The Finding and Decision of the Illinois Workers' Compensation Commission under only the rebuttable presumption provision of this subsection shall not be admissible or be deemed res judicata in any disability claim under the Illinois Pension Code arising out of the same medical condition; however, this sentence makes no change to the law set forth in Krohe v. City of Bloomington, 204 Ill.2d 392.

(Source: P.A. 95-316, eff. 1-1-08.)

Section 10. The Workers' Occupational Diseases Act is amended by changing Section 1 as follows: (820 ILCS 310/1) (from Ch. 48, par. 172.36)

Sec. 1. This Act shall be known and may be cited as the "Workers' Occupational Diseases Act".

(a) The term "employer" as used in this Act shall be construed to be:

1. The State and each county, city, town, township, incorporated village, school district, body politic, or municipal corporation therein.

2. Every person, firm, public or private corporation, including hospitals, public service, eleemosynary, religious or charitable corporations or associations, who has any person in service or under any contract for hire, express or implied, oral or written.

3. Where an employer operating under and subject to the provisions of this Act loans an employee to another such employer and such loaned employee sustains a compensable occupational disease in the employment of such borrowing employer and where such borrowing employer does not provide or pay the benefits or payments due such employee, such loaning employer shall be liable to provide or pay all benefits or payments due such employee under this Act and as to such employee the liability of such loaning and borrowing employers shall be joint and several, provided that such loaning employer shall in the absence of agreement to the contrary be entitled to receive from such borrowing employer full reimbursement for all sums paid or incurred pursuant to this paragraph together with reasonable attorneys' fees and expenses in any hearings before the Illinois Workers' Compensation Commission or in any action to secure such reimbursement. Where any benefit is provided or paid by such loaning employer, the employee shall have the duty of rendering reasonable co-operation in any hearings, trials or proceedings in the case, including such proceedings for reimbursement.

Where an employee files an Application for Adjustment of Claim with the Illinois Workers' Compensation Commission alleging that his or her claim is covered by the provisions of the preceding paragraph, and joining both the alleged loaning and borrowing employers, they and each of them, upon written demand by the employee and within 7 days after receipt of such demand, shall have the duty of filing with the Illinois Workers' Compensation Commission a written admission or denial of the allegation that the claim is covered by the provisions of the preceding paragraph and in default of such filing or if any such denial be ultimately determined not to have been bona fide then the provisions of Paragraph K of Section 19 of this Act shall apply.

An employer whose business or enterprise or a substantial part thereof consists of hiring, procuring or furnishing employees to or for other employers operating under and subject to the provisions of this Act for the performance of the work of such other employers and who pays such employees their salary or wage notwithstanding that they are doing the work of such other employers shall be deemed a loaning employer within the meaning and provisions of this Section.

(b) The term "employee" as used in this Act, shall be construed to mean:

1. Every person in the service of the State, county, city, town, township, incorporated village or school district, body politic or municipal corporation therein, whether by election, appointment or contract of hire, express or implied, oral or written, including any official of the State, or of any county, city, town, township, incorporated village, school district, body politic or municipal corporation therein and except any duly appointed member of the fire department in any city whose population exceeds 500,000 according to the last Federal or State census, and except any member of a fire insurance patrol maintained by a board of underwriters in this State. One employed by a contractor who has contracted with the State, or a county, city, town, township, incorporated village, school district, body politic or municipal corporation therein, through its representatives, shall not be considered as an employee of the State, county, city, town, township, incorporated village, school district, body politic or municipal corporation which made the contract.

2. Every person in the service of another under any contract of hire, express or implied, oral or written, who contracts an occupational disease while working in the State of Illinois, or who contracts an occupational disease while working outside of the State of Illinois but where the contract of hire is made within the State of Illinois, and any person whose employment is principally localized within the State of Illinois, regardless of the place where the disease was contracted or place where the contract of hire was made, including aliens, and minors who, for the purpose of this Act, except Section 3 hereof, shall be considered the same and have the same power to contract, receive payments and give quittances therefor, as adult employees. An employee or his or her dependents under this Act who shall have a cause of action by reason of an occupational disease, disablement or death arising out of and in the course of his or her employment may elect or pursue his or her remedy in the State where the disease was contracted, or in the State where the contract of hire is made, or in

the State where the employment is principally localized.

(c) "Commission" means the Illinois Workers' Compensation Commission created by the Workers' Compensation Act, approved July 9, 1951, as amended.

(d) In this Act the term "Occupational Disease" means a disease arising out of and in the course of the employment or which has become aggravated and rendered disabling as a result of the exposure of the employment. Such aggravation shall arise out of a risk peculiar to or increased by the employment and not common to the general public.

A disease shall be deemed to arise out of the employment if there is apparent to the rational mind, upon consideration of all the circumstances, a causal connection between the conditions under which the work is performed and the occupational disease. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin or aggravation in a risk connected with the employment and to have flowed from that source as a rational consequence.

An employee shall be conclusively deemed to have been exposed to the hazards of an occupational disease when, for any length of time however short, he or she is employed in an occupation or process in which the hazard of the disease exists; provided however, that in a claim of exposure to atomic radiation, the fact of such exposure must be verified by the records of the central registry of radiation exposure maintained by the Department of Public Health or by some other recognized governmental agency maintaining records of such exposures whenever and to the extent that the records are on file with the Department of Public Health or the agency.

Any injury to or disease or death of an employee arising from the administration of a vaccine, including without limitation smallpox vaccine, to prepare for, or as a response to, a threatened or potential bioterrorist incident to the employee as part of a voluntary inoculation program in connection with the person's employment or in connection with any governmental program or recommendation for the inoculation of workers in the employee's occupation, geographical area, or other category that includes the employee is deemed to arise out of and in the course of the employment for all purposes under this Act. This paragraph added by Public Act 93-829 is declarative of existing law and is not a new enactment.

The employer liable for the compensation in this Act provided shall be the employer in whose employment the employee was last exposed to the hazard of the occupational disease claimed upon regardless of the length of time of such last exposure, except, in cases of silicosis or asbestosis, the only employer liable shall be the last employer in whose employment the employee was last exposed during a period of 60 days or more after the effective date of this Act, to the hazard of such occupational disease, and, in such cases, an exposure during a period of less than 60 days, after the effective date of this Act, shall not be deemed a last exposure. If a miner who is suffering or suffered from pneumoconiosis was employed for 10 years or more in one or more coal mines there shall, effective July 1, 1973 be a rebuttable presumption that his or her pneumoconiosis arose out of such employment.

If a deceased miner was employed for 10 years or more in one or more coal mines and died from a respirable disease there shall, effective July 1, 1973, be a rebuttable presumption that his or her death was due to pneumoconiosis.

Any condition or impairment of health of an employee employed as a firefighter, emergency medical technician (EMT), or paramedic which results directly or indirectly from any bloodborne pathogen, lung or respiratory disease or condition, heart or vascular disease or condition, hypertension, tuberculosis, or cancer resulting in any disability (temporary, permanent, total, or partial) to the employee shall be rebuttably presumed to arise out of and in the course of the employee's firefighting, EMT, or paramedic employment and, further, shall be rebuttably presumed to be causally connected to the hazards or exposures of the employment. This presumption shall also apply to any hernia or hearing loss suffered by an employee employed as a firefighter, EMT, or paramedic. However, this presumption shall not apply to any employee who has been employed as a firefighter, EMT, or paramedic for less than 5 years at the time he or she files an Application for Adjustment of Claim concerning this condition or impairment with the Illinois Workers' Compensation Commission. <u>The rebuttable presumption established under this subsection, however, does not apply to an emergency medical technician (EMT) or paramedic employed by a private employer if the employee spends the preponderance of his or her work time for that employer engaged in medical transfers between medical care facilities or non-emergency medical transfers to or from medical care facilities. The changes made to this subsection by this amendatory Act of the 98th General Assembly shall be narrowly construed.</u> The Finding and Decision of the Illinois Workers' Compensation Commission under only the rebuttable presumption provision of this paragraph shall not be admissible or be deemed res judicata in any disability claim under the Illinois Pension Code arising out of the same medical condition; however, this sentence makes no change to the law set forth in Krohe v. City of Bloomington, 204 Ill.2d 392.

The insurance carrier liable shall be the carrier whose policy was in effect covering the employer liable on the last day of the exposure rendering such employer liable in accordance with the provisions of this Act.

(e) "Disablement" means an impairment or partial impairment, temporary or permanent, in the function of the body or any of the members of the body, or the event of becoming disabled from earning full wages at the work in which the employee was engaged when last exposed to the hazards of the occupational disease by the employer from whom he or she claims compensation, or equal wages in other suitable employment; and "disability" means the state of being so incapacitated.

(f) No compensation shall be payable for or on account of any occupational disease unless disablement, as herein defined, occurs within two years after the last day of the last exposure to the hazards of the disease, except in cases of occupational disease caused by berylliosis or by the inhalation of silica dust or asbestos dust and, in such cases, within 3 years after the last day of the last exposure to the hazards of such disease and except in the case of occupational disease caused by exposure to radiological materials or equipment, and in such case, within 25 years after the last day of last exposure to the hazards of such disease.

(Source: P.A. 95-316, eff. 1-1-08; 95-331, eff. 8-21-07.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Radogno, **Senate Bill No. 1847** 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 53; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Frerichs	Luechtefeld	Raoul
Barickman	Haine	Manar	Rezin
Bertino-Tarrant	Harmon	Martinez	Righter
Biss	Harris	McCann	Rose
Bivins	Hastings	McCarter	Silverstein
Brady	Holmes	McConnaughay	Stadelman
Bush	Hunter	McGuire	Steans
Clayborne	Hutchinson	Morrison	Sullivan
Collins	Jones, E.	Mulroe	Syverson
Cullerton, T.	Koehler	Muñoz	Van Pelt
Cunningham	Kotowski	Murphy	Mr. President
Delgado	LaHood	Noland	
Dillard	Landek	Oberweis	
Duffy	Link	Radogno	

The following voted present:

Connelly

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 Bivins, **Senate Bill No. 1853** 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 53; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Luechtefeld	Raoul
Barickman	Haine	Manar	Rezin
Bertino-Tarrant	Harmon	Martinez	Righter
Biss	Harris	McCann	Rose
Bivins	Hastings	McCarter	Silverstein
Brady	Holmes	McConnaughay	Stadelman
Bush	Hunter	McGuire	Steans
Clayborne	Hutchinson	Morrison	Sullivan
Collins	Jones, E.	Mulroe	Syverson
Connelly	Koehler	Muñoz	Van Pelt
Cullerton, T.	Kotowski	Murphy	Mr. President
Cunningham	LaHood	Noland	
Delgado	Landek	Oberweis	
Dillard	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 Manar, **Senate Bill No. 1880** 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 34; NAYS 18; Present 1.

The following voted in the affirmative:

Bertino-Tarrant	Haine	Landek	Noland
Biss	Harmon	Link	Raoul
Bush	Harris	Manar	Silverstein
Clayborne	Hastings	Martinez	Steans
Collins	Hunter	McCann	Sullivan
Cullerton, T.	Hutchinson	McGuire	Van Pelt
Cunningham	Jones, E.	Morrison	Mr. President
Delgado	Koehler	Mulroe	
Frerichs	Kotowski	Muñoz	

The following voted in the negative:

Althoff	Duffy	McConnaughay	Righter
Barickman	Holmes	Murphy	Stadelman
Bivins	LaHood	Oberweis	Syverson
Brady	Luechtefeld	Radogno	
Connelly	McCarter	Rezin	

The following voted present:

Dillard

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

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

SENATE BILL RECALLED

On motion of Senator Biss, **Senate Bill No. 1900** was recalled from the order of third reading to the order of second reading.

Senator Biss offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 1900

AMENDMENT NO. 3. Amend Senate Bill 1900, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2 as follows:

on page 3, by replacing lines lines 3 through 8 with the following:
"of that board. Each task force shall be comprised of voting members and non-voting members. The voting members shall include, without limitation, members representing the university's library, members representing faculty, including, where applicable, a labor organization that represents faculty at the public university, and members representing university administration. The non-voting members shall include, without limitation, a member representing publishers who publish scholarly journals. In the instance of public universities that"; and

on page 5, line 19, after the period, by inserting "Notwithstanding any provisions of the Open Meetings Act and subject to feasibility, members of the task force and interested parties may participate by phone or video conference."; and

on page 6, by replacing line 1 with the following:
"voting members. A task force shall also issue minority reports at the request of any member, including a non-voting member. Each".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Biss, **Senate Bill No. 1900** 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 52; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Manar	Rezin
Bertino-Tarrant	Haine	Martinez	Righter
Biss	Harmon	McCann	Rose
Bivins	Harris	McCarter	Silverstein
Brady	Hastings	McConnaughay	Stadelman
Bush	Holmes	McGuire	Steans
Clayborne	Hunter	Morrison	Sullivan
Collins	Hutchinson	Mulroe	Syverson
Connelly	Jones, E.	Muñoz	Van Pelt

Cullerton, T.	Koehler	Murphy	Mr. President
Cunningham	Kotowski	Noland	
Delgado	LaHood	Oberweis	
Dillard	Landek	Radogno	
Duffy	Link	Raoul	

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

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

SENATE BILL RECALLED

On motion of Senator Haine, **Senate Bill No. 1961** was recalled from the order of third reading to the order of second reading.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 1961

AMENDMENT NO. 3. Amend Senate Bill 1961, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Asbestos Occupations Licensure Act.

Section 5. Scope and application. This Act applies to the training and licensing of persons and firms (1) to perform asbestos inspection, (2) to perform abatement work, and (3) to serve as asbestos abatement contractors, response action contractors, and asbestos workers under both the Asbestos Abatement Act and the Commercial and Public Building Asbestos Abatement Act.

Section 10. Definitions. As used in this Act:

"Asbestos" means the asbestiform varieties of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, and actinolite.

"Asbestos abatement contractor" means any entity that engages in the removal, enclosure, or encapsulation of asbestos containing materials for any school.

"Asbestos inspector" means an individual licensed by the Department to perform inspections for the presence of asbestos containing materials.

"Asbestos materials" means materials formed by mixing asbestos fibers with other products, including but not limited to rock wool, plaster, cellulose, clay, vermiculite, perlite and a variety of adhesives, and which contain more than 1% asbestos by weight. Some of these materials may be sprayed on surfaces or applied to surfaces in the form of plaster or a textured paint.

"Asbestos professional" means an individual who is licensed by the Department to perform the duties of an inspector, management planner, project designer, project supervisor, project manager, or air sampling professional, as applicable, except project supervisors under the direct employ of a licensed asbestos abatement contractor.

"Asbestos supervisor" means an asbestos abatement contractor, foreman, or person designated as the asbestos abatement contractor's representative who is responsible for the onsite supervision of the removal, encapsulation, or enclosure of friable or nonfriable asbestos-containing materials in a commercial or public building.

"Asbestos worker" means an individual who cleans, removes, encapsulates, encloses, hauls or disposes of friable asbestos material as defined in this Act.

"Board" means the Illinois Pollution Control Board.

"Department" means the Department of Public Health.

"Director" means the Director of Public Health.

"Encapsulation" means the treatment of asbestos containing building materials (ACBM), as defined by Section 15 of the Commercial and Public Building Asbestos Abatement Act, with a material that surrounds or embeds asbestos fibers in an adhesive matrix to prevent the release of fibers, as the encapsulant creates a membrane over the surfaces (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

"Enclosure" means the construction of airtight walls and ceilings between the asbestos material and

the facility environment, or around surfaces coated with asbestos materials, or any other appropriate scientific procedure as determined by the Department which prevents the release of asbestos materials.

"Friable", when referring to material in a school building, means that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure, and includes previously nonfriable material after such previously nonfriable material becomes damaged to the extent that, when dry, it may be crumbled, pulverized, or reduced to powder by hand pressure.

"Friable material containment" means the encapsulation or enclosure of any friable asbestos material in a facility.

"Management planner" means an individual licensed by the Department to prepare management plans.

"Nonfriable" means material in a school building which, when dry, may not be crumbled, pulverized, or reduced to powder by hand pressure.

"Project designer" means an individual licensed by the Department to design response actions.

"Response action" means a method, including removal, encapsulation, enclosure, repair, operations and maintenance, that protects human health and the environment from friable ACBM.

"Response action contractor" means any entity that engages in response action services for any school.

Section 15. Powers and duties of the Department.

(a) The Department is empowered to promulgate any rules necessary to ensure proper implementation and administration of this Act.

(b) Rules promulgated by the Department shall include rules providing for the training and licensing of persons and firms to perform asbestos inspection and air sampling; to perform abatement work; and to serve as asbestos abatement contractors, management, planners, project designers, project supervisors, project managers and asbestos workers for public and private secondary and elementary schools.

(c) In carrying out its responsibilities under this Act, the Department shall:

(1) publish a list of persons and firms licensed pursuant to this Act, except that the Department is not required to publish a list of licensed asbestos workers; and

(2) adopt rules for the collection of fees for training course approval; and for licensing of inspectors, management planners, project designers, contractors, supervisors, air sampling professionals, project managers and workers.

Section 20. Rulemaking. The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department of Public Health under this Act, except that in case of conflict between the Illinois Administrative Procedure Act and this Act the provisions of this Act shall control, and except that Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.

Before initiating any rulemaking under this Section, the Department shall consult with the Asbestos Advisory Council as set forth in subsection (h) of Section 59 of the Environmental Protection Act.

Section 25. Administrative review. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the Administrative Review Law and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Section 30. Hearings. The Director, after notice and opportunity for hearing to the contractor, applicant, or license holder, may deny, suspend, or revoke a license or expunge such person from the State list in any case in which he or she finds that there has been a substantial failure to comply with the provisions of this Act or the standards and rules established by virtue thereof.

Such notice shall be provided by certified mail or by personal service setting forth the particular reasons for the proposed action and fixing a date, not less than 15 days from the date of such mailing or service, at which time the applicant, contractor, or license holder shall be given an opportunity to request a hearing.

The hearing shall be conducted by the Director or by an individual designated in writing by the Director as Hearing Officer to conduct the hearing. On the basis of any such hearing, or upon default of the applicant, contractor, or license holder, the Director shall make a determination specifying his or her findings and conclusions. A copy of such determination shall be sent by certified mail or served personally upon the applicant, contractor, or license holder.

The procedure governing hearings authorized by this Section shall be in accordance with rules

promulgated by the Department. A full and complete record shall be kept of all proceedings, including the notice of hearing, complaint, and all other documents in the nature of pleadings, written motions filed in the proceedings, and the report and orders of the Director and Hearing Officer. All testimony shall be reported but need not be transcribed unless the decision is sought to be reviewed pursuant to the Administrative Review Law. A copy or copies of the transcript may be obtained by any interested party on payment of the cost of preparing such copy or copies. The Director or Hearing Officer shall, upon his or her own motion, or on the written request of any party to the proceeding, issue subpoenas requiring the attendance and the giving of testimony by witnesses, and subpoenas duces tecum requiring the production of books, papers, records, or memoranda. All subpoenas and subpoenas duces tecum issued under the terms of this Act may be served by any person of legal age. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit court of this State, such fees to be paid when the witness is excused from further attendance. When the witness is subpoenaed at the instance of the Director or Hearing Officer, such fees shall be paid in the same manner as other expenses of the Department, and when the witness is subpoenaed at the instance of any other party to any such proceeding the Department may require that the cost of service of the subpoena or subpoena duces tecum and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case, the Department in its discretion may require a deposit to cover the cost of such service and witness fees. A subpoena or subpoena duces tecum so issued as above stated shall be served in the same manner as a subpoena issued by a circuit court.

Any circuit court of this State, upon the application of the Director, or upon the application of any other party to the proceeding, may, in its discretion, compel the attendance of witnesses, the production of books, papers, records, or memoranda and the giving of testimony before the Director or Hearing Officer conducting an investigation or holding a hearing authorized by this Act, by an attachment for contempt or otherwise, in the same manner as production of evidence may be compelled before the court.

The Director or Hearing Officer, or any party in an investigation or hearing before the Department, may cause the depositions of witnesses within the State to be taken in the manner prescribed by law for like depositions in civil actions in courts of this State, and to that end compel the attendance of witnesses and the production of books, papers, records, or memoranda.

Section 35. Consistency with federal law. Rules issued pursuant to this Act, including those governing the preparation of a list of contractors and the removal of contractors therefrom as provided for in Section 40, shall not be inconsistent with rules and regulations promulgated by the United States Environmental Protection Agency pursuant to the Toxic Substances Control Act, the Clean Air Act, or other applicable federal statutes.

Section 40. Asbestos abatement contractors; response action contractors. The Department shall prepare a list in cooperation with appropriate State and federal agencies on an annual basis of asbestos abatement contractors and response action contractors familiar with and capable of complying with all applicable federal and State standards for asbestos containment and removal. Additional asbestos abatement contractors or response action contractors wishing to be placed on this list shall notify the Department. The Department shall evaluate this request based on the training and experience of such a potential asbestos abatement contractor or response action contractor and render a decision. If the Department denies the request, such contractor may appeal such a decision pursuant to the Administrative Review Law. Such list shall be made available to all school districts and, upon request, to other interested parties. In contracting for response action services, schools shall select an asbestos abatement contractor or response action contractor from the Department's list.

Section 45. Licensing.

(a) No air sampling professional, asbestos abatement contractor, asbestos consultant, asbestos inspector, asbestos professional, asbestos supervisor, asbestos worker, management planner, project designer, project manager, project supervisor, or response action contractor may be employed as a response action contractor unless that individual or entity is licensed by the Department. Those individuals and entities wishing to be licensed shall make application on forms prescribed and furnished by the Department. A license shall expire annually according to a schedule determined by the Department. Applications for renewal of licenses shall be filed with the Department at least 30 days before the expiration date. When a licensure examination is required, the application for licensure shall be submitted to the Department at least 30 days prior to the date of the scheduled examination. The Department shall evaluate each application based on its minimum standards for licensure, promulgated

as rules, and render a decision. Such standards may include a requirement for the successful completion of a course of training approved by the Department. If the Department denies the application, the applicant may appeal such decision pursuant to the Administrative Review Law.

However, the licensing requirements of this Section for asbestos consultants do not apply to: (1) an employee of a local education agency who is that local education agency's designated person; or (2) an employee of a State agency while he or she is engaged in his or her professional duties for that State agency.

(b) All licenses issued under the Asbestos Abatement Act or the Commercial and Public Building Asbestos Abatement Act, and in effect on the effective date of this Act, shall remain in effect for the remainder of the period for which they were originally issued, as if they had been issued under this Act.

Section 50. Certified industrial hygienists. For purposes of this Act and the rules promulgated thereunder, the Department shall use the list of certified industrial hygienists as prepared by the American Board of Industrial Hygiene.

Section 55. Contractor's certificates of financial responsibility. Each asbestos abatement contractor wishing to be placed on the Department's approved list of contractors shall submit to the Department a certificate documenting that the contractor carries liability insurance, self insurance, group insurance, group self insurance, a letter of credit, or bond in an amount of at least:

(1) $500,000 for work performed pursuant to the Asbestos Abatement Act and the rules promulgated thereunder.

(2) $1,000,000 for work performed pursuant to this Commercial and Public Building Asbestos Abatement Act and the rules promulgated thereunder.

No contractor may be placed on the approved list in the absence of such a certificate. All contractors presently on the approved list shall submit said certificate within 90 days of the effective date of this Act, or the Department shall remove their names from the approved list.

Each contractor shall maintain on file with the Department a current certificate of financial responsibility throughout the entire length of time the contractor's name appears on the Department's list of approved contractors. A contractor shall notify the Department of any change in the status of a certificate which has been filed including expiration, renewal, or alteration of the terms of the certificate.

Section 60. Civil penalties. The Department is empowered to assess civil penalties for violations of this Act and the rules promulgated under this Act pursuant to rules for such penalties established by the Department.

Section 65. Asbestos Occupations Licensure Fund. All fees and penalties collected by the Department pursuant to this Act, and all interest attributable to those amounts, shall be deposited into the Asbestos Occupations Licensure Fund, which is hereby created as a special fund in the State Treasury. Subject to appropriation, all moneys deposited in the Asbestos Occupations Licensure Fund under this Act shall be available to the Department for its administration of this Act. The Asbestos Occupations Licensure Fund is not subject to sweeps, administrative charges or chargebacks, or any other fiscal or budgetary maneuver that would in any way transfer any moneys from the Asbestos Occupations Licensure Fund to any other Fund of the State or in the State treasury.

Section 70. The State Finance Act is amended by adding Section 5.826 as follows:

(30 ILCS 105/5.826 new)

Sec. 5.826. The Asbestos Occupations Licensure Fund.

Section 75. The Asbestos Abatement Act is amended by changing Sections 3, 4, 6, 6a, 6b, 7, 9, 9a, 9b, 11, 12a, 12b, 12c, 13, 14, and 16 as follows:

(105 ILCS 105/3) (from Ch. 122, par. 1403)

Sec. 3. Definitions. As used in this Act:

(a) "Asbestos" means the asbestiform varieties of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, and actinolite.

(b) "Asbestos materials" means materials formed by mixing asbestos fibers with other products, including but not limited to rock wool, plaster, cellulose, clay, vermiculite, perlite and a variety of adhesives, and which contain more than 1% asbestos by weight. Some of these materials may be sprayed on surfaces or applied to surfaces in the form of plaster or a textured paint.

(c) "School" means any school district or public, private or nonpublic day or residential educational

institution that provides elementary or secondary education for grade 12 or under.

(d) "Local educational agency" means:

(1) Any local education agency as defined in Section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381).

(2) The owner of any nonpublic, nonprofit elementary or secondary school building.

(3) The governing authority of any school operated under the defense dependents' education system provided for under the Defense Department's Education Act of 1978 (20 U.S.C. 921, et seq.).

(e) "Response action" means a method, including removal, encapsulation, enclosure, repair, operations and maintenance, that protects human health and the environment from friable ACBM.

(f) "Asbestos containing building materials" or ACBM means surfacing asbestos containing material or ACM, thermal system insulation ACM or miscellaneous ACM that is found in or on interior structural members or other parts of a school building.

(g) "Friable" when referring to material in a school building means that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure, and includes previously nonfriable materials after such previously nonfriable material becomes damaged to the extent that, when dry, it may be crumbled, pulverized, or reduced to powder by hand pressure.

(h) "Asbestos Abatement Contractor" means any entity that engages in the removal, enclosure, or encapsulation of asbestos containing materials for any school.

(i) "Response action contractor" means any entity that engages in response action services for any school.

(j) "Friable material containment" means the encapsulation or enclosure of any friable asbestos material in a facility.

(k) "Enclosure" means the construction of airtight walls and ceilings between the asbestos material and the educational facility environment, or around surfaces coated with asbestos materials, or any other appropriate scientific procedure as determined by the Agency ~~Department~~ which prevents the release of asbestos materials.

(l) "Encapsulation" means the treatment of ACBM with a material that surrounds or embeds asbestos fibers in an adhesive matrix to prevent the release of fibers, as the encapsulant creates a membrane over the surfaces (bridging encapsulant or penetrates the material and binds its components together (penetrating encapsulant).

(m) "Department" means the Department of Public Health.

(n) "Director" means the Director of the Illinois Environmental Protection Agency ~~Public Health~~.

(o) "School personnel" means any employee of a school.

(p) "Student" means any student enrolled in a school.

(q) "School Building" means:

(1) Any structure suitable for use as a classroom, including a school facility such as a laboratory, library, school eating facility, or facility used for the preparation of food.

(2) Any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education.

(3) Any other facility used for the instruction or housing of students or for the administration of educational or research programs.

(4) Any maintenance, storage, or utility facility, including any hallway essential to the operation of any facility described in this definition of "school building" under items (1), (2), or (3).

(5) Any portico or covered exterior hallway or walkway.

(6) Any exterior portion of a mechanical system used to condition interior space.

(r) "Asbestos worker" means an individual who cleans, removes, encapsulates, encloses, hauls or disposes of friable asbestos material in schools as defined in this Act.

(s) "Nonfriable" means material in a school building which, when dry, may not be crumbled, pulverized, or reduced to powder by hand pressure.

(t) "Management plan" means a plan developed for a local educational agency for the management of asbestos in its school buildings pursuant to the federal Asbestos Hazard Emergency Response Act of 1986 and the regulations promulgated thereunder.

(u) "Management planner" means an individual licensed by the Department to prepare management plans.

(v) "Project designer" means an individual licensed by the Department to design response actions for school buildings.

(w) "Asbestos inspector" means an individual licensed by the Department to perform inspections of

schools for the presence of asbestos containing materials.

(x) "Agency" means the Illinois Environmental Protection Agency.

(y) "Board" means the Illinois Pollution Control Board.

(Source: P.A. 86-416; 86-1475.)

(105 ILCS 105/4) (from Ch. 122, par. 1404)

Sec. 4. Response action. Schools shall undertake and complete such response action as may be required by the federal Asbestos Hazard Emergency Response Act of 1986, the regulations promulgated thereunder, and the rules promulgated by the Board ~~Department~~ pursuant to the Asbestos Abatement Act. Response actions shall be undertaken and completed within the timeframe required by the federal Asbestos Hazard Emergency Response Act of 1986 and the regulations promulgated thereunder.

(Source: P.A. 86-416.)

(105 ILCS 105/6) (from Ch. 122, par. 1406)

Sec. 6. Powers and duties of the Agency ~~Department~~.

(a) In accordance with Title VII of the Environmental Protection Act, and after consultation with the Asbestos Advisory Committee as set forth in subsection (h) of Section 59 of the Environmental Protection Act, the Agency may propose, and the Board may adopt, ~~The Department is empowered to promulgate~~ any rules necessary to ensure proper implementation and administration of this Act and of the federal Asbestos Hazard Emergency Response Act of 1986, and the regulations promulgated thereunder.

(b) Rules adopted under subsection (a) ~~promulgated by the Department~~ shall include, but need not be limited to:

(1) all rules necessary to achieve compliance with the federal Asbestos Hazard Emergency Response Act of 1986 and the regulations promulgated thereunder;

(2) rules relating to the correct and safe performance of asbestos inspection, air sampling, asbestos abatement work, and other related tasks by persons licensed to do so under the Asbestos Occupations Licensure Act; and ~~rules providing for the training and licensing of persons and firms to perform asbestos inspection and air sampling; to perform abatement work; and to serve as asbestos abatement contractors, management, planners, project designers, project supervisors, project managers and asbestos workers for public and private secondary and elementary schools; and any necessary rules relating to the correct and safe performance of those tasks; and~~

(3) rules for the development and submission of asbestos management plans by local educational agencies, and for review and approval of such plans by the Agency ~~Department~~.

(c) The rules proposed by the Agency and adopted by the Board shall require each local educational agency to maintain records of asbestos-related activities, which shall be made available to the Agency upon request. ~~In carrying out its responsibilities under this Act, the Department shall:~~

~~(1) publish a list of persons and firms licensed pursuant to this Act, except that the Department shall not be required to publish a list of licensed asbestos workers;~~

~~(2) require each local educational agency to maintain records of asbestos-related activities, which shall be made available to the Department upon request; and~~

~~(3) adopt rules for the collection of fees for training course approval; and for licensing of inspectors, management planners, project designers, contractors, supervisors, air sampling professionals, project managers and workers.~~

(Source: P.A. 96-537, eff. 8-14-09; 96-1000, eff. 7-2-10.)

(105 ILCS 105/6a) (from Ch. 122, par. 1406a)

Sec. 6a. All rulemaking under this Act shall be conducted in accordance with Title VII of the Environmental Protection Act. ~~The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department of Public Health under this Act, except that in case of conflict between the Illinois Administrative Procedure Act and this Act the provisions of this Act shall control, and except that Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.~~

(Source: P.A. 88-45.)

(105 ILCS 105/6b) (from Ch. 122, par. 1406b)

Sec. 6b. All final administrative decisions of the Board ~~Department~~ hereunder shall be subject to judicial review pursuant to the provisions of Title XI of the Environmental Protection Act ~~the "Administrative Review Law", as amended, and the rules adopted pursuant thereto. The term "Administrative Decision" is defined as in Section 3-101 of the Code of Civil Procedure~~.

(Source: P.A. 84-951.)

(105 ILCS 105/7) (from Ch. 122, par. 1407)

Sec. 7. Consistency with federal law. Rules and regulations issued pursuant to this Act~~, including those governing the preparation of a list of contractors and the removal of contractors therefrom as provided for in Section 10,~~ shall not be inconsistent with rules and regulations promulgated by the United States Environmental Protection Agency pursuant to the Toxic Substances Control Act, the Clean Air Act or other applicable federal statutes.

(Source: P.A. 84-951.)

(105 ILCS 105/9) (from Ch. 122, par. 1409)

Sec. 9. State Funding. Funding sources for State funding with respect to costs of corrective action shall include appropriations from the General Revenue Fund, proceeds from litigation against manufacturers, distributors and contractors of asbestos products, funds provided under the provisions of the federal Asbestos School Hazard Abatement Act of 1984, or any combination thereof. The Agency ~~Department~~ shall request appropriations from any of these funds based on its review of school funding needs and include such in its annual budget request.

(Source: P.A. 84-951.)

(105 ILCS 105/9a) (from Ch. 122, par. 1409a)

Sec. 9a. Reimbursement for corrective action. The Agency ~~Department~~ shall, from funds appropriated for this purpose, reimburse schools which have undertaken corrective action. Such schools, upon completion of an inspection by the Agency ~~Department~~, shall be eligible for reimbursement only for those projects found to have been conducted in accordance with the provisions of this Act and the rules promulgated thereunder. Schools shall apply for such reimbursement to the Agency ~~Department~~ on forms designed and provided by the Agency ~~Department~~.

The amount of reimbursement for which a public school district is eligible shall be calculated by the Agency ~~Department~~ based upon a Grant Index developed by the State Board of Education. This Grant Index shall be based upon the equalized assessed valuation of the school district and other measures of relative wealth to determine the percentage of the total cost of corrective action for which reimbursement shall be authorized. The Grant Index for any school district is equal to one minus the ratio of the district's equalized assessed valuation per pupil in weighted daily average attendance to the equalized assessed valuation per pupil in weighted average daily attendance of the district located at the ninetieth percentile for all districts of the same type. The Grant Index for any school district shall be not less than .50 and no greater than 1.00. The product of the district's Grant Index and the project cost, as determined by the Agency ~~Department~~ for approved corrective action, equals the total amount that shall be reimbursed to the school according to the provisions of this Section. All non-public schools shall be eligible for reimbursement in an amount equal to 50% of the cost of corrective action.

Out of funds appropriated for such purpose, 20% of the amount of reimbursement to which any school is determined entitled shall be paid in each of 5 successive fiscal years. The Agency ~~Department~~ shall request an annual appropriation in an amount sufficient to cover all expected reimbursements to be paid out in that fiscal year.

For purposes of reimbursement under this Section, corrective action means removal, encapsulation or enclosure. Schools reimbursed pursuant to this Section for corrective action shall not be eligible for grants under Section 9b with respect to the corrective action for which they are so reimbursed.

(Source: P.A. 84-1245.)

(105 ILCS 105/9b) (from Ch. 122, par. 1409b)

Sec. 9b. Grants for asbestos abatement work undertaken on or after January 1, 1986. Schools which undertake corrective action on or after January 1, 1986 shall be eligible for grants for asbestos abatement activities conducted in accordance with this Act and the rules promulgated thereunder. Funds shall be provided only to those schools which have been inspected pursuant to this Act. Schools which desire abatement grants shall apply to the Agency ~~Department~~ for such grants on forms designed and provided by the Agency ~~Department~~. The Agency ~~Department~~ shall evaluate applications to establish priorities for funding recognizing the degree of health hazard present and shall categorize school needs using a numerical ranking.

In conjunction with the State Board of Education, the Agency ~~Department~~ shall calculate the amount of grant for which a public school district is eligible, based upon a Grant Index developed by the State Board of Education. The Grant Index shall be based upon the equalized assessed valuation of the school district and other measures of relative wealth to determine the percentage of the total cost of corrective action for which grants shall be authorized. The Grant Index for any school district is equal to one minus the ratio of the district's equalized assessed valuation per pupil in weighted daily average attendance to the equalized assessed valuation per pupil in weighted average daily attendance of the district located at the ninetieth percentile for all districts of the same type. The Grant Index for any school district shall be

not less than .50 and no greater than 1.00. The product of the district's Grant Index and the project cost, as determined by the Agency ~~Department~~ for approved corrective action, equals the amount that shall be expended on behalf of the school. All non-public schools shall be eligible for grants in an amount equal to 50% of the cost of corrective action.

In conjunction with the Capital Development Board, the Agency ~~Department~~ shall issue grants to schools for corrective action. The Capital Development Board shall, in conjunction with the schools, contract with a contractor whose name appears on the Department's list of approved contractors for the corrective action determined necessary according to provisions of this Act and the rules promulgated thereunder. All such contractors shall be prequalified as may be required by The Illinois Purchasing Act. All contracts entered into by the schools and the Capital Development Board shall include a provision that all work to be conducted under that contract shall be undertaken in accordance with this Act and the rules promulgated thereunder. The Capital Development Board shall exercise general supervision over corrective action financed pursuant to the provisions of this Act and the rules promulgated thereunder in schools. The Capital Development Board shall request an annual appropriation in an amount sufficient to cover all expected grants to be awarded in that year. For purposes of reimbursement under this Section, corrective action means removal, encapsulation or enclosure.

A school district may levy a tax in accordance with Section 17-2.11 of "The School Code" in order to provide local funding for corrective action ordered under this Act. A school may use federal loans or grants to finance the cost of corrective action, but no State funding shall be used to repay any federal loan received by a school for asbestos abatement projects.

(Source: P.A. 84-1096.)

(105 ILCS 105/11) (from Ch. 122, par. 1411)

Sec. 11. Recordkeeping. Each school district shall:

(a) Keep a record of each asbestos abatement project that is performed in schools; and

(b) Make that record available to the Agency ~~Department~~ at any reasonable time.

(Source: P.A. 83-1325.)

(105 ILCS 105/12a) (from Ch. 122, par. 1412a)

Sec. 12a. Emergency stop work orders. Whenever the Agency ~~Department~~ finds that an emergency exists which requires immediate action to protect the public health, it may, without notice or hearing, issue an order reciting the existence of such an emergency and then require that such action be taken as it may deem necessary to meet the emergency, including but not limited to the issuance of a stop work order and notice to the Department for the immediate removal of a contractor or contractors from the list provided for in Section 10. Notwithstanding any other provision in this Act, such order shall be effective immediately. The State's Attorney and Sheriff of the county in which the school is located shall enforce the order after receiving notice thereof. Any contractor affected by such an order is entitled, upon request, to a hearing as provided for in rules and regulations promulgated pursuant to this Act. When such conditions are abated, in the opinion of the Agency ~~Department~~, the Agency ~~Department~~ may authorize the reinstitution of the activities and shall provide notice to the Department that it may authorize the inclusion on the list of contractors of those activities and contractors which were the subject of a stop work order.

(Source: P.A. 84-951.)

(105 ILCS 105/12b) (from Ch. 122, par. 1412b)

Sec. 12b. Civil Penalties. The Board ~~Department~~ is empowered to assess civil penalties against a contractor inspector, management planner, project designer, supervisor, worker, project manager, or air sampling professional for violations of this Act and the rules promulgated thereunder, pursuant to rules for such penalties established by the Board ~~Department~~.

(Source: P.A. 86-416.)

(105 ILCS 105/12c) (from Ch. 122, par. 1412c)

Sec. 12c. Under emergency conditions, an employee of a school district may clean or dispose of less than 3 linear feet or 3 square feet of friable or non-friable asbestos containing material in schools without meeting the definition of an "asbestos worker" as defined in this Act, provided the employee has completed the maximum asbestos awareness program provided for in federal law or rules. "Emergency conditions" for the purpose of this Section shall mean:

1) the facility is without heat, water, gas, or electric; or

2) the facility is unable to keep outside elements such as water from entering the interior of the structure; or

3) the dislodging or falling of less than 3 linear feet or 3 square feet of asbestos containing materials.

The Board ~~Department~~ may further define, by rule, what circumstances constitute an "emergency condition" under this Section. The Department may also set forth, by rule, the training or awareness

program a school employee must meet as a prerequisite to conducting of asbestos clean-up or disposal pursuant to this Section.
(Source: P.A. 86-647.)

(105 ILCS 105/13) (from Ch. 122, par. 1413)

Sec. 13. Federal funding. To the extent that federal funds become available for the removal of asbestos from schools and subject to any limitations which may be imposed, such federal funds shall be used in lieu of State financing of corrective actions and for any administrative costs incurred by the Agency ~~Department~~ in the administration of this Act.
(Source: P.A. 83-1325.)

(105 ILCS 105/14) (from Ch. 122, par. 1414)

Sec. 14. Enforcement. Notwithstanding the existence or pursuit of any other remedy, the Director may, in the manner provided by law, in the name of the People of the State and through the Attorney General who shall represent the Director in the proceedings, maintain an action for injunction or other relief or process against any school, the governing body thereof and any other person or unit of local government to enforce and compel compliance with the provisions of this Act, the rules and regulations promulgated thereunder and any order entered for any response action pursuant to this Act and such rules and regulations. Enforcement proceedings under this Section shall be conducted in accordance with Title VIII of the Environmental Protection Act.
(Source: P.A. 86-416.)

(105 ILCS 105/16) (from Ch. 122, par. 1416)

Sec. 16. Illinois School Asbestos Abatement Fund. All fees and penalties collected by the Agency ~~Department~~ pursuant to this Act shall be deposited into the Illinois School Asbestos Abatement Fund which is hereby created in the State Treasury. Subject to appropriation, all monies deposited in the Illinois School Asbestos Abatement Fund under this Act shall be available to the Agency ~~Department~~ for its administration of this Act and of the federal Asbestos Hazard Emergency Response Act of 1986. Subject to appropriation, all moneys deposited in the Illinois School Asbestos Abatement Fund shall be available to the Agency ~~Department of Public Health~~ for administration of the Asbestos Abatement Act and the Commercial and Public Building Asbestos Abatement Act. The Illinois School Asbestos Abatement Fund is not subject to sweeps, administrative charges or chargebacks, or any other fiscal or budgetary maneuver that would in any way transfer any moneys from the Illinois School Asbestos Abatement Fund to any other Fund of the State or in the State treasury.
(Source: P.A. 89-143, eff. 7-14-95.)

(105 ILCS 105/6c rep.) (105 ILCS 105/10 rep.) (105 ILCS 105/10a rep.) (105 ILCS 105/10b rep.) (105 ILCS 105/15a rep.)

Section 80. The Asbestos Abatement Act is amended by repealing Sections 6c, 10, 10a, 10b, and 15a.

Section 85. The Commercial and Public Building Asbestos Abatement Act is amended by changing Sections 15, 20, 25, 40, 55, and 60 as follows:

(225 ILCS 207/15)

Sec. 15. Definitions. As used in this Act:

"Agency" means the Illinois Environmental Protection Agency.

"Asbestos abatement contractor" means any entity that provides removal, enclosure, encapsulation, or disposal of asbestos containing materials.

"Asbestos containing building materials" or "ACBM" means surfacing asbestos containing materials or ACM, thermal system insulation ACM, or miscellaneous ACM that is found in or on interior structural members or other parts of a building.

"Asbestos" means the asbestiform varieties of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, and actinolite.

"Asbestos inspector" means an individual who performs inspections of commercial and public buildings for the presence of asbestos containing materials.

"Asbestos materials" means any material or product that contains more than 1% asbestos.

"Asbestos consultant" means a person offering expert or professional advice as an asbestos professional or designated person.

"Asbestos professional" means an individual who is licensed by the Department to perform the duties of an inspector, management planner, project designer, project supervisor, project manager, or air sampling professional, as applicable, except project supervisors under the direct employ of a licensed asbestos abatement contractor.

"Asbestos supervisor" means an asbestos abatement contractor, foreman, or person designated as the asbestos abatement contractor's representative who is responsible for the onsite supervision of the

removal, encapsulation, or enclosure of friable or nonfriable asbestos-containing materials in a commercial or public building.

"Asbestos worker" means an individual who cleans, removes, encapsulates, encloses, hauls, or disposes of friable asbestos material.

"Board" means the Illinois Pollution Control Board.

"Building/facility owner" is the legal entity, including a lessee, that exercises control over management and record keeping functions relating to a building or facility in which activities covered by this standard take place.

"Commercial or public building" means the interior space of any building, except that the term does not include any residential apartment building of fewer than 10 units or detached single family homes. The term includes, but is not limited to: industrial and office buildings, residential apartment buildings and condominiums of 10 or more dwelling units, government-owned buildings, colleges, museums, airports, hospitals, churches, schools, preschools, stores, warehouses, and factories. Interior space includes exterior hallways connecting buildings, porticos, and mechanical systems used to condition interior space.

"Department" means the Department of Public Health.

"Designated person" means a person designated by the local education agency, as defined by the Asbestos Abatement Act, to ensure that the management plan has been properly implemented.

"Director" means the Director of the Illinois Environmental Protection Agency ~~Public Health~~.

"Encapsulation" means the treatment of ACBM with a material that surrounds or embeds asbestos fibers in an adhesive matrix that prevents the release of fibers as the encapsulant creates a membrane over the surfaces (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

"Enclosure" means the construction of airtight walls and ceilings between the asbestos containing material and the building environment, or around surfaces coated with asbestos containing materials, or any other appropriate scientific procedure as determined by the Agency ~~Department~~ that prevents the release of asbestos.

"Friable", when referring to material in a commercial or public building, means that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure and includes previously nonfriable materials after such previously nonfriable material becomes damaged to the extent that, when dry, it may be crumbled, pulverized, or reduced to powder by hand pressure.

"Inspection" means an activity undertaken in a public or commercial building to determine the presence or location, or to assess the condition of, friable or nonfriable asbestos containing building material (ACBM) or suspected ACBM, whether by visual or physical examination, or by collecting samples of such material.

"Nonfriable" means material in a commercial or public building which, when dry, may not be crumbled, pulverized, or reduced to powder by hand pressure.

"Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, or any other entity.

"Project designer" means an individual who designs response actions for commercial or public buildings.

"Response action" means a method, including removal, encapsulation, enclosure, repair, operations and maintenance, that protects human health and the environment from friable ACBM.

"Response action contractor" means any entity that engages in response action services.

"Response action services" means the service of designing and conducting removal, encapsulation, enclosure, repair, or operations and maintenance of friable asbestos containing building materials, inspection of public or commercial buildings, and inspection of asbestos containing materials. The term does not include the design or conducting of response actions that involve removal or possible disturbance of an amount of asbestos containing building material comprising less than 3 square feet or less than 3 lineal feet of other friable asbestos containing building material.

(Source: P.A. 93-894, eff. 8-10-04.)

(225 ILCS 207/20)

Sec. 20. Powers and Duties of the Agency and the Board ~~Department~~.

(a) In accordance with Title VII of the Environmental Protection Act, and after consultation with the Asbestos Advisory Committee as set forth in subsection (h) of Section 59 of the Environmental Protection Act, the Agency may propose, and the Pollution Control Board may adopt, ~~The Department is empowered to promulgate~~ any rules necessary to ensure proper implementation and administration of this Act, and compliance with the federal Asbestos School Hazard Abatement Reauthorization Act of 1990.

(b) Rules adopted by the Board ~~promulgated by the Department~~ shall include, but not be limited to, rules relating to the correct and safe performance of response action services, and rules for the assessment of civil penalties for violations of this Act or rules promulgated under it ~~, and rules providing for the training and licensing of persons and firms (i) to perform asbestos inspection, (ii) to perform abatement work, and (iii) to serve as asbestos abatement contractors, response action contractors, and asbestos workers~~. The Agency ~~Department~~ is empowered to inspect activities regulated by this Act to ensure compliance.

(c) (Blank). ~~In carrying out its responsibilities under this Act, the Department shall:~~

~~(1) Publish a list of response action contractors licensed under this Act, except that the Department shall not be required to publish a list of licensed asbestos workers; and~~

~~(2) Adopt rules for the collection of fees for training course approval and for the licensing of inspectors, project designers, contractors, supervisors, and workers.~~

(d) All rulemaking under this Act shall be conducted in accordance with Title VII of the Environmental Protection Act. ~~The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department of Public Health under this Act, except that in case of conflict between the Illinois Administrative Procedure Act and this Act the provisions of this Act shall control, and except that Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.~~

(e) All final administrative decisions of the Board ~~Department~~ under this Act shall be subject to judicial review pursuant to the provisions of Title XI of the Environmental Protection Act ~~the Administrative Review Law and the rules adopted under it. The term "administrative decision" has the meaning ascribed to it in Section 3-101 of the Code of Civil Procedure~~.

(f) (Blank). ~~The Director, after notice and opportunity for hearing to the applicant or license holder, may deny, suspend, or revoke a license or expunge such person from the State list in any case in which he or she finds that there has been a substantial failure to comply with the provisions of this Act or the standards or rules established under it. Notice shall be provided by certified mail, return receipt requested, or by personal service setting forth the particular response for the proposed action and fixing a date, not less than 15 days from the date of such mailing or service, at which time the applicant, asbestos abatement contractor, or license holder shall be given an opportunity to request hearing. The hearing shall be conducted by the Director or by an individual designated in writing by the Director as Hearing Officer to conduct the hearing. On the basis of any such hearing, or upon default of the asbestos abatement contractor, applicant or license holder, the Director shall make a determination specifying his or her findings and conclusions. A copy of the determination shall be sent by certified mail, return receipt requested, or served personally upon the applicant, contractor, or license holder.~~

~~The procedure governing hearings authorized by this Section shall be in accordance with rules promulgated by the Department. A full and complete record shall be kept of all proceedings, including the notice of hearing, complaint, and all other documents in the nature of pleadings, written motions filed in the proceedings, and the report and orders of the Director and Hearing Officer. All testimony shall be reported but need not be transcribed unless the decision is sought to be reviewed under the Administrative Review Law. A copy or copies of the transcript may be obtained by any interested party on payment of the cost of preparing the copy or copies. The Director or Hearing Officer shall, upon his or her own motion or on the written request of any party to the proceeding, issue subpoenas requiring the attendance and the giving of testimony by witnesses, and subpoenas duces tecum requiring the production of books, papers, records, or memoranda. All subpoenas and subpoenas duces tecum issued under this Act may be served by any person of legal age. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the courts of this State, such fees to be paid when the witness is excused from further attendance. When the witness is subpoenaed at the instance of the Director or Hearing Officer, such fees shall be paid in the same manner as other expenses of the Department, and when the witness is subpoenaed at the instance of any other party to any such proceeding the Department may require that the cost of service of the subpoena or subpoena duces tecum and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case, the Department in its discretion may require a deposit to cover the cost of such service and witness fees. A subpoena or subpoena duces tecum so issued as above stated shall be served in the same manner as a subpoena issued by a circuit court.~~

~~Any circuit court of this State, upon the application of the Director, or upon the application of any other party to the proceeding, may, in its discretion, compel the attendance of witnesses, the production of books, papers, records, or memoranda and the giving of testimony before the Director or Hearing~~

~~Officer conducting an investigation or holding a hearing authorized by this Act, by an attachment for contempt or otherwise, in the same manner as production of evidence may be compelled before the court.~~

~~The Director or Hearing Officer, or any party in an investigation or hearing before the Department, may cause the depositions of witnesses within this State to be taken in the manner prescribed by law for like depositions in civil actions in courts of this State, and, to that end, compel the attendance of witnesses and the production of books, papers, records, or memoranda.~~

(Source: P.A. 89-143, eff. 7-14-95.)

(225 ILCS 207/25)

Sec. 25. Consistency with federal law. Rules issued under this Act~~, including those governing the preparation of a list of response action contractors and the removal of response action contractors from the list as provided for in Section 20,~~ shall not be inconsistent with rules and regulations promulgated by the United States Environmental Protection Agency under the Toxic Substances Control Act, the Clean Air Act, or other applicable federal statutes.

(Source: P.A. 89-143, eff. 7-14-95.)

(225 ILCS 207/40)

Sec. 40. Enforcement. Notwithstanding the existence or pursuit of any other remedy, the Director may, in the manner provided by law and in the name of the People of the State and through the State's Attorney or the Attorney General who shall represent the Director in the proceedings, maintain an action for prosecution, injunction, or other relief or process against any Building/Facility Owner or any other person or unit of local government to enforce and compel compliance with the provisions of this Act, the rules promulgated under it and any order entered for any action under this Act and its rules. Enforcement proceedings under this Section shall be conducted in accordance with Title VIII of the Environmental Protection Act. A person who violates this Act is guilty of a Class A misdemeanor punishable by a fine of $1,000 for each day the violation exists in addition to other civil penalties or up to 6 months imprisonment or both a fine and imprisonment.

(Source: P.A. 89-143, eff. 7-14-95.)

(225 ILCS 207/55)

Sec. 55. Civil penalties. The Board ~~Department~~ is empowered to assess civil penalties for violations of this Act and the rules promulgated under this Act pursuant to rules for such penalties established by the Board ~~Department~~.

(Source: P.A. 89-143, eff. 7-14-95.)

(225 ILCS 207/60)

Sec. 60. Illinois School Asbestos Abatement Fund. All fees and penalties collected by the Agency ~~Department~~ pursuant to this Act shall be deposited into the Illinois School Asbestos Abatement Fund created by Section 16 of the Asbestos Abatement Act, and shall be available to the Agency ~~Department~~ for the administration of the Asbestos Abatement Act and this Act ~~as provided in that Act~~.

(Source: P.A. 89-143, eff. 7-14-95.)

(225 ILCS 207/30 rep.) (225 ILCS 207/35 rep.) (225 ILCS 207/45 rep.)

Section 90. The Commercial and Public Building Asbestos Abatement Act is amended by repealing Sections 30, 35, and 45.

Section 95. The Environmental Protection Act is amended by adding Section 4, 5, 28, and 59 as follows:

(415 ILCS 5/4) (from Ch. 111 1/2, par. 1004)

Sec. 4. Environmental Protection Agency; establishment; duties.

(a) There is established in the Executive Branch of the State Government an agency to be known as the Environmental Protection Agency. This Agency shall be under the supervision and direction of a Director who shall be appointed by the Governor with the advice and consent of the Senate. The term of office of the Director shall expire on the third Monday of January in odd numbered years, provided that he or she shall hold office until a successor is appointed and has qualified. The Director shall receive an annual salary as set by the Compensation Review Board. The Director, in accord with the Personnel Code, shall employ and direct such personnel, and shall provide for such laboratory and other facilities, as may be necessary to carry out the purposes of this Act. In addition, the Director may by agreement secure such services as he or she may deem necessary from any other department, agency, or unit of the State Government, and may employ and compensate such consultants and technical assistants as may be required.

(b) The Agency shall have the duty to collect and disseminate such information, acquire such technical data, and conduct such experiments as may be required to carry out the purposes of this Act,

including ascertainment of the quantity and nature of discharges from any contaminant source and data on those sources, and to operate and arrange for the operation of devices for the monitoring of environmental quality.

(c) The Agency shall have authority to conduct a program of continuing surveillance and of regular or periodic inspection of actual or potential contaminant or noise sources, of public water supplies, and of refuse disposal sites.

(d) In accordance with constitutional limitations, the Agency shall have authority to enter at all reasonable times upon any private or public property for the purpose of:

(1) Inspecting and investigating to ascertain possible violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order; or

(2) In accordance with the provisions of this Act, taking whatever preventive or corrective action, including but not limited to removal or remedial action, that is necessary or appropriate whenever there is a release or a substantial threat of a release of (A) a hazardous substance or pesticide or (B) petroleum from an underground storage tank.

(e) The Agency shall have the duty to investigate violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order; to issue administrative citations as provided in Section 31.1 of this Act; and to take such summary enforcement action as is provided for by Section 34 of this Act.

(f) The Agency shall appear before the Board in any hearing upon a petition for variance, the denial of a permit, or the validity or effect of a rule or regulation of the Board, and shall have the authority to appear before the Board in any hearing under the Act.

(g) The Agency shall have the duty to administer, in accord with Title X of this Act, such permit and certification systems as may be established by this Act or by regulations adopted thereunder. The Agency may enter into written delegation agreements with any department, agency, or unit of State or local government under which all or portions of this duty may be delegated for public water supply storage and transport systems, sewage collection and transport systems, air pollution control sources with uncontrolled emissions of 100 tons per year or less and application of algicides to waters of the State. Such delegation agreements will require that the work to be performed thereunder will be in accordance with Agency criteria, subject to Agency review, and shall include such financial and program auditing by the Agency as may be required.

(h) The Agency shall have authority to require the submission of complete plans and specifications from any applicant for a permit required by this Act or by regulations thereunder, and to require the submission of such reports regarding actual or potential violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order, as may be necessary for the purposes of this Act.

(i) The Agency shall have authority to make recommendations to the Board for the adoption of regulations under Title VII of the Act.

(i-5) The Agency shall have authority to make recommendations to the Board for the adoption of regulations under Title VII of the Act to fulfill the purposes of the Asbestos Abatement Act and the Commercial and Public Buildings Asbestos Abatement Act.

(j) The Agency shall have the duty to represent the State of Illinois in any and all matters pertaining to plans, procedures, or negotiations for interstate compacts or other governmental arrangements relating to environmental protection.

(k) The Agency shall have the authority to accept, receive, and administer on behalf of the State any grants, gifts, loans, indirect cost reimbursements, or other funds made available to the State from any source for purposes of this Act or for air or water pollution control, public water supply, solid waste disposal, noise abatement, or other environmental protection activities, surveys, or programs. Any federal funds received by the Agency pursuant to this subsection shall be deposited in a trust fund with the State Treasurer and held and disbursed by him in accordance with Treasurer as Custodian of Funds Act, provided that such monies shall be used only for the purposes for which they are contributed and any balance remaining shall be returned to the contributor.

The Agency is authorized to promulgate such regulations and enter into such contracts as it may deem necessary for carrying out the provisions of this subsection.

(l) The Agency is hereby designated as water pollution agency for the state for all purposes of the Federal Water Pollution Control Act, as amended; as implementing agency for the State for all purposes of the Safe Drinking Water Act, Public Law 93-523, as now or hereafter amended, except Section 1425 of that Act; as air pollution agency for the state for all purposes of the Clean Air Act of 1970, Public Law 91-604, approved December 31, 1970, as amended; and as solid waste agency for the state for all

purposes of the Solid Waste Disposal Act, Public Law 89-272, approved October 20, 1965, and amended by the Resource Recovery Act of 1970, Public Law 91-512, approved October 26, 1970, as amended, and amended by the Resource Conservation and Recovery Act of 1976, (P.L. 94-580) approved October 21, 1976, as amended; as noise control agency for the state for all purposes of the Noise Control Act of 1972, Public Law 92-574, approved October 27, 1972, as amended; and as implementing agency for the State for all purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510), as amended; and otherwise as pollution control agency for the State pursuant to federal laws integrated with the foregoing laws, for financing purposes or otherwise. The Agency is hereby authorized to take all action necessary or appropriate to secure to the State the benefits of such federal Acts, provided that the Agency shall transmit to the United States without change any standards adopted by the Pollution Control Board pursuant to Section 5(c) of this Act. This subsection (l) of Section 4 shall not be construed to bar or prohibit the Environmental Protection Trust Fund Commission from accepting, receiving, and administering on behalf of the State any grants, gifts, loans or other funds for which the Commission is eligible pursuant to the Environmental Protection Trust Fund Act. The Agency is hereby designated as the State agency for all purposes of administering the requirements of Section 313 of the federal Emergency Planning and Community Right-to-Know Act of 1986.

Any municipality, sanitary district, or other political subdivision, or any Agency of the State or interstate Agency, which makes application for loans or grants under such federal Acts shall notify the Agency of such application; the Agency may participate in proceedings under such federal Acts.

(m) The Agency shall have authority, consistent with Section 5(c) and other provisions of this Act, and for purposes of Section 303(e) of the Federal Water Pollution Control Act, as now or hereafter amended, to engage in planning processes and activities and to develop plans in cooperation with units of local government, state agencies and officers, and other appropriate persons in connection with the jurisdiction or duties of each such unit, agency, officer or person. Public hearings shall be held on the planning process, at which any person shall be permitted to appear and be heard, pursuant to procedural regulations promulgated by the Agency.

(n) In accordance with the powers conferred upon the Agency by Sections 10(g), 13(b), 19, 22(d) and 25 of this Act, the Agency shall have authority to establish and enforce minimum standards for the operation of laboratories relating to analyses and laboratory tests for air pollution, water pollution, noise emissions, contaminant discharges onto land and sanitary, chemical, and mineral quality of water distributed by a public water supply. The Agency may enter into formal working agreements with other departments or agencies of state government under which all or portions of this authority may be delegated to the cooperating department or agency.

(o) The Agency shall have the authority to issue certificates of competency to persons and laboratories meeting the minimum standards established by the Agency in accordance with Section 4(n) of this Act and to promulgate and enforce regulations relevant to the issuance and use of such certificates. The Agency may enter into formal working agreements with other departments or agencies of state government under which all or portions of this authority may be delegated to the cooperating department or agency.

(p) Except as provided in Section 17.7, the Agency shall have the duty to analyze samples as required from each public water supply to determine compliance with the contaminant levels specified by the Pollution Control Board. The maximum number of samples which the Agency shall be required to analyze for microbiological quality shall be 6 per month, but the Agency may, at its option, analyze a larger number each month for any supply. Results of sample analyses for additional required bacteriological testing, turbidity, residual chlorine and radionuclides are to be provided to the Agency in accordance with Section 19. Owners of water supplies may enter into agreements with the Agency to provide for reduced Agency participation in sample analyses.

(q) The Agency shall have the authority to provide notice to any person who may be liable pursuant to Section 22.2(f) of this Act for a release or a substantial threat of a release of a hazardous substance or pesticide. Such notice shall include the identified response action and an opportunity for such person to perform the response action.

(r) The Agency may enter into written delegation agreements with any unit of local government under which it may delegate all or portions of its inspecting, investigating and enforcement functions. Such delegation agreements shall require that work performed thereunder be in accordance with Agency criteria and subject to Agency review. Notwithstanding any other provision of law to the contrary, no unit of local government shall be liable for any injury resulting from the exercise of its authority pursuant to such a delegation agreement unless the injury is proximately caused by the willful and wanton negligence of an agent or employee of the unit of local government, and any policy of insurance coverage issued to a unit of local government may provide for the denial of liability and the nonpayment

of claims based upon injuries for which the unit of local government is not liable pursuant to this subsection (r).

(s) The Agency shall have authority to take whatever preventive or corrective action is necessary or appropriate, including but not limited to expenditure of monies appropriated from the Build Illinois Bond Fund and the Build Illinois Purposes Fund for removal or remedial action, whenever any hazardous substance or pesticide is released or there is a substantial threat of such a release into the environment. The State, the Director, and any State employee shall be indemnified for any damages or injury arising out of or resulting from any action taken under this subsection. The Director of the Agency is authorized to enter into such contracts and agreements as are necessary to carry out the Agency's duties under this subsection.

(t) The Agency shall have authority to distribute grants, subject to appropriation by the General Assembly, to units of local government for financing and construction of wastewater facilities in both incorporated and unincorporated areas. With respect to all monies appropriated from the Build Illinois Bond Fund and the Build Illinois Purposes Fund for wastewater facility grants, the Agency shall make distributions in conformity with the rules and regulations established pursuant to the Anti-Pollution Bond Act, as now or hereafter amended.

(u) Pursuant to the Illinois Administrative Procedure Act, the Agency shall have the authority to adopt such rules as are necessary or appropriate for the Agency to implement Section 31.1 of this Act.

(v) (Blank.)

(w) Neither the State, nor the Director, nor the Board, nor any State employee shall be liable for any damages or injury arising out of or resulting from any action taken under subsection (s).

(x)(1) The Agency shall have authority to distribute grants, subject to appropriation by the General Assembly, to units of local government for financing and construction of public water supply facilities. With respect to all monies appropriated from the Build Illinois Bond Fund or the Build Illinois Purposes Fund for public water supply grants, such grants shall be made in accordance with rules promulgated by the Agency. Such rules shall include a requirement for a local match of 30% of the total project cost for projects funded through such grants.

(2) The Agency shall not terminate a grant to a unit of local government for the financing and construction of public water supply facilities unless and until the Agency adopts rules that set forth precise and complete standards, pursuant to Section 5-20 of the Illinois Administrative Procedure Act, for the termination of such grants. The Agency shall not make determinations on whether specific grant conditions are necessary to ensure the integrity of a project or on whether subagreements shall be awarded, with respect to grants for the financing and construction of public water supply facilities, unless and until the Agency adopts rules that set forth precise and complete standards, pursuant to Section 5-20 of the Illinois Administrative Procedure Act, for making such determinations. The Agency shall not issue a stop-work order in relation to such grants unless and until the Agency adopts precise and complete standards, pursuant to Section 5-20 of the Illinois Administrative Procedure Act, for determining whether to issue a stop-work order.

(y) The Agency shall have authority to release any person from further responsibility for preventive or corrective action under this Act following successful completion of preventive or corrective action undertaken by such person upon written request by the person.

(z) To the extent permitted by any applicable federal law or regulation, for all work performed for State construction projects which are funded in whole or in part by a capital infrastructure bill enacted by the 96th General Assembly by sums appropriated to the Environmental Protection Agency, at least 50% of the total labor hours must be performed by actual residents of the State of Illinois. For purposes of this subsection, "actual residents of the State of Illinois" means persons domiciled in the State of Illinois. The Department of Labor shall promulgate rules providing for the enforcement of this subsection.

(Source: P.A. 96-37, eff. 7-13-09; 96-503, eff. 8-14-09; 96-800, eff. 10-30-09; 96-1000, eff. 7-2-10.)

(415 ILCS 5/5) (from Ch. 111 1/2, par. 1005)

Sec. 5. Pollution Control Board.

(a) There is hereby created an independent board to be known as the Pollution Control Board.

Until July 1, 2003 or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later, the Board shall consist of 7 technically qualified members, no more than 4 of whom may be of the same political party, to be appointed by the Governor with the advice and consent of the Senate.

The term of each appointed member of the Board who is in office on June 30, 2003 shall terminate at the close of business on that date or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later.

Beginning on July 1, 2003 or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later, the Board shall consist of 5 technically qualified members, no more than 3 of whom may be of the same political party, to be appointed by the Governor with the advice and consent of the Senate. Members shall have verifiable technical, academic, or actual experience in the field of pollution control or environmental law and regulation.

Of the members initially appointed pursuant to this amendatory Act of the 93rd General Assembly, one shall be appointed for a term ending July 1, 2004, 2 shall be appointed for terms ending July 1, 2005, and 2 shall be appointed for terms ending July 1, 2006. Thereafter, all members shall hold office for 3 years from the first day of July in the year in which they were appointed, except in case of an appointment to fill a vacancy. In case of a vacancy in the office when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate, when he or she shall nominate some person to fill such office; and any person so nominated, who is confirmed by the Senate, shall hold the office during the remainder of the term.

Members of the Board shall hold office until their respective successors have been appointed and qualified. Any member may resign from office, such resignation to take effect when a successor has been appointed and has qualified.

Board members shall be paid $37,000 per year or an amount set by the Compensation Review Board, whichever is greater, and the Chairman shall be paid $43,000 per year or an amount set by the Compensation Review Board, whichever is greater. Each member shall devote his or her entire time to the duties of the office, and shall hold no other office or position of profit, nor engage in any other business, employment, or vocation. Each member shall be reimbursed for expenses necessarily incurred and shall make a financial disclosure upon appointment.

Each Board member may employ one secretary and one assistant, and the Chairman one secretary and 2 assistants. The Board also may employ and compensate hearing officers to preside at hearings under this Act, and such other personnel as may be necessary. Hearing officers shall be attorneys licensed to practice law in Illinois.

The Board may have an Executive Director; if so, the Executive Director shall be appointed by the Governor with the advice and consent of the Senate. The salary and duties of the Executive Director shall be fixed by the Board.

The Governor shall designate one Board member to be Chairman, who shall serve at the pleasure of the Governor.

The Board shall hold at least one meeting each month and such additional meetings as may be prescribed by Board rules. In addition, special meetings may be called by the Chairman or by any 2 Board members, upon delivery of 24 hours written notice to the office of each member. All Board meetings shall be open to the public, and public notice of all meetings shall be given at least 24 hours in advance of each meeting. In emergency situations in which a majority of the Board certifies that exigencies of time require the requirements of public notice and of 24 hour written notice to members may be dispensed with, and Board members shall receive such notice as is reasonable under the circumstances.

If there is no vacancy on the Board, 4 members of the Board shall constitute a quorum to transact business; otherwise, a majority of the Board shall constitute a quorum to transact business, and no vacancy shall impair the right of the remaining members to exercise all of the powers of the Board. Every action approved by a majority of the members of the Board shall be deemed to be the action of the Board. The Board shall keep a complete and accurate record of all its meetings.

(b) The Board shall determine, define and implement the environmental control standards applicable in the State of Illinois and may adopt rules and regulations in accordance with Title VII of this Act.

(b-5) The Board may adopt rules and regulations in accordance with Title VII of this Act as needed to fulfill the purposes of the Asbestos Abatement Act and the Commercial and Public Buildings Asbestos Abatement Act.

(c) The Board shall have authority to act for the State in regard to the adoption of standards for submission to the United States under any federal law respecting environmental protection. Such standards shall be adopted in accordance with Title VII of the Act and upon adoption shall be forwarded to the Environmental Protection Agency for submission to the United States pursuant to subsections (l) and (m) of Section 4 of this Act. Nothing in this paragraph shall limit the discretion of the Governor to delegate authority granted to the Governor under any federal law.

(d) The Board shall have authority to conduct proceedings upon complaints charging violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order; upon administrative citations; upon petitions for variances or adjusted standards; upon

petitions for review of the Agency's final determinations on permit applications in accordance with Title X of this Act; upon petitions to remove seals under Section 34 of this Act; and upon other petitions for review of final determinations which are made pursuant to this Act or Board rule and which involve a subject which the Board is authorized to regulate. The Board may also conduct other proceedings as may be provided by this Act or any other statute or rule.

(e) In connection with any proceeding pursuant to subsection (b) or (d) of this Section, the Board may subpoena and compel the attendance of witnesses and the production of evidence reasonably necessary to resolution of the matter under consideration. The Board shall issue such subpoenas upon the request of any party to a proceeding under subsection (d) of this Section or upon its own motion.

(f) The Board may prescribe reasonable fees for permits required pursuant to this Act. Such fees in the aggregate may not exceed the total cost to the Agency for its inspection and permit systems. The Board may not prescribe any permit fees which are different in amount from those established by this Act.
(Source: P.A. 95-331, eff. 8-21-07.)

(415 ILCS 5/28) (from Ch. 111 1/2, par. 1028)

Sec. 28. Proposal of regulations; procedure.

(a) Any person may present written proposals for the adoption, amendment, or repeal of the Board's regulations, and the Board may make such proposals on its own motion. If the Board finds that any such proposal is supported by an adequate statement of reasons, is accompanied by a petition signed by at least 200 persons, is not plainly devoid of merit and does not deal with a subject on which a hearing has been held within the preceding 6 months, the Board shall schedule a public hearing for consideration of the proposal. If such proposal is made by the Agency or by the Department, the Board shall schedule a public hearing without regard to the above conditions. The Board may hold one or more hearings to consider both the merits and the economics of the proposal. The Board may also in its discretion schedule a public hearing upon any proposal without regard to the above conditions.

No substantive regulation shall be adopted, amended, or repealed until after a public hearing within the area of the State concerned. In the case of state-wide regulations hearings shall be held in at least two areas. At least 20 days prior to the scheduled date of the hearing the Board shall give notice of such hearing by public advertisement in a newspaper of general circulation in the area of the state concerned of the date, time, place and purpose of such hearing; give written notice to any person in the area concerned who has in writing requested notice of public hearings; and make available to any person upon request copies of the proposed regulations, together with summaries of the reasons supporting their adoption.

Any public hearing relating to the adoption, amendment, or repeal of Board regulations under this subsection shall be held before a qualified hearing officer, who shall be attended by at least one member of the Board, designated by the Chairman. All such hearings shall be open to the public, and reasonable opportunity to be heard with respect to the subject of the hearing shall be afforded to any person. All testimony taken before the Board shall be recorded stenographically. The transcript so recorded, and any written submissions to the Board in relation to such hearings, shall be open to public inspection, and copies thereof shall be made available to any person upon payment of the actual cost of reproducing the original.

After such hearing the Board may revise the proposed regulations before adoption in response to suggestions made at the hearing, without conducting a further hearing on the revisions.

In addition, the Board may revise the proposed regulations after hearing in response to objections or suggestions made by the Joint Committee on Administrative Rules pursuant to subsection (b) of Section 5-40 and subsection (a) of Section 5-110 of the Illinois Administrative Procedure Act, where the Board finds (1) that such objections or suggestions relate to the statutory authority upon which the regulation is based, whether the regulation is in proper form, or whether adequate notice was given, and (2) that the record before the Board is sufficient to support such a change without further hearing.

Any person heard or represented at a hearing or requesting notice shall be given written notice of the action of the Board with respect to the subject thereof.

No rule or regulation, or amendment or repeal thereof, shall become effective until a certified copy thereof has been filed with the Secretary of State, and thereafter as provided in the Illinois Administrative Procedure Act as amended.

Any person who files a petition for adoption of a regulation specific to that person shall pay a filing fee.

(b) The Board shall not, on its own motion, propose regulations pursuant to subsection (a) of this Section or Sections 28.2, 28.4 or 28.5 of this Act to implement the provisions required by or related to the Clean Air Act Amendments of 1990, as now or hereafter amended. However, nothing herein shall preclude the Board from, on its own motion:

(1) making technical corrections to adopted rules pursuant to Section 100.240 of Title 1 of the Illinois Administrative Code;

(2) modifying a proposed rule following receipt of comments, objections, or suggestions without agreement of the proponent after the end of the hearing and comment period;

(3) initiating procedural rulemaking in accordance with Section 26 of this Act; or

(4) initiating rulemaking necessitated by a court order directed to the Board.

(Source: P.A. 87-860; 87-1213; 88-45.)

(415 ILCS 5/59 new)

Sec. 59. Asbestos Abatement Act; Commercial and Public Buildings Asbestos Abatement Act.

(a) On July 1, 2013, all powers, duties, rights, and responsibilities of the Department of Public Health and the Director of Public Health under the Asbestos Abatement Act and the Commercial and Public Buildings Asbestos Abatement Act, other than those related to the licensure of persons and entities to perform the functions regulated by those Acts, are transferred to the Illinois Environmental Protection Agency and the Director of the Illinois Environmental Protection Agency. In the context of any laws or rules needed to implement or enforce the non-licensing related provisions of either the Asbestos Abatement Act or the Commercial and Public Buildings Asbestos Abatement Act, including, but not limited to, Part 855 of Title 77 of the Illinois Administrative Code, on and after July 1, 2013, all references to the Department of Public Health shall be construed to mean the Illinois Environmental Protection Agency, and all references to the Director of Public Health shall be construed to mean the Director of the Illinois Environmental Protection Agency.

(b) Those employees of the Department of Public Health needed to administer either the Asbestos Abatement Act or the Commercial and Public Buildings Asbestos Abatement Act, other than those employees who perform work related to the licensure of persons and entities to perform the functions regulated by those Acts, shall be transferred to the Illinois Environmental Protection Agency. The status and rights of such employees under the Personnel Code shall not be affected by the transfer. The rights of the employees and the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement, or annuity plan shall not be affected by this amendatory Act of the 98th General Assembly.

(c) All books, records, papers, documents, property (real and personal), contracts, causes of action, and pending business pertaining to the powers, duties, rights, and responsibilities transferred by this amendatory Act from the Department of Public Health to the Illinois Environmental Protection Agency, including, but not limited to, material in electronic or magnetic format and necessary computer hardware and software, shall be transferred to the Illinois Environmental Protection Agency.

(d) All unexpended appropriations and balances and other funds available for use by the Department of Public Health for the administration of the Asbestos Abatement Act or the Commercial and Public Buildings Asbestos Abatement Act shall be transferred for use by the Illinois Environmental Protection Agency pursuant to the direction of the Director of the Illinois Environmental Protection Agency. Unexpended balances so transferred shall be expended only for the purpose for which the appropriations were originally made.

(e) Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Department of Public Health in connection with any of the powers, duties, rights, and responsibilities transferred by this amendatory Act of the 98th General Assembly, the same shall be made, given, furnished, or served in the same manner to or upon the Illinois Environmental Protection Agency.

(f) This amendatory Act of the 98th General Assembly does not affect any act done, ratified, or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil, or criminal cause by the Department of Public Health before this amendatory Act of the 98th General Assembly takes effect; such actions or proceedings may be prosecuted and continued by the Illinois Environmental Protection Agency.

(g) Any rules of the Department of Public Health in connection with any of the non-licensing related powers, duties, rights, and responsibilities transferred by this amendatory Act of the 98th General Assembly and that are in full force on the effective date of this amendatory Act of the 98th General Assembly shall become the rules of the Illinois Pollution Control Board. This amendatory Act of the 98th General Assembly does not affect the legality of any such rules in the Illinois Administrative Code.

Any proposed rules filed with the Secretary of State by the Department of Public Health in connection with any of the non-licensing related powers, duties, rights, and responsibilities transferred by this amendatory Act of the 98th General Assembly that are pending in the rulemaking process on the effective date of this amendatory Act of the 98th General Assembly and pertain to the non-licensing related powers, duties, rights, and responsibilities transferred, shall be deemed to have been filed by the

Illinois Environmental Protection Agency.

As soon as practicable after the effective date of this amendatory Act of the 98th General Assembly, the Illinois Environmental Protection Agency shall review, revise and clarify the rules transferred to it under this amendatory Act of the 98th General Assembly to reflect the reorganization of powers, duties, rights, and responsibilities affected by this amendatory Act of the 98th General Assembly, using the procedures for recodification of rules available under the Illinois Administrative Procedure Act, except that existing title, part, and section numbering for the affected rules may be retained. In so doing, the Illinois Environmental Protection Agency shall ensure that a single set of standards apply to all parties similarly situated.

Under no circumstances shall this process, or the re-codification of rules provided for under this subsection (g), allow for the weakening of protection from asbestos exposure or increase the risk to human health or the environment therefrom.

(h) Asbestos Advisory Committee.

(1) There is created the Asbestos Advisory Committee, composed of the following members appointed by the Governor:

(A) one member recommended by the Illinois Chamber of Commerce;

(B) one member recommended by the Illinois Association of Realtors;

(C) one member recommended by the Illinois Municipal League;

(D) one member recommended by the Illinois Statewide School Management Alliance;

(E) one member recommended by the Illinois Specialty and Mechanical Contractors Association;

(F) one member recommended by the Chicago Local Section of the American Industrial Hygiene Association;

(G) one member recommended by the Illinois Environmental Contractors Association;

(H) one member recommended by the American Federation of Labor and Congress of Industrial Organizations (AFL–CIO);

(I) one member recommended by the Illinois Chapter of the American Institute of Architects;

(J) one member employed by an Illinois-based business providing asbestos consulting services;

(K) one member employed by an Illinois-based business providing Illinois-approved asbestos training courses;

(L) one member recommended by the Heat and Frost Insulators and Asbestos Workers Union;

(M) one member recommended by the Illinois Pipe Trades Association; and

(N) one member recommended by the Laborers International Union of North America.

Administrative support shall be provided to the Committee by the Environmental Protection Agency.

(2) The members of the Committee shall be appointed for terms of 4 years, and may be reappointed; appointments to fill vacancies shall be for the balance of the current term. Members shall serve without compensation, but may be reimbursed for actual expenses from funds appropriated for that purpose. Members shall elect annually from their number a chairperson and such other officers as they may deem necessary. The Committee shall meet at least annually and at the call of the chairperson.

(3) The Committee shall:

(A) review, evaluate, and make recommendations to the Director of the Environmental Protection Agency regarding laws, rules, and procedures related to asbestos remediation;

(B) review, evaluate, and make recommendations to the Director of Public Health regarding the training and licensing of persons and entities to engage in asbestos remediation;

(C) make recommendations to the Director of the Environmental Protection Agency relating to the efforts to implement this Section, together with the changes in this amendatory Act of the 98th General Assembly to the Asbestos Abatement Act and the Commercial and Public Buildings Act; and

(D) make recommendations to the Director of Public Health relating to the efforts to implement this Section and the Asbestos Occupations Licensure Act, together with the changes in this amendatory Act of the 98th General Assembly to the Asbestos Abatement Act and the Commercial and Public Buildings Act.

(i) On and after the effective date of this amendatory Act of the 98th General Assembly, except for those functions expressly provided for in the Asbestos Occupations Licensure Act, all rulemaking by the Agency in carrying out its responsibilities under the Asbestos Abatement Act and the Commercial and Public Buildings Act shall be done by the Pollution Control Board in accordance with Title VII of this Act.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Haine, **Senate Bill No. 1961** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Link	Radogno
Barickman	Frerichs	Luechtefeld	Raoul
Bertino-Tarrant	Haine	Manar	Rezin
Biss	Harmon	Martinez	Righter
Bivins	Harris	McCann	Rose
Brady	Hastings	McCarter	Silverstein
Bush	Holmes	McConnaughay	Stadelman
Clayborne	Hunter	McGuire	Steans
Collins	Hutchinson	Morrison	Sullivan
Connelly	Jones, E.	Mulroe	Syverson
Cullerton, T.	Koehler	Muñoz	Van Pelt
Cunningham	Kotowski	Murphy	Mr. President
Delgado	LaHood	Noland	
Dillard	Landek	Oberweis	

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

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

SENATE BILL RECALLED

On motion of Senator Althoff, **Senate Bill No. 2136** 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 Executive.

Senator Althoff offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2136

AMENDMENT NO. _2_. Amend Senate Bill 2136 by replacing everything after the enacting clause with the following:

"Section 5. The Automatic Telephone Dialers Act is amended by changing Section 30 and by adding Section 22 as follows:

(815 ILCS 305/22 new)

Sec. 22. Recordkeeping.

(a) A person who operates an autodialer to communicate a commercial message shall maintain a list of all telephone numbers called.

(b) A person who operates an autodialer to communicate a commercial message shall maintain records to sufficiently document any exemption claimed under Section 20 of this Act.

(815 ILCS 305/30) (from Ch. 134, par. 130)

Sec. 30. Violations.

(a) It is a violation of this Act to make or cause to be made telephone calls utilizing an autodialer to any emergency telephone number as defined in Section 5. It is a violation of this Act to make or cause to be made telephone calls utilizing an autodialer in a manner that does not comply with Section 15.

(b) It is a violation of this Act to play a prerecorded message placed by an autodialer without the consent of the called party.

(c) Enforcement by customer. Any customer injured by a violation of this Act may bring an action for the recovery of damages. Judgment may be entered for 3 times the amount at which the actual damages are assessed, plus costs and reasonable attorney fees.

(c-5) In addition to the damages authorized under subsection (c), a consumer may obtain statutory damages in the amount of $500 per violation.

(d) Enforcement by Attorney General. Violation of any of the provisions of this Act is an unlawful practice under Section 2Z of the Consumer Fraud and Deceptive Business Practices Act. All remedies, penalties and authority granted to the Attorney General by that Act shall be available to him for the enforcement of this Act. In any action brought by the Attorney General to enforce this Act, the court may order that persons who incurred actual damages be awarded the amount at which actual damages are assessed. In addition to actual damages, a court may order that each person who received a call in violation of this Act be awarded statutory damages in the amount of $500 per violation.
(Source: P.A. 91-182, eff. 1-1-00.)

Section 10. The Restricted Call Registry Act is amended by adding Sections 45 and 50 as follows:

(815 ILCS 402/45 new)

Sec. 45. Recordkeeping.

(a) A person who makes or causes to be made calls to communicate a commercial message subject to this Act shall maintain a list of all telephone numbers called.

(b) A person who makes or causes to be made calls to communicate a commercial message subject to this Act shall maintain records to sufficiently document any exemption claimed under Section 40 of this Act.

(815 ILCS 402/50 new)

Sec. 50. Enforcement by subscriber. Any subscriber who receives a call in violation of this Act may bring an action for the recovery of damages. In addition to actual damages, if any, the subscriber may obtain statutory damages in the amount of $500 per violation.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Althoff, **Senate Bill No. 2136** 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 52; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Luechtefeld	Raoul
Barickman	Frerichs	Manar	Rezin
Bertino-Tarrant	Haine	Martinez	Righter
Biss	Harris	McCann	Rose
Bivins	Hastings	McCarter	Silverstein
Brady	Holmes	McConnaughay	Stadelman
Bush	Hunter	McGuire	Steans
Clayborne	Hutchinson	Morrison	Sullivan

Collins	Jones, E.	Mulroe	Syverson
Connelly	Koehler	Muñoz	Mr. President
Cullerton, T.	Kotowski	Murphy	
Cunningham	LaHood	Noland	
Delgado	Landek	Oberweis	
Dillard	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.

SENATE BILL RECALLED

On motion of Senator Harmon, **Senate Bill No. 2187** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2187

AMENDMENT NO. 1. Amend Senate Bill 2187 by replacing everything after the enacting clause with the following:

"Section 5. The Clinical Psychologist Licensing Act is amended by changing Section 2 and by adding Sections 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, and 4.8 as follows:

(225 ILCS 15/2) (from Ch. 111, par. 5352)

(Section scheduled to be repealed on January 1, 2017)

Sec. 2. Definitions. As used in this Act:

(1) "Department" means the Department of Financial and Professional Regulation.

(2) "Secretary" means the Secretary of Financial and Professional Regulation.

(3) "Board" means the Clinical Psychologists Licensing and Disciplinary Board appointed by the Secretary.

(4) "Person" means an individual, association, partnership or corporation.

(5) "Clinical psychology" means the independent evaluation, classification and treatment of mental, emotional, behavioral or nervous disorders or conditions, developmental disabilities, alcoholism and substance abuse, disorders of habit or conduct, the psychological aspects of physical illness. The practice of clinical psychology includes psychoeducational evaluation, therapy, remediation and consultation, the use of psychological and neuropsychological testing, assessment, psychotherapy, psychoanalysis, hypnosis, biofeedback, and behavioral modification when any of these are used for the purpose of preventing or eliminating psychopathology, or for the amelioration of psychological disorders of individuals or groups. "Clinical psychology" does not include the use of hypnosis by unlicensed persons pursuant to Section 3.

(6) A person represents himself to be a "clinical psychologist" within the meaning of this Act when he or she holds himself out to the public by any title or description of services incorporating the words "psychological", "psychologic", "psychologist", "psychology", or "clinical psychologist" or under such title or description offers to render or renders clinical psychological services as defined in paragraph (7) of this Section to individuals, corporations, or the public for remuneration.

(7) "Clinical psychological services" refers to any services under paragraph (5) of this Section if the words "psychological", "psychologic", "psychologist", "psychology" or "clinical psychologist" are used to describe such services by the person or organization offering to render or rendering them.

(8) "Drugs" has the meaning given to that term in the Pharmacy Practice Act.

(9) "Medicines" has the meaning given to that term in the Pharmacy Practice Act.

(10) "Prescription" means an order for a drug, laboratory test, or any medicines, including controlled substances as defined the Illinois Controlled Substances Act, devices, or treatments.

(11) "Prescriptive authority" means the authority to prescribe and dispense drugs, medicines, or other treatment procedures.

(12) "Prescribing psychologist" means a licensed, doctoral level psychologist who has undergone

specialized training, has passed an examination accepted by the Board, and has received a current certificate granting prescriptive authority that has not been revoked or suspended from the Board.

(13) "Cross-indicated drug" means a drug that is used for a purpose generally held to be reasonable, appropriate, and within the community standards of practice even though the use is not included in the federal Food and Drug Administration's approved labeled indications for the drug.

This Act shall not apply to persons lawfully carrying on their particular profession or business under any valid existing regulatory Act of the State.

(Source: P.A. 94-870, eff. 6-16-06.)

(225 ILCS 15/4.1 new)

Sec. 4.1. Prescribing psychologist certification; prescriptive authority. The Board shall grant certification as prescribing psychologists to doctoral level psychologists licensed under this Act. The certification shall grant prescribing psychologists prescriptive authority to prescribe and dispense drugs in accordance with Sections 4.4 and 4.5 of this Act. The Board shall develop and implement procedures and criteria for reviewing educational and training credentials for the certification process and the extent of prescriptive authority, in accordance with current standards of professional practice.

(225 ILCS 15/4.2 new)

Sec. 4.2. Prescribing psychologist certification application requirements.

(a) The Department shall grant prescribing psychologists certification to a psychologist who applies for certification and demonstrates by official transcript or other official evidence satisfactory to the Board:

(1) completion of a doctoral program in psychology from a regionally accredited university or professional school or, if the program is not accredited at the time of graduation, completion of a doctoral program in psychology that meets recognized acceptable professional standards as determined by the Board;

(2) possession of a current and valid license to practice psychology in the State;

(3) graduation with a master's degree in clinical psychopharmacology from a regionally accredited institution, the curriculum of which shall include instruction in anatomy and physiology, biochemistry, neurosciences, pharmacology, psychopharmacology, clinical medicine, pathophysiology, and physical and laboratory assessment;

(4) within the 5 years immediately preceding the date of application, certification by the applicant's supervising psychiatrist or physician as having successfully completed a supervised and relevant clinical experience approved by the Board of no less than an 80-hour practicum in clinical assessment and pathophysiology and an additional supervised practicum of at least 400 hours treating no fewer than 100 patients with mental disorders; both practica shall be supervised by an appropriately trained physician or a prescribing psychologist determined by the Board as competent to train the applicant in the treatment of a diverse patient population; a portion of the clinical experience shall occur in one or more of the following settings:

(A) correctional facilities;

(B) federally qualified health centers, as defined in the Social Security Act (42 U.S.C. 1396d); or

(C) community service agencies serving the seriously mentally ill;

(D) local, State, or federal facilities; and

(5) successful completion of a National certifying exam.

(225 ILCS 15/4.3 new)

Sec. 4.3. Renewal of prescribing psychologist certification.

(a) The Board shall establish, by rule, a method for the renewal every 2 years of prescribing psychologist certificates at the time of, or in conjunction with, the renewal of clinical psychology licenses.

(b) Each applicant for renewal of prescribing psychologist certification shall present satisfactory evidence to the Board demonstrating the completion of 24 required hours of instruction relevant to prescriptive authority during the 24 months prior to application for renewal. A minimum of 20% of a prescribing psychologist's required hours of instruction shall be provided by a statewide organization representing licensed psychologists.

(225 ILCS 15/4.4 new)

Sec. 4.4. Prescribing practices.

(a) Every prescription by a prescribing psychologist shall (1) comply with all applicable State and federal laws, (2) be identified as issued by the psychologist as a prescribing psychologist, and (3) include the prescribing psychologist's identification number, as assigned by the Board.

(b) Records of all prescriptions shall be maintained in patient records.

(c) A prescribing psychologist shall not delegate the prescriptive authority to any other person.

(d) A prescribing psychologist shall maintain a written collaborative agreement with a physician. For the purposes of this Section, "collaborative agreement" means a cooperative working relationship between a prescribing psychologist and a physician, including diagnosis and cooperation in the management and delivery of physical and mental health care as described in Section 4.8.

(e) A prescribing psychologist shall undertake the following measures to ensure patient safety:

(1) collect a medical and family history;

(2) conduct a mental status examination and mental health differential diagnosis;

(3) collect information on risk factors related to the diagnostic condition;

(4) collect information on food and drug allergies;

(5) collect information on patient medications;

(6) provide patient education on prescriptions, including dosing requirements and instructions, expected benefits, and potential side effects;

(7) record any adverse effects from prescriptions; and

(8) maintain progress notes, including a follow-up plan, discharge plan, and other plans as needed.

(225 ILCS 15/4.5 new)

Sec. 4.5. Controlled substance prescriptive authority.

(a) When authorized to prescribe controlled substances, a prescribing psychologist shall file, in a timely manner, any individual Drug Enforcement Agency registrations and identification numbers with the Board.

(b) The Board shall maintain current records of every prescribing psychologist, including Drug Enforcement Agency registration and identification numbers.

(c) The delegated prescriptive authority under this Act is limited to:

(1) a drug that is classified as an antianxiety, antidepressant, or antipsychotic central nervous system drug in the most recent publication of Drug Facts and Comparisons (published by the Facts and Comparisons Division of J.B. Lippincott Company);

(2) a drug that is a cross-indicated drug for the central nervous system drug classification, described in paragraph (1) of this subsection (c), according to any of the following:

(A) the American Psychiatric Press Textbook of Psychopharmacy;

(B) Current Clinical Strategies for Psychiatry

(C) Drug Facts and Comparisons; or

(D) a publication with a focus and content similar to publications described in items (A), (B), and (C); or

(3) a drug that is:

(A) classified in a central nervous system drug category or classification (according to Drug Facts and Comparisons) that is created after March 12, 2002; and

(B) prescribed for the treatment of a mental illness (as defined in the most recent publication of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders or the World Health Organization's International Statistical Classification of Diseases and Related Health Problems Chapter on Mental and Behavioral).

(d) To prescribe controlled substances under this Section, a prescribing psychologist shall obtain a mid-level practitioner controlled substance license. Medication orders shall be reviewed periodically by the collaborating physician.

(e) The collaborating physician shall file with the Department notice of delegation of prescriptive authority and termination of such delegation in accordance with rules of the Department. Upon receipt of this notice of delegating authority to prescribe any Schedule II through V controlled substances, the licensed advanced practice nurse shall be eligible to register for a mid-level practitioner controlled substance license under Section 303.05 of the Illinois Controlled Substances Act.

(f) Nothing in this Act shall be construed to limit the method of delegation that may be authorized by any means, including, but not limited to, oral, written, electronic, standing orders, protocols, guidelines, or verbal orders.

(g) Any prescribing psychologist who writes a prescription for a controlled substance without having a valid appropriate authority may be fined by the Department not more than $50 per prescription and the Department may take any other disciplinary action provided for in this Act.

(h) Nothing in this Section shall be construed to prohibit generic substitution.

(225 ILCS 15/4.6 new)

Sec. 4.6. State Board of Pharmacy interaction.

(a) The Board shall transmit to the State Board of Pharmacy an annual list of prescribing psychologists containing the following information:

(1) the name of the prescribing psychologist;

(2) the prescribing psychologist's identification number assigned by the Board; and

(3) the effective dates of the prescribing psychologist's certification.

(b) The Board shall promptly forward to the Board of Pharmacy the names and titles of psychologists added to or deleted from the annual list of prescribing psychologists.

(c) The Board shall notify the State Board of Pharmacy, in a timely manner, upon termination, suspension, or reinstatement of a psychologist's certification as a prescribing psychologist.

(225 ILCS 15/4.7 new)

Sec. 4.7. Endorsement.

(a) Individuals who are already licensed as medical or prescribing psychologists in another state may apply for an Illinois license by endorsement from that state, or acceptance of that state's examination. Applicants from other states may not be required to pass an examination in Illinois if they meet requirements set forth in this Act and its rules, such as proof of education, testing, and experience. The Board shall not issue a license until it has received and approved all documentation.

(b) Individuals who graduated from the Department of Defense Psychopharmacology Demonstration Project may apply for an Illinois license by endorsement. Applicants from the Department of Defense Psychopharmacology Demonstration Project may not be required to pass an examination in Illinois if they meet requirements set forth in this Act and its rules, such as proof of education, testing, and experience. The Board shall not issue a license until it has received and approved all documentation.

(225 ILCS 15/4.8 new)

Sec. 4.8. Written collaborative agreements.

(a) A written collaborative agreement is required for all prescribing psychologists, except for prescribing psychologists who are authorized to practice in a hospital. A collaborating physician may, but is not required to, delegate prescriptive authority to a prescribing psychologist as part of a written collaborative agreement.

(b) A written collaborative agreement shall describe the working relationship of the prescribing psychologist with the collaborating physician and shall delegate prescriptive authority as provided in this Act. Collaboration does not require an employment relationship between the collaborating physician and prescribing psychologist. Absent an employment relationship, an agreement may not restrict the categories of patients or third-party payment sources accepted by the prescribing psychologist. "Collaboration" means the relationship under which a prescribing psychologist works with a collaborating physician to deliver prescribing services in accordance with (i) the prescribing psychologist's training, education, and experience and (ii) collaboration and consultation as documented in a jointly developed written collaborative agreement. The agreement shall promote the exercise of professional judgment by the prescribing psychologist corresponding to his or her education and experience. The collaborative relationship under an agreement shall not be construed to require the personal presence of a physician at the place where services are rendered. Methods of communication shall be available for consultation with the collaborating physician in person or by telecommunications in accordance with established written guidelines as set forth in the written agreement.

(c) Collaboration and consultation under all collaboration agreements shall be adequate if a collaborating physician does each of the following:

(1) participates in the joint formulation and joint approval of orders or guidelines with the prescribing psychologist and he or she periodically reviews the orders and the services provided patients under the orders in accordance with accepted standards of medical practice and prescribing psychologist practice;

(2) provides collaboration and consultation with the prescribing psychologist at least once a month; and

(3) is available through telecommunications for consultation on medical problems, complications, emergencies, or patient referral.

The written collaborative agreement shall contain provisions detailing notice for termination or change of status involving a written collaborative agreement, except when the notice is given for just cause.

(d) A copy of the signed written collaborative agreement shall be available to the Department upon request to either the prescribing psychologist or the collaborating physician.

(e) Nothing in this Section shall be construed to limit the authority of a prescribing psychologist to perform all duties authorized under this Act.

(f) A prescribing psychologist shall inform each collaborating physician of all collaborative agreements he or she has signed and provide a copy of these to any collaborating physician.

Section 10. The Medical Practice Act of 1987 is amended by changing Section 54.5 as follows:

(225 ILCS 60/54.5)

(Section scheduled to be repealed on December 31, 2013)

Sec. 54.5. Physician delegation of authority to physician assistants and advanced practice nurses.

(a) Physicians licensed to practice medicine in all its branches may delegate care and treatment responsibilities to a physician assistant under guidelines in accordance with the requirements of the Physician Assistant Practice Act of 1987. A physician licensed to practice medicine in all its branches may enter into supervising physician agreements with no more than 5 physician assistants as set forth in subsection (a) of Section 7 of the Physician Assistant Practice Act of 1987.

(b) A physician licensed to practice medicine in all its branches in active clinical practice may collaborate with an advanced practice nurse in accordance with the requirements of the Nurse Practice Act. Collaboration is for the purpose of providing medical consultation, and no employment relationship is required. A written collaborative agreement shall conform to the requirements of Section 65-35 of the Nurse Practice Act. The written collaborative agreement shall be for services the collaborating physician generally provides to his or her patients in the normal course of clinical medical practice. A written collaborative agreement shall be adequate with respect to collaboration with advanced practice nurses if all of the following apply:

(1) The agreement is written to promote the exercise of professional judgment by the advanced practice nurse commensurate with his or her education and experience. The agreement need not describe the exact steps that an advanced practice nurse must take with respect to each specific condition, disease, or symptom, but must specify those procedures that require a physician's presence as the procedures are being performed.

(2) Practice guidelines and orders are developed and approved jointly by the advanced practice nurse and collaborating physician, as needed, based on the practice of the practitioners. Such guidelines and orders and the patient services provided thereunder are periodically reviewed by the collaborating physician.

(3) The advance practice nurse provides services the collaborating physician generally provides to his or her patients in the normal course of clinical practice, except as set forth in subsection (b-5) of this Section. With respect to labor and delivery, the collaborating physician must provide delivery services in order to participate with a certified nurse midwife.

(4) The collaborating physician and advanced practice nurse consult at least once a month to provide collaboration and consultation.

(5) Methods of communication are available with the collaborating physician in person or through telecommunications for consultation, collaboration, and referral as needed to address patient care needs.

(6) The agreement contains provisions detailing notice for termination or change of status involving a written collaborative agreement, except when such notice is given for just cause.

(b-5) An anesthesiologist or physician licensed to practice medicine in all its branches may collaborate with a certified registered nurse anesthetist in accordance with Section 65-35 of the Nurse Practice Act for the provision of anesthesia services. With respect to the provision of anesthesia services, the collaborating anesthesiologist or physician shall have training and experience in the delivery of anesthesia services consistent with Department rules. Collaboration shall be adequate if:

(1) an anesthesiologist or a physician participates in the joint formulation and joint approval of orders or guidelines and periodically reviews such orders and the services provided patients under such orders; and

(2) for anesthesia services, the anesthesiologist or physician participates through discussion of and agreement with the anesthesia plan and is physically present and available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions. Anesthesia services in a hospital shall be conducted in accordance with Section 10.7 of the Hospital Licensing Act and in an ambulatory surgical treatment center in accordance with Section 6.5 of the Ambulatory Surgical Treatment Center Act.

(b-10) The anesthesiologist or operating physician must agree with the anesthesia plan prior to the delivery of services.

(c) The supervising physician shall have access to the medical records of all patients attended by a physician assistant. The collaborating physician shall have access to the medical records of all patients attended to by an advanced practice nurse.

(d) (Blank).

(e) A physician shall not be liable for the acts or omissions of a <u>prescribing psychologist,</u> physician assistant<u>,</u> or advanced practice nurse solely on the basis of having signed a supervision agreement or guidelines or a collaborative agreement, an order, a standing medical order, a standing delegation order,

or other order or guideline authorizing a prescribing psychologist, physician assistant, or advanced practice nurse to perform acts, unless the physician has reason to believe the prescribing psychologist, physician assistant, or advanced practice nurse lacked the competency to perform the act or acts or commits willful and wanton misconduct.

(f) A collaborating physician may, but is not required to, delegate prescriptive authority to an advanced practice nurse as part of a written collaborative agreement, and the delegation of prescriptive authority shall conform to the requirements of Section 65-40 of the Nurse Practice Act.

(g) A supervising physician may, but is not required to, delegate prescriptive authority to a physician assistant as part of a written supervision agreement, and the delegation of prescriptive authority shall conform to the requirements of Section 7.5 of the Physician Assistant Practice Act of 1987.

(h) A collaborating physician may, but is not required to, delegate prescriptive authority to a prescribing psychologist as part of a written collaborative agreement, and the delegation of prescriptive authority shall conform to the requirements of Section 4.8 of the Clinical Psychologist Licensing Act.

(Source: P.A. 96-618, eff. 1-1-10; 97-358, eff. 8-12-11; 97-1071, eff. 8-24-12.)

Section 15. The Illinois Controlled Substances Act is amended by changing Section 102 as follows:

(720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

Sec. 102. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Addict" means any person who habitually uses any drug, chemical, substance or dangerous drug other than alcohol so as to endanger the public morals, health, safety or welfare or who is so far addicted to the use of a dangerous drug or controlled substance other than alcohol as to have lost the power of self control with reference to his or her addiction.

(b) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient, research subject, or animal (as defined by the Humane Euthanasia in Animal Shelters Act) by:

(1) a practitioner (or, in his or her presence, by his or her authorized agent),

(2) the patient or research subject pursuant to an order, or

(3) a euthanasia technician as defined by the Humane Euthanasia in Animal Shelters Act.

(c) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, dispenser, prescriber, or practitioner. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(c-1) "Anabolic Steroids" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone), and includes:

(i) 3[beta],17-dihydroxy-5a-androstane,

(ii) 3[alpha],17[beta]-dihydroxy-5a-androstane,

(iii) 5[alpha]-androstan-3,17-dione,

(iv) 1-androstenediol (3[beta], 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

(v) 1-androstenediol (3[alpha], 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

(vi) 4-androstenediol (3[beta],17[beta]-dihydroxy-androst-4-ene),

(vii) 5-androstenediol (3[beta],17[beta]-dihydroxy-androst-5-ene),

(viii) 1-androstenedione ([5alpha]-androst-1-en-3,17-dione),

(ix) 4-androstenedione (androst-4-en-3,17-dione),

(x) 5-androstenedione (androst-5-en-3,17-dione),

(xi) bolasterone (7[alpha],17a-dimethyl-17[beta]-hydroxyandrost-4-en-3-one),

(xii) boldenone (17[beta]-hydroxyandrost-1,4,-diene-3-one),

(xiii) boldione (androsta-1,4-diene-3,17-dione),

(xiv) calusterone (7[beta],17[alpha]-dimethyl-17 [beta]-hydroxyandrost-4-en-3-one),

(xv) clostebol (4-chloro-17[beta]-hydroxyandrost-4-en-3-one),
(xvi) dehydrochloromethyltestosterone (4-chloro-17[beta]-hydroxy-17[alpha]-methyl-androst-1,4-dien-3-one),
(xvii) desoxymethyltestosterone (17[alpha]-methyl-5[alpha]-androst-2-en-17[beta]-ol)(a.k.a., madol),
(xviii) [delta]1-dihydrotestosterone (a.k.a. '1-testosterone') (17[beta]-hydroxy-5[alpha]-androst-1-en-3-one),
(xix) 4-dihydrotestosterone (17[beta]-hydroxy-androstan-3-one),
(xx) drostanolone (17[beta]-hydroxy-2[alpha]-methyl-5[alpha]-androstan-3-one),
(xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-hydroxyestr-4-ene),
(xxii) fluoxymesterone (9-fluoro-17[alpha]-methyl-1[beta],17[beta]-dihydroxyandrost-4-en-3-one),
(xxiii) formebolone (2-formyl-17[alpha]-methyl-11[alpha], 17[beta]-dihydroxyandrost-1,4-dien-3-one),
(xxiv) furazabol (17[alpha]-methyl-17[beta]-hydroxyandrostano[2,3-c]-furazan),
(xxv) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one)
(xxvi) 4-hydroxytestosterone (4,17[beta]-dihydroxy-androst-4-en-3-one),
(xxvii) 4-hydroxy-19-nortestosterone (4,17[beta]-dihydroxy-estr-4-en-3-one),
(xxviii) mestanolone (17[alpha]-methyl-17[beta]-hydroxy-5-androstan-3-one),
(xxix) mesterolone (1amethyl-17[beta]-hydroxy-[5a]-androstan-3-one),
(xxx) methandienone (17[alpha]-methyl-17[beta]-hydroxyandrost-1,4-dien-3-one),
(xxxi) methandriol (17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-5-ene),
(xxxii) methenolone (1-methyl-17[beta]-hydroxy-5[alpha]-androst-1-en-3-one),
(xxxiii) 17[alpha]-methyl-3[beta], 17[beta]-dihydroxy-5a-androstane),
(xxxiv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy-5a-androstane),
(xxxv) 17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-4-ene),
(xxxvi) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),
(xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9(10)-dien-3-one),
(xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9-11-trien-3-one),
(xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-hydroxyandrost-4-en-3-one),
(xl) mibolerone (7[alpha],17a-dimethyl-17[beta]-hydroxyestr-4-en-3-one),
(xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone (17b[beta]-hydroxy-17[alpha]-methyl-5[alpha]-androst-1-en-3-one)(a.k.a. '17-[alpha]-methyl-1-testosterone'),
(xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one),
(xliii) 19-nor-4-androstenediol (3[beta], 17[beta]-

dihydroxyestr-4-ene),
(xliv) 19-nor-4-androstenediol (3[alpha], 17[beta]-dihydroxyestr-4-ene),
(xlv) 19-nor-5-androstenediol (3[beta], 17[beta]-dihydroxyestr-5-ene),
(xlvi) 19-nor-5-androstenediol (3[alpha], 17[beta]-dihydroxyestr-5-ene),
(xlvii) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione),
(xlviii) 19-nor-4-androstenedione (estr-4-en-3,17-dione),
(xlix) 19-nor-5-androstenedione (estr-5-en-3,17-dione),
(l) norbolethone (13[beta], 17a-diethyl-17[beta]-hydroxygon-4-en-3-one),
(li) norclostebol (4-chloro-17[beta]-hydroxyestr-4-en-3-one),
(lii) norethandrolone (17[alpha]-ethyl-17[beta]-hydroxyestr-4-en-3-one),
(liii) normethandrolone (17[alpha]-methyl-17[beta]-hydroxyestr-4-en-3-one),
(liv) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-2-oxa-5[alpha]-androstan-3-one),
(lv) oxymesterone (17[alpha]-methyl-4,17[beta]-dihydroxyandrost-4-en-3-one),
(lvi) oxymetholone (17[alpha]-methyl-2-hydroxymethylene-17[beta]-hydroxy-(5[alpha]-androstan-3-one),
(lvii) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-(5[alpha]-androst-2-eno[3,2-c]-pyrazole),
(lviii) stenbolone (17[beta]-hydroxy-2-methyl-(5[alpha]-androst-1-en-3-one),
(lix) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone),
(lx) testosterone (17[beta]-hydroxyandrost-4-en-3-one),
(lxi) tetrahydrogestrinone (13[beta], 17[alpha]-diethyl-17[beta]-hydroxygon-4,9,11-trien-3-one),
(lxii) trenbolone (17[beta]-hydroxyestr-4,9,11-trien-3-one).

Any person who is otherwise lawfully in possession of an anabolic steroid, or who otherwise lawfully manufactures, distributes, dispenses, delivers, or possesses with intent to deliver an anabolic steroid, which anabolic steroid is expressly intended for and lawfully allowed to be administered through implants to livestock or other nonhuman species, and which is approved by the Secretary of Health and Human Services for such administration, and which the person intends to administer or have administered through such implants, shall not be considered to be in unauthorized possession or to unlawfully manufacture, distribute, dispense, deliver, or possess with intent to deliver such anabolic steroid for purposes of this Act.

(d) "Administration" means the Drug Enforcement Administration, United States Department of Justice, or its successor agency.

(d-5) "Clinical Director, Prescription Monitoring Program" means a Department of Human Services administrative employee licensed to either prescribe or dispense controlled substances who shall run the clinical aspects of the Department of Human Services Prescription Monitoring Program and its Prescription Information Library.

(d-10) "Compounding" means the preparation and mixing of components, excluding flavorings, (1) as the result of a prescriber's prescription drug order or initiative based on the prescriber-patient-pharmacist relationship in the course of professional practice or (2) for the purpose of, or incident to, research, teaching, or chemical analysis and not for sale or dispensing. "Compounding" includes the preparation of

drugs or devices in anticipation of receiving prescription drug orders based on routine, regularly observed dispensing patterns. Commercially available products may be compounded for dispensing to individual patients only if both of the following conditions are met: (i) the commercial product is not reasonably available from normal distribution channels in a timely manner to meet the patient's needs and (ii) the prescribing practitioner has requested that the drug be compounded.

(e) "Control" means to add a drug or other substance, or immediate precursor, to a Schedule whether by transfer from another Schedule or otherwise.

(f) "Controlled Substance" means (i) a drug, substance, or immediate precursor in the Schedules of Article II of this Act or (ii) a drug or other substance, or immediate precursor, designated as a controlled substance by the Department through administrative rule. The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in the Liquor Control Act and the Tobacco Products Tax Act.

(f-5) "Controlled substance analog" means a substance:

(1) the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II;

(2) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II; or

(3) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II.

(g) "Counterfeit substance" means a controlled substance, which, or the container or labeling of which, without authorization bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

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

(i) "Department" means the Illinois Department of Human Services (as successor to the Department of Alcoholism and Substance Abuse) or its successor agency.

(j) (Blank).

(k) "Department of Corrections" means the Department of Corrections of the State of Illinois or its successor agency.

(l) "Department of Financial and Professional Regulation" means the Department of Financial and Professional Regulation of the State of Illinois or its successor agency.

(m) "Depressant" means any drug that (i) causes an overall depression of central nervous system functions, (ii) causes impaired consciousness and awareness, and (iii) can be habit-forming or lead to a substance abuse problem, including but not limited to alcohol, cannabis and its active principles and their analogs, benzodiazepines and their analogs, barbiturates and their analogs, opioids (natural and synthetic) and their analogs, and chloral hydrate and similar sedative hypnotics.

(n) (Blank).

(o) "Director" means the Director of the Illinois State Police or his or her designated agents.

(p) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a prescriber, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(q) "Dispenser" means a practitioner who dispenses.

(r) "Distribute" means to deliver, other than by administering or dispensing, a controlled substance.

(s) "Distributor" means a person who distributes.

(t) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) substances intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure of any function of the body of man or animals and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(t-5) "Euthanasia agency" means an entity certified by the Department of Financial and Professional Regulation for the purpose of animal euthanasia that holds an animal control facility license or animal shelter license under the Animal Welfare Act. A euthanasia agency is authorized to purchase, store, possess, and utilize Schedule II nonnarcotic and Schedule III nonnarcotic drugs for the sole purpose of

animal euthanasia.

(t-10) "Euthanasia drugs" means Schedule II or Schedule III substances (nonnarcotic controlled substances) that are used by a euthanasia agency for the purpose of animal euthanasia.

(u) "Good faith" means the prescribing or dispensing of a controlled substance by a practitioner in the regular course of professional treatment to or for any person who is under his or her treatment for a pathology or condition other than that individual's physical or psychological dependence upon or addiction to a controlled substance, except as provided herein: and application of the term to a pharmacist shall mean the dispensing of a controlled substance pursuant to the prescriber's order which in the professional judgment of the pharmacist is lawful. The pharmacist shall be guided by accepted professional standards including, but not limited to the following, in making the judgment:

(1) lack of consistency of prescriber-patient relationship,

(2) frequency of prescriptions for same drug by one prescriber for large numbers of patients,

(3) quantities beyond those normally prescribed,

(4) unusual dosages (recognizing that there may be clinical circumstances where more or less than the usual dose may be used legitimately),

(5) unusual geographic distances between patient, pharmacist and prescriber,

(6) consistent prescribing of habit-forming drugs.

(u-0.5) "Hallucinogen" means a drug that causes markedly altered sensory perception leading to hallucinations of any type.

(u-1) "Home infusion services" means services provided by a pharmacy in compounding solutions for direct administration to a patient in a private residence, long-term care facility, or hospice setting by means of parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion.

(u-5) "Illinois State Police" means the State Police of the State of Illinois, or its successor agency.

(v) "Immediate precursor" means a substance:

(1) which the Department has found to be and by rule designated as being a principal compound used, or produced primarily for use, in the manufacture of a controlled substance;

(2) which is an immediate chemical intermediary used or likely to be used in the manufacture of such controlled substance; and

(3) the control of which is necessary to prevent, curtail or limit the manufacture of such controlled substance.

(w) "Instructional activities" means the acts of teaching, educating or instructing by practitioners using controlled substances within educational facilities approved by the State Board of Education or its successor agency.

(x) "Local authorities" means a duly organized State, County or Municipal peace unit or police force.

(y) "Look-alike substance" means a substance, other than a controlled substance which (1) by overall dosage unit appearance, including shape, color, size, markings or lack thereof, taste, consistency, or any other identifying physical characteristic of the substance, would lead a reasonable person to believe that the substance is a controlled substance, or (2) is expressly or impliedly represented to be a controlled substance or is distributed under circumstances which would lead a reasonable person to believe that the substance is a controlled substance. For the purpose of determining whether the representations made or the circumstances of the distribution would lead a reasonable person to believe the substance to be a controlled substance under this clause (2) of subsection (y), the court or other authority may consider the following factors in addition to any other factor that may be relevant:

(a) statements made by the owner or person in control of the substance concerning its nature, use or effect;

(b) statements made to the buyer or recipient that the substance may be resold for profit;

(c) whether the substance is packaged in a manner normally used for the illegal distribution of controlled substances;

(d) whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration, and whether the amount of the consideration was substantially greater than the reasonable retail market value of the substance.

Clause (1) of this subsection (y) shall not apply to a noncontrolled substance in its finished dosage form that was initially introduced into commerce prior to the initial introduction into commerce of a controlled substance in its finished dosage form which it may substantially resemble.

Nothing in this subsection (y) prohibits the dispensing or distributing of noncontrolled substances by persons authorized to dispense and distribute controlled substances under this Act, provided that such action would be deemed to be carried out in good faith under subsection (u) if the substances involved

were controlled substances.

Nothing in this subsection (y) or in this Act prohibits the manufacture, preparation, propagation, compounding, processing, packaging, advertising or distribution of a drug or drugs by any person registered pursuant to Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

(y-1) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance other than methamphetamine, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling of its container, except that this term does not include:

(1) by an ultimate user, the preparation or compounding of a controlled substance for his or her own use; or

(2) by a practitioner, or his or her authorized agent under his or her supervision, the preparation, compounding, packaging, or labeling of a controlled substance:

(a) as an incident to his or her administering or dispensing of a controlled substance in the course of his or her professional practice; or

(b) as an incident to lawful research, teaching or chemical analysis and not for sale.

(z-1) (Blank).

(z-5) "Medication shopping" means the conduct prohibited under subsection (a) of Section 314.5 of this Act.

(z-10) "Mid-level practitioner" means (i) a physician assistant who has been delegated authority to prescribe through a written delegation of authority by a physician licensed to practice medicine in all of its branches, in accordance with Section 7.5 of the Physician Assistant Practice Act of 1987, (ii) an advanced practice nurse who has been delegated authority to prescribe through a written delegation of authority by a physician licensed to practice medicine in all of its branches or by a podiatrist, in accordance with Section 65-40 of the Nurse Practice Act, or (iii) an animal euthanasia agency.

(aa) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) opium, opiates, derivatives of opium and opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation; however the term "narcotic drug" does not include the isoquinoline alkaloids of opium;

(2) (blank);

(3) opium poppy and poppy straw;

(4) coca leaves, except coca leaves and extracts of coca leaves from which substantially all of the cocaine and ecgonine, and their isomers, derivatives and salts, have been removed;

(5) cocaine, its salts, optical and geometric isomers, and salts of isomers;

(6) ecgonine, its derivatives, their salts, isomers, and salts of isomers;

(7) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraphs (1) through (6).

(bb) "Nurse" means a registered nurse licensed under the Nurse Practice Act.

(cc) (Blank).

(dd) "Opiate" means any substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having addiction forming or addiction sustaining liability.

(ee) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

(ee-5) "Oral dosage" means a tablet, capsule, elixir, or solution or other liquid form of medication intended for administration by mouth, but the term does not include a form of medication intended for buccal, sublingual, or transmucosal administration.

(ff) "Parole and Pardon Board" means the Parole and Pardon Board of the State of Illinois or its successor agency.

(gg) "Person" means any individual, corporation, mail-order pharmacy, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

(hh) "Pharmacist" means any person who holds a license or certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy

Practice Act.

(ii) "Pharmacy" means any store, ship or other place in which pharmacy is authorized to be practiced under the Pharmacy Practice Act.

(ii-5) "Pharmacy shopping" means the conduct prohibited under subsection (b) of Section 314.5 of this Act.

(ii-10) "Physician" (except when the context otherwise requires) means a person licensed to practice medicine in all of its branches.

(jj) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(kk) "Practitioner" means a physician licensed to practice medicine in all its branches, dentist, optometrist, podiatrist, veterinarian, scientific investigator, pharmacist, physician assistant, advanced practice nurse, licensed practical nurse, registered nurse, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise lawfully permitted by the United States or this State to distribute, dispense, conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

(ll) "Pre-printed prescription" means a written prescription upon which the designated drug has been indicated prior to the time of issuance; the term does not mean a written prescription that is individually generated by machine or computer in the prescriber's office.

(mm) "Prescriber" means a physician licensed to practice medicine in all its branches, dentist, optometrist, prescribing psychologist certified under the Clinical Psychologist Licensing Act, podiatrist, or veterinarian who issues a prescription, a physician assistant who issues a prescription for a controlled substance in accordance with Section 303.05, a written delegation, and a written supervision agreement required under Section 7.5 of the Physician Assistant Practice Act of 1987, or an advanced practice nurse with prescriptive authority delegated under Section 65-40 of the Nurse Practice Act and in accordance with Section 303.05, a written delegation, and a written collaborative agreement under Section 65-35 of the Nurse Practice Act.

(nn) "Prescription" means a written, facsimile, or oral order, or an electronic order that complies with applicable federal requirements, of a physician licensed to practice medicine in all its branches, dentist, podiatrist or veterinarian for any controlled substance, of an optometrist for a Schedule III, IV, or V controlled substance in accordance with Section 15.1 of the Illinois Optometric Practice Act of 1987, of a physician assistant for a controlled substance in accordance with Section 303.05, a written delegation, and a written supervision agreement required under Section 7.5 of the Physician Assistant Practice Act of 1987, or of an advanced practice nurse with prescriptive authority delegated under Section 65-40 of the Nurse Practice Act who issues a prescription for a controlled substance in accordance with Section 303.05, a written delegation, and a written collaborative agreement under Section 65-35 of the Nurse Practice Act when required by law.

(nn-5) "Prescription Information Library" (PIL) means an electronic library that contains reported controlled substance data.

(nn-10) "Prescription Monitoring Program" (PMP) means the entity that collects, tracks, and stores reported data on controlled substances and select drugs pursuant to Section 316.

(oo) "Production" or "produce" means manufacture, planting, cultivating, growing, or harvesting of a controlled substance other than methamphetamine.

(pp) "Registrant" means every person who is required to register under Section 302 of this Act.

(qq) "Registry number" means the number assigned to each person authorized to handle controlled substances under the laws of the United States and of this State.

(qq-5) "Secretary" means, as the context requires, either the Secretary of the Department or the Secretary of the Department of Financial and Professional Regulation, and the Secretary's designated agents.

(rr) "State" includes the State of Illinois and any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(rr-5) "Stimulant" means any drug that (i) causes an overall excitation of central nervous system functions, (ii) causes impaired consciousness and awareness, and (iii) can be habit-forming or lead to a substance abuse problem, including but not limited to amphetamines and their analogs, methylphenidate and its analogs, cocaine, and phencyclidine and its analogs.

(ss) "Ultimate user" means a person who lawfully possesses a controlled substance for his or her own use or for the use of a member of his or her household or for administering to an animal owned by him or her or by a member of his or her household.

(Source: P.A. 96-189, eff. 8-10-09; 96-268, eff. 8-11-09; 97-334, eff. 1-1-12.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2187

AMENDMENT NO. 2. Amend Senate Bill 2187, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 9, line 24, by replacing "on Mental and Behavioral)." with "titled Mental and Behavioural Disorders).".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Harmon, **Senate Bill No. 2187** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 37; NAYS 10; Present 4.

The following voted in the affirmative:

Althoff	Hastings	McCarter	Rose
Bertino-Tarrant	Hunter	McConnaughay	Stadelman
Biss	Hutchinson	McGuire	Steans
Bivins	Jones, E.	Mulroe	Sullivan
Bush	Koehler	Muñoz	Syverson
Collins	Kotowski	Murphy	Van Pelt
Cullerton, T.	LaHood	Noland	Mr. President
Cunningham	Landek	Oberweis	
Haine	Manar	Rezin	
Harmon	McCann	Righter	

The following voted in the negative:

Barickman	Dillard	Link	Silverstein
Brady	Duffy	Luechtefeld	
Connelly	Frerichs	Radogno	

The following voted present:

Harris	Martinez
Holmes	Raoul

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

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

On motion of Senator Luechtefeld, **Senate Bill No. 2312** 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 negative by the following vote:

YEAS 21; NAYS 18; Present 5.

The following voted in the affirmative:

Althoff	Duffy	Muñoz	Righter
Barickman	Hutchinson	Murphy	Steans
Bivins	LaHood	Noland	Syverson
Connelly	Luechtefeld	Oberweis	
Delgado	McCann	Radogno	
Dillard	McConnaughay	Rezin	

The following voted in the negative:

Biss	Frerichs	Link	Rose
Bush	Haine	Manar	Stadelman
Clayborne	Harmon	McGuire	Van Pelt
Collins	Hunter	Morrison	
Cunningham	Jones, E.	Mulroe	

The following voted present:

Hastings	Raoul	Sullivan
Kotowski	Silverstein	

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

SENATE BILL RECALLED

On motion of Senator Collins, **Senate Bill No. 2350** was recalled from the order of third reading to the order of second reading.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 2350

AMENDMENT NO. _3_. Amend Senate Bill 2350, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Sections 16-111.7 and 19-140 as follows:

(220 ILCS 5/16-111.7)

Sec. 16-111.7. On-bill financing program; electric utilities.

(a) The Illinois General Assembly finds that Illinois homes and businesses have the potential to save energy through conservation and cost-effective energy efficiency measures. Programs created pursuant to this Section will allow utility customers to purchase cost-effective energy efficiency measures, including measures set forth in a Commission-approved energy efficiency and demand-response plan under Section 8-103 of this Act ~~and that are cost-effective as that term is defined by that Section~~, with no required initial upfront payment, and to pay the cost of those products and services over time on their utility bill.

(b) Notwithstanding any other provision of this Act, an electric utility serving more than 100,000 customers on January 1, 2009 shall offer a Commission-approved on-bill financing program ("program") that allows its eligible retail customers, as that term is defined in Section 16-111.5 of this Act, who own a residential single family home, duplex, or other residential building with 4 or less units, or condominium at which the electric service is being provided (i) to borrow funds from a third party lender in order to purchase electric energy efficiency measures approved under the program for installation in such home or condominium without any required upfront payment and (ii) to pay back such funds over time through the electric utility's bill. Based upon the process described in subsection (b-5) of this Section, small commercial ~~retail~~ customers~~, as that term is defined in Section 16-102 of this Act,~~ who own the premises at which electric service is being provided may be included in such program. After receiving a request from an electric utility for approval of a proposed program and tariffs pursuant to this Section, the Commission shall render its decision within 120 days. If no decision is rendered within 120

days, then the request shall be deemed to be approved.

Beginning no later than December 31, 2013, an electric utility subject to this subsection (b) shall also offer its program to eligible retail customers that own multifamily residential or mixed-used buildings with no more than 50 residential units, provided, however, that such customers must either be a residential customer or small commercial customer and may not use the program in such a way that repayment of the cost of energy efficiency measures is made through tenants' utility bills. An electric utility may impose a per site loan limit not to exceed $100,000. The program, and loans issued thereunder, shall only be offered to customers of the utility that meet the requirements of this Section and that also have an electric service account at the premises where the energy efficiency measures being financed shall be installed.

For purposes of this Section, "small commercial customer" means, for an electric utility serving more than 3,000,000 retail customers, those customers having peak demand of less than 100 kilowatts, and, for an electric utility serving less than 3,000,000 retail customers, those customers having peak demand of less than 150 kilowatts.

(b-5) Within 30 days after the effective date of this amendatory Act of the 96th General Assembly, the Commission shall convene a workshop process during which interested participants may discuss issues related to the program, including program design, eligible electric energy efficiency measures, vendor qualifications, and a methodology for ensuring ongoing compliance with such qualifications, financing, sample documents such as request for proposals, contracts and agreements, dispute resolution, pre-installment and post-installment verification, and evaluation. The workshop process shall be completed within 150 days after the effective date of this amendatory Act of the 96th General Assembly.

(c) Not later than 60 days following completion of the workshop process described in subsection (b-5) of this Section, each electric utility subject to subsection (b) of this Section shall submit a proposed program to the Commission that contains the following components:

(1) A list of recommended electric energy efficiency measures that will be eligible for on-bill financing. An eligible electric energy efficiency measure ("measure") shall be a product or service for which one or more of the following is true ~~defined by the following~~:

(A) (blank); ~~the measure would be applied to or replace electric energy-using equipment; and either~~

(B) the projected ~~application of the measure to equipment and systems will have estimated~~ electricity savings (determined by rates in effect at the time of purchase)~~, that~~ are sufficient to cover the costs of implementing the measures, including finance charges and any program fees not recovered pursuant to subsection (f) of this Section~~; to assist the electric utility in identifying or approving measures, the utility may consult with the Department of Commerce and Economic Opportunity, as well as with retailers, technicians, and installers of electric energy efficiency measures and energy auditors (collectively "vendors")~~; or

(C) the product or service ~~measure~~ is included in a Commission-approved energy efficiency and demand-response plan under Section 8-103 of this Act ~~and is cost-effective as that term is defined by that Section~~.

(2) The electric utility shall issue a request for proposals ("RFP") to lenders for purposes of providing financing to participants to pay for approved measures. The RFP criteria shall include, but not be limited to, the interest rate, origination fees, and credit terms. The utility shall select the winning bidders based on its evaluation of these criteria, with a preference for those bids containing the rates, fees, and terms most favorable to participants;

(3) The utility shall work with the lenders selected pursuant to the RFP process, and with vendors, to establish the terms and processes pursuant to which a participant can purchase eligible electric energy efficiency measures using the financing obtained from the lender. The vendor shall explain and offer the approved financing packaging to those customers identified in subsection (b) of this Section and shall assist customers in applying for financing. As part of the process, vendors shall also provide to participants information about any other incentives that may be available for the measures.

(4) The lender shall conduct credit checks or undertake other appropriate measures to limit credit risk, and shall review and approve or deny financing applications submitted by customers identified in subsection (b) of this Section. Following the lender's approval of financing and the participant's purchase of the measure or measures, the lender shall forward payment information to the electric utility, and the utility shall add as a separate line item on the participant's utility bill a charge showing the amount due under the program each month.

(5) A loan issued to a participant pursuant to the program shall be the sole responsibility of the participant, and any dispute that may arise concerning the loan's terms,

conditions, or charges shall be resolved between the participant and lender. Upon transfer of the property title for the premises at which the participant receives electric service from the utility or the participant's request to terminate service at such premises, the participant shall pay in full its electric utility bill, including all amounts due under the program, provided that this obligation may be modified as provided in subsection (g) of this Section. Amounts due under the program shall be deemed amounts owed for residential and, as appropriate, small commercial electric service.

(6) The electric utility shall remit payment in full to the lender each month on behalf of the participant. In the event a participant defaults on payment of its electric utility bill, the electric utility shall continue to remit all payments due under the program to the lender, and the utility shall be entitled to recover all costs related to a participant's nonpayment through the automatic adjustment clause tariff established pursuant to Section 16-111.8 of this Act. In addition, the electric utility shall retain a security interest in the measure or measures purchased under the program, and the utility retains its right to disconnect a participant that defaults on the payment of its utility bill.

(7) The total outstanding amount financed under the programs in this subsection and subsection (c-5) of this Section ~~program~~ shall not exceed $2.5 million for an electric utility or electric utilities under a single holding company, provided that the electric utility or electric utilities may petition the Commission for an increase in such amount.

(c-5) Within 120 days after the effective date of this amendatory Act of the 98th General Assembly, each electric utility subject to the requirements of this Section shall submit an informational filing to the Commission that describes its plan for implementing the provisions of this amendatory Act of the 98th General Assembly on or before December 31, 2013. Such filing shall also describe how the electric utility shall coordinate its program with any gas utility or utilities that provide gas service to buildings within the electric utility's service territory so that it is practical and feasible for the owner of a multifamily building to make a single application to access loans for both gas and electric energy efficiency measures in any individual building.

(d) A program approved by the Commission shall also include the following criteria and guidelines for such program:

(1) guidelines for financing of measures installed under a program, including, but not limited to, RFP criteria and limits on both individual loan amounts and the duration of the loans;

(2) criteria and standards for identifying and approving measures;

(3) qualifications of vendors that will market or install measures, as well as a methodology for ensuring ongoing compliance with such qualifications;

(4) sample contracts and agreements necessary to implement the measures and program; and

(5) the types of data and information that utilities and vendors participating in the program shall collect for purposes of preparing the reports required under subsection (g) of this Section.

(e) The proposed program submitted by each electric utility shall be consistent with the provisions of this Section that define operational, financial and billing arrangements between and among program participants, vendors, lenders, and the electric utility.

(f) An electric utility shall recover all of the prudently incurred costs of offering a program approved by the Commission pursuant to this Section, including, but not limited to, all start-up and administrative costs and the costs for program evaluation. All prudently incurred costs under this Section shall be recovered from the residential and small commercial retail customer classes eligible to participate in the program through the automatic adjustment clause tariff established pursuant to Section 8-103 of this Act.

(g) An independent evaluation of a program shall be conducted after 3 years of the program's operation. The electric utility shall retain an independent evaluator who shall evaluate the effects of the measures installed under the program and the overall operation of the program, including, but not limited to, customer eligibility criteria ~~and whether the payment obligation for permanent electric energy efficiency measures that will continue to provide benefits of energy savings should attach to the meter location~~. As part of the evaluation process, the evaluator shall also solicit feedback from participants and interested stakeholders. The evaluator shall issue a report to the Commission on its findings no later than 4 years after the date on which the program commenced, and the Commission shall issue a report to the Governor and General Assembly including a summary of the information described in this Section as well as its recommendations as to whether the program should be discontinued, continued with modification or modifications or continued without modification, provided that any recommended modifications shall only apply prospectively and to measures not yet installed or financed.

(h) An electric utility offering a Commission-approved program pursuant to this Section shall not be required to comply with any other statute, order, rule, or regulation of this State that may relate to the offering of such program, provided that nothing in this Section is intended to limit the electric utility's

obligation to comply with this Act and the Commission's orders, rules, and regulations, including Part 280 of Title 83 of the Illinois Administrative Code.

(i) The source of a utility customer's electric supply shall not disqualify a customer from participation in the utility's on-bill financing program. Customers of alternative retail electric suppliers may participate in the program under the same terms and conditions applicable to the utility's supply customers.

(Source: P.A. 96-33, eff. 7-10-09; 97-616, eff. 10-26-11.)

(220 ILCS 5/19-140)

Sec. 19-140. On-bill financing program; gas utilities.

(a) The Illinois General Assembly finds that Illinois homes and businesses have the potential to save energy through conservation and cost-effective energy efficiency measures. Programs created pursuant to this Section will allow utility customers to purchase cost-effective energy efficiency measures, including measures set forth in a Commission-approved energy efficiency and demand-response plan under Section 8-104 of this Act, with no required initial upfront payment, and to pay the cost of those products and services over time on their utility bill.

(b) Notwithstanding any other provision of this Act, a gas utility serving more than 100,000 customers on January 1, 2009 shall offer a Commission-approved on-bill financing program ("program") that allows its retail customers who own a residential single family home, duplex, or other residential building with 4 or less units, or condominium at which the gas service is being provided (i) to borrow funds from a third party lender in order to purchase gas energy efficiency measures approved under the program for installation in such home or condominium without any required upfront payment and (ii) to pay back such funds over time through the gas utility's bill. Based upon the process described in subsection (b-5) of this Section, small commercial ~~retail~~ customers~~, as that term is defined in Section 19-105 of this Act,~~ who own the premises at which gas service is being provided may be included in such program. After receiving a request from a gas utility for approval of a proposed program and tariffs pursuant to this Section, the Commission shall render its decision within 120 days. If no decision is rendered within 120 days, then the request shall be deemed to be approved. Beginning no later than December 31, 2013, a gas utility subject to this subsection (b) shall also offer its program to eligible retail customers that own a multifamily residential or mixed-used building with no more than 50 residential units, provided, however, that such customer must either be a residential customer or small commercial customer and may not use the program in such a way that repayment of the cost of energy efficiency measures is made through tenants' utility bills. A gas utility may impose a per site loan limit not to exceed $100,000. The program, and loans issued thereunder, shall only be offered to customers of the utility that meet the requirements of this Section and that also have a gas service account at the premises where the energy efficiency measures being financed shall be installed.

For purposes of this Section, a small commercial customer for a gas utility shall be defined in that gas utility's informational filing that is made under subsection (c-5) of this Section.

(b-5) Within 30 days after the effective date of this amendatory Act of the 96th General Assembly, the Commission shall convene a workshop process during which interested participants may discuss issues related to the program, including program design, eligible gas energy efficiency measures, vendor qualifications, and a methodology for ensuring ongoing compliance with such qualifications, financing, sample documents such as request for proposals, contracts and agreements, dispute resolution, pre-installment and post-installment verification, and evaluation. The workshop process shall be completed within 150 days after the effective date of this amendatory Act of the 96th General Assembly.

(c) Not later than 60 days following completion of the workshop process described in subsection (b-5) of this Section, each gas utility subject to subsection (b) of this Section shall submit a proposed program to the Commission that contains the following components:

(1) A list of recommended gas energy efficiency measures that will be eligible for on-bill financing. An eligible gas energy efficiency measure ("measure") shall be a product or service for which one or more of the following is true ~~defined by the following~~:

(A) (blank); ~~The measure would be applied to or replace gas energy-using equipment; and~~

(B) the projected ~~Application of the measure to equipment and systems will have estimated~~ gas savings (determined by rates in effect at the time of purchase)~~, that~~ are sufficient to cover the costs of implementing the measures, including finance charges and any program fees not recovered pursuant to subsection (f) of this Section; or ~~. To assist the gas utility in identifying or approving measures, the utility may consult with the Department of Commerce and Economic Opportunity, as well as with retailers, technicians and installers of gas energy efficiency measures and energy auditors (collectively "vendors").~~

(C) the product or service is included in a Commission-approved energy efficiency and demand-

response plan under Section 8-104 of this Act.

(2) The gas utility shall issue a request for proposals ("RFP") to lenders for purposes of providing financing to participants to pay for approved measures. The RFP criteria shall include, but not be limited to, the interest rate, origination fees, and credit terms. The utility shall select the winning bidders based on its evaluation of these criteria, with a preference for those bids containing the rates, fees, and terms most favorable to participants.

(3) The utility shall work with the lenders selected pursuant to the RFP process, and with vendors, to establish the terms and processes pursuant to which a participant can purchase eligible gas energy efficiency measures using the financing obtained from the lender. The vendor shall explain and offer the approved financing packaging to those customers identified in subsection (b) of this Section and shall assist customers in applying for financing. As part of such process, vendors shall also provide to participants information about any other incentives that may be available for the measures.

(4) The lender shall conduct credit checks or undertake other appropriate measures to limit credit risk, and shall review and approve or deny financing applications submitted by customers identified in subsection (b) of this Section. Following the lender's approval of financing and the participant's purchase of the measure or measures, the lender shall forward payment information to the gas utility, and the utility shall add as a separate line item on the participant's utility bill a charge showing the amount due under the program each month.

(5) A loan issued to a participant pursuant to the program shall be the sole responsibility of the participant, and any dispute that may arise concerning the loan's terms, conditions, or charges shall be resolved between the participant and lender. Upon transfer of the property title for the premises at which the participant receives gas service from the utility or the participant's request to terminate service at such premises, the participant shall pay in full its gas utility bill, including all amounts due under the program, provided that this obligation may be modified as provided in subsection (g) of this Section. Amounts due under the program shall be deemed amounts owed for residential and, as appropriate, small commercial gas service.

(6) The gas utility shall remit payment in full to the lender each month on behalf of the participant. In the event a participant defaults on payment of its gas utility bill, the gas utility shall continue to remit all payments due under the program to the lender, and the utility shall be entitled to recover all costs related to a participant's nonpayment through the automatic adjustment clause tariff established pursuant to Section 19-145 of this Act. In addition, the gas utility shall retain a security interest in the measure or measures purchased under the program to the extent those measures are not integral to the shell of the building, and the utility retains its right to disconnect a participant that defaults on the payment of its utility bill.

(7) The total outstanding amount financed under the programs in this subsection and subsection (c-5) of this Section ~~program~~ shall not exceed $2.5 million for a gas utility or gas utilities under a single holding company, provided that the gas utility or gas utilities may petition the Commission for an increase in such amount.

(c-5) Within 120 days after the effective date of this amendatory Act of the 98th General Assembly, each covered gas utility shall submit an informational filing to the Commission that describes its plan for implementing the provisions of this amendatory Act of the 98th General Assembly on or before December 31, 2013. A gas utility subject to this Section shall cooperate with any electric utility that provides electric service to buildings within the gas utility's service territory so that it is practical and feasible for the owner of a multifamily building to make a single application to access loans for both gas and electric energy efficiency measures in any individual building.

(d) A program approved by the Commission shall also include the following criteria and guidelines for such program:

(1) guidelines for financing of measures installed under a program, including, but not limited to, RFP criteria and limits on both individual loan amounts and the duration of the loans;

(2) criteria and standards for identifying and approving measures;

(3) qualifications of vendors that will market or install measures, as well as a methodology for ensuring ongoing compliance with such qualifications;

(4) sample contracts and agreements necessary to implement the measures and program; and

(5) the types of data and information that utilities and vendors participating in the program shall collect for purposes of preparing the reports required under subsection (g) of this Section.

(e) The proposed program submitted by each gas utility shall be consistent with the provisions of this Section that define operational, financial, and billing arrangements between and among program

participants, vendors, lenders, and the gas utility.

(f) A gas utility shall recover all of the prudently incurred costs of offering a program approved by the Commission pursuant to this Section, including, but not limited to, all start-up and administrative costs and the costs for program evaluation. All prudently incurred costs under this Section shall be recovered from the residential and small commercial retail customer classes eligible to participate in the program through the automatic adjustment clause tariff established pursuant to Section 8-104 of this Act.

(g) An independent evaluation of a program shall be conducted after 3 years of the program's operation. The gas utility shall retain an independent evaluator who shall evaluate the effects of the measures installed under the program and the overall operation of the program, including, but not limited to, customer eligibility criteria ~~and whether the payment obligation for permanent gas energy efficiency measures that will continue to provide benefits of energy savings should attach to the meter location~~. As part of the evaluation process, the evaluator shall also solicit feedback from participants and interested stakeholders. The evaluator shall issue a report to the Commission on its findings no later than 4 years after the date on which the program commenced, and the Commission shall issue a report to the Governor and General Assembly including a summary of the information described in this Section as well as its recommendations as to whether the program should be discontinued, continued with modification or modifications or continued without modification, provided that any recommended modifications shall only apply prospectively and to measures not yet installed or financed.

(h) A gas utility offering a Commission-approved program pursuant to this Section shall not be required to comply with any other statute, order, rule, or regulation of this State that may relate to the offering of such program, provided that nothing in this Section is intended to limit the gas utility's obligation to comply with this Act and the Commission's orders, rules, and regulations, including Part 280 of Title 83 of the Illinois Administrative Code.

(i) The source of a utility customer's gas supply shall not disqualify a customer from participation in the utility's on-bill financing program. Customers of alternative gas suppliers may participate in the program under the same terms and conditions applicable to the utility's supply customers.

(Source: P.A. 96-33, eff. 7-10-09.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Collins, **Senate Bill No. 2350** 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 53; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Link	Radogno
Barickman	Frerichs	Luechtefeld	Raoul
Bertino-Tarrant	Haine	Manar	Rezin
Biss	Harmon	Martinez	Righter
Bivins	Harris	McCann	Rose
Brady	Hastings	McCarter	Silverstein
Bush	Holmes	McConnaughay	Stadelman
Clayborne	Hunter	McGuire	Steans
Collins	Hutchinson	Morrison	Sullivan
Connelly	Jones, E.	Mulroe	Syverson
Cullerton, T.	Koehler	Muñoz	Mr. President
Cunningham	Kotowski	Murphy	

Delgado	LaHood	Noland
Dillard	Landek	Oberweis

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 Clayborne, **Senate Bill No. 2362** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Link	Radogno
Barickman	Frerichs	Luechtefeld	Raoul
Bertino-Tarrant	Haine	Manar	Rezin
Biss	Harmon	Martinez	Righter
Bivins	Harris	McCann	Rose
Brady	Hastings	McCarter	Silverstein
Bush	Holmes	McConnaughay	Stadelman
Clayborne	Hunter	McGuire	Steans
Collins	Hutchinson	Morrison	Sullivan
Connelly	Jones, E.	Mulroe	Syverson
Cullerton, T.	Koehler	Muñoz	Van Pelt
Cunningham	Kotowski	Murphy	Mr. President
Delgado	LaHood	Noland	
Dillard	Landek	Oberweis	

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

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

SENATE BILL RECALLED

On motion of Senator T. Cullerton, **Senate Bill No. 494** was recalled from the order of third reading to the order of second reading.

Senator T. Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 494

AMENDMENT NO. 3. Amend Senate Bill 494, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by adding Division 5-44 to Article 5 and Sections 5-44005, 5-44010, 5-44015, 5-44020, 5-44025, 5-44030, 5-44035, 5-44040, 5-44045, 5-44050, and 5-44055 as follows:

(55 ILCS 5/Div. 5-44 heading new)

Division 5-44. Local Government Reduction and Efficiency

(55 ILCS 5/5-44005 new)

Sec. 5-44005. Findings and purpose.

(a) The General Assembly finds:

(1) Illinois has more units of local government than any other state.

(2) The large number of units of local government results in the inefficient delivery of governmental services at a higher cost to taxpayers.

(3) In a number of cases, units of local government provide services that are duplicative in nature, as they are provided by other units of local government.

(4) It is in the best interest of taxpayers that more efficient service delivery structures be established in order to replace units of local government that are not financially sustainable.

(5) Units of local government managed by appointed governing boards not directly accountable to the electorate can encourage a lack of oversight and complacency that is not in the best interest of taxpayers.

(6) Various provisions of Illinois law governing the dissolution of units of local government are inconsistent and outdated.

(7) The lack of a streamlined method to consolidate government functions and to dissolve units of local government results in an unfair tax burden on the citizens of the State of Illinois residing in those units of local government and prevents the expenditure of limited public funds for critical programs and services.

(b) The purpose of this Act is to provide county boards with supplemental authority regarding the dissolution of units of local government and the consolidation of governmental functions.

(55 ILCS 5/5-44010 new)

Sec. 5-44010. Applicability. The powers and authorities provided by this Division 5-44 apply only to counties with a population of more than 900,000 and less than 3,000,000 that are contiguous to a county with a population of more than 3,000,000 and units of local government within such counties.

(55 ILCS 5/5-44015 new)

Sec. 5-44015. Powers; supplemental. The Sections of this Division 5-44 are intended to be supplemental and in addition to all other powers and authorities granted to any county board, shall be construed liberally, and shall not be construed as a limitation of any power or authority otherwise granted.

(55 ILCS 5/5-44020 new)

Sec. 5-44020. Definitions. In this Division 5-44:

"Fire protection jurisdiction" means a fire protection district, municipal fire department, or service organized under Section 5-1056.1 of the Counties Code, Sections 195 and 200 of the Township Code, Section 10-2.1 of the Illinois Municipal Code, or the Illinois Fire Protection District Act.

"Governing board" means the individual or individuals who constitute the corporate authorities of a unit of local government; and

"Unit of local government" or "unit" means any unit of local government located entirely within one county, to which the county board chairman or county executive directly appoints a majority of its governing board with the advice and consent of the county board, but shall not include a fire protection district that directly employs any regular full-time employees or a special district organized under the Water Commission Act of 1985.

(55 ILCS 5/5-44025 new)

Sec. 5-44025. Dissolution of units of local government.

(a) A county board may, by ordinance, propose the dissolution of a unit of local government. The ordinance shall detail the purpose and cost savings to be achieved by such dissolution, and be published in a newspaper of general circulation served by the unit of local government and on the county's website, if applicable.

(b) Upon the effective date of an ordinance enacted pursuant to subsection (a) of this Section, the chairman of the county board shall cause an audit of all claims against the unit, all receipts of the unit, the inventory of all real and personal property owned by the unit or under its control or management, and any debts owed by the unit. The chairman may, at his or her discretion, undertake any other audit or financial review of the affairs of the unit. The person or entity conducting such audit shall report the findings of the audit to the county board and to the chairman of the county board within 30 days.

(c) Following the return of the audit report required by subsection (b) of this Section, the county board may adopt an ordinance dissolving the unit 150 days following the effective date of the ordinance. Upon adoption of the ordinance, but not before the end of the 30 day period set forth in subsection (e) of this Section and prior to its effective date, the chairman of the county board shall petition the circuit court for an order designating a trustee-in-dissolution for the unit, immediately terminating the terms of the members of the governing board of the unit of local government on the effective date of the ordinance, and providing for the compensation of the trustee, which shall be paid from the corporate funds of the unit.

(d) Upon the effective date of an ordinance enacted under subsection (c) of this Section, and

notwithstanding any other provision of law, the State's attorney, or his or her designee, shall become the exclusive legal representative of the dissolving unit of local government. The county treasurer shall become the treasurer of the unit of local government and the county clerk shall become the secretary of the unit of local government.

(e) Any dissolution of a unit of local government proposed pursuant to this Act shall be subject to a backdoor referendum. In addition to, or as part of, the authorizing ordinance enacted pursuant to subsection (c) of this Section, a notice shall be published that includes: (1) the specific number of voters required to sign a petition requesting that the question of dissolution be submitted to referendum; (2) the time when such petition must be filed; (3) the date of the prospective referendum; and (4) the statement of the costs savings and the purpose or basis for the dissolution as set forth in the authorizing ordinance under subsection (a) of this Section. The county's election authority shall provide a petition form to anyone requesting one. If no petition is filed with the county's election authority within 30 days of publication of the authorizing ordinance and notice, the ordinance shall become effective.

However, the election authority shall certify the question for submission at the next election held in accordance with general election law if a petition: (1) is filed within the 30-day period; (2) is signed by electors numbering either 7.5% of the registered voters in the governmental unit or 200 registered voters, whichever is less; and (3) asks that the question of dissolution be submitted to referendum.

The election authority shall submit the question to voters residing in the area served by the unit of local government in substantially the following form:

Shall the county board be authorized to dissolve [name of unit of local government]?

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

If a majority of the votes cast on the question at such election are in favor of dissolution of the unit of local government and provided that notice of the referendum was provided as set forth in Section 12-5 of the Election Code, the county board is authorized to proceed pursuant to subsection (c) of this Section.

(55 ILCS 5/5-44030 new)

Sec. 5-44030. Trustee-in-dissolution; powers and duties.

(a) The trustee-in-dissolution shall have the following powers and duties:

(1) to execute all of the powers and duties of the previous board;

(2) to levy and rebate taxes, subject to the approval of the county board, for the purpose of paying the debts, obligations, and liabilities of the unit that are outstanding on the date of the dissolution and the necessary expenses of closing up the affairs of the district if these funds are not available from the unit of local government's general fund;

(3) to present, within 30 days of his or her appointment, a plan for the consolidation and dissolution of the unit of local government to the county board for its approval. The plan shall identify what functions, if any, of the unit of local government shall be undertaken by the county upon dissolution and whether any taxes previously levied for the provision of these functions shall be maintained;

(4) to enter into an intergovernmental agreement with one or more governmental entities to utilize existing resources including, but not limited to, labor, materials, and property, as may be needed to carry out the foregoing duties;

(5) to enter into an intergovernmental agreement with the county to combine or transfer any of the powers, privileges, functions, or authority of the unit of local government to the county as may be required to facilitate the transition; and

(6) to sell the property of the unit and, in case any excess remains after all liabilities of the unit are paid, the excess shall be transferred to a special fund created and maintained by the county treasurer to be expended solely to defer the costs incurred by the county in performing the duties of the unit, subject to the requirements of Section 5-44035 of this Division. Nothing in this Section shall prohibit the county from acquiring any or all real or personal property of the district.

(b) For fire protection jurisdictions, the trustee-in-dissolution shall not have:

(1) the powers enumerated in this Section unless the dissolution of that unit of local government shall not increase the average response times nor decrease the level of services provided; and

(2) the power to decrease the levy that is in effect on or before the date of dissolution of the fire protection jurisdiction that affects the provision of fire and emergency medical services.

(55 ILCS 5/5-44035 new)

Sec. 5-44035. Outstanding indebtedness.

(a) In case any unit dissolved pursuant to this Division has bonds or notes outstanding that are a lien on funds available in the treasury at the time of consolidation, such lien shall be unimpaired by such dissolution and the lien shall continue in favor of the bond or note holders. The funds available subject to such a lien shall be set apart and held for the purpose of retiring such secured debt and no such funds shall be transferred into the general funds of the county.

(b) In case any unit dissolved pursuant to this Division has unsecured debts outstanding at the time of dissolution, any funds in the treasury of such unit or otherwise available and not committed shall, to the extent necessary, be applied to the payment of such debts.

(c) All property in the territory served by the dissolved unit of government shall be subject to taxation to pay the debts, bonds, and obligations of the dissolved district. The county board shall abate this taxation upon the discharge of all outstanding obligations.

(55 ILCS 5/5-44040 new)

Sec. 5-44040. Effect of dissolution. Immediately upon the dissolution of a unit of local government pursuant to this Division:

(a) Notwithstanding the provisions of the Special Service Area Tax Law of the Property Tax Code that pertain to the establishment of special service areas, all or part of the territory formerly served by the dissolved unit of local government may be established as a special service area or areas of the county if the county board by resolution determines that this designation is necessary for it to provide services. The special service area, if created, shall include all territory formerly served by the dissolved unit of local government if the dissolved unit has outstanding indebtedness. If the boundaries of a special service area created under this subsection include territory within a municipality, the corporate authorities of that municipality may, with the consent of the county, assume responsibility for the special service area and become its governing body.

All or part of the territory formerly served by a dissolved fire protection jurisdiction shall not be established as a special service area unless the creation of the special service area does not increase the average response times nor decrease the level of service provided.

(b) In addition to any other powers provided by law, the governing body of a special service area created pursuant to this subsection shall assume and is authorized to exercise all the powers and duties of the dissolved unit with respect to the special service area. The governing body is also authorized to continue to levy any tax previously imposed by the unit of local government within the special service area. However, the governing board shall not have the power to decrease the levy that is in effect on or before the date of dissolution of the fire protection jurisdiction that affects the provision of fire and emergency medical services.

(c) Subsequent increases of the current tax levy within the special service area or areas shall be made in accordance with the provisions of the Special Service Area Tax Law of the Property Tax Code.

(55 ILCS 5/5-44045 new)

Sec. 5-44045. Abatement of levy. Whenever a county has dissolved a unit of local government pursuant to this Division, the county or municipality shall, within 6 months of the effective date of the dissolution and every year thereafter, evaluate the need to continue any existing tax levy until the county or municipality abates the levy in the manner set forth by the Special Service Area Tax Law of the Property Tax Code.

(55 ILCS 5/5-44050 new)

Sec. 5-44050. Tax collection and enforcement. The dissolution of a unit of government pursuant to this Division shall not adversely affect proceedings for the collection or enforcement of any tax. Those proceedings shall continue to finality as though no dissolution had taken place. The proceeds thereof shall be paid over to the treasurer of the county to be used for the purpose for which the tax was levied or assessed. Proceedings to collect and enforce such taxes may be instituted and carried on in the name of the unit.

(55 ILCS 5/5-44055 new)

Sec. 5-44055. Litigation. All suits pending in any court on behalf of or against a unit dissolved pursuant to this Division may be prosecuted or defended in the name of the county by the state's attorney. All judgments obtained for a unit dissolved pursuant to this Division shall be collected and enforced by the county for its benefit.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator T. Cullerton, **Senate Bill No. 494** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

Althoff	Dillard	Landek	Noland
Barickman	Duffy	Link	Oberweis
Bertino-Tarrant	Frerichs	Luechtefeld	Radogno
Biss	Haine	Manar	Raoul
Bivins	Harmon	Martinez	Rezin
Brady	Harris	McCann	Righter
Bush	Hastings	McCarter	Rose
Clayborne	Holmes	McConnaughay	Stadelman
Collins	Hunter	McGuire	Steans
Connelly	Hutchinson	Morrison	Syverson
Cullerton, T.	Jones, E.	Mulroe	Van Pelt
Cunningham	Kotowski	Muñoz	Mr. President
Delgado	LaHood	Murphy	

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 Hutchinson, **Senate Bill No. 338** 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 6.

The following voted in the affirmative:

Bertino-Tarrant	Haine	Link	Radogno
Biss	Harmon	Luechtefeld	Raoul
Bivins	Harris	Manar	Silverstein
Bush	Hastings	McConnaughay	Stadelman
Clayborne	Holmes	McGuire	Steans
Collins	Hunter	Morrison	Sullivan
Connelly	Hutchinson	Mulroe	Van Pelt
Cullerton, T.	Jones, E.	Muñoz	Mr. President
Cunningham	Koehler	Murphy	
Delgado	Kotowski	Noland	
Frerichs	Landek	Oberweis	

The following voted in the negative:

Barickman	McCann	Rose
Duffy	McCarter	Syverson

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

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

At the hour of 1:18 o'clock p.m., Senator Harmon, presiding.

On motion of Senator Hutchinson, **Senate Bill No. 1043** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 39; NAYS 12.

The following voted in the affirmative:

Althoff	Frerichs	Kotowski	Noland
Bertino-Tarrant	Haine	Landek	Radogno
Biss	Harmon	Link	Raoul
Bivins	Harris	Luechtefeld	Rezin
Bush	Hastings	Manar	Silverstein
Clayborne	Holmes	Martinez	Stadelman
Collins	Hunter	McGuire	Steans
Cullerton, T.	Hutchinson	Morrison	Van Pelt
Cunningham	Jones, E.	Mulroe	Mr. President
Delgado	Koehler	Muñoz	

The following voted in the negative:

Barickman	Duffy	Oberweis
Brady	LaHood	Righter
Connelly	McCarter	Rose
Dillard	McConnaughay	Syverson

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 J. Cullerton, **Senate Bill No. 1640** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Link	Radogno
Barickman	Frerichs	Luechtefeld	Raoul
Bertino-Tarrant	Haine	Manar	Rezin
Biss	Harmon	Martinez	Righter
Bivins	Harris	McCann	Rose
Brady	Hastings	McCarter	Silverstein
Bush	Holmes	McConnaughay	Stadelman
Clayborne	Hunter	McGuire	Steans
Collins	Hutchinson	Morrison	Sullivan
Connelly	Jones, E.	Mulroe	Syverson
Cullerton, T.	Koehler	Muñoz	Van Pelt
Cunningham	Kotowski	Murphy	Mr. President

Delgado	LaHood	Noland
Dillard	Landek	Oberweis

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

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

SENATE BILL RECALLED

On motion of Senator Link, **Senate Bill No. 1680** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment No. 1 was postponed in the Committee on Executive.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1680

AMENDMENT NO. 2. Amend Senate Bill 1680 by replacing everything after the enacting clause with the following:

"Section 5. The Local Governmental Employees Political Rights Act is amended by changing Section 12 as follows:

(50 ILCS 135/12)

Sec. 12. Elective and appointed office.

(a) A member of any fire department or fire protection district may:

(1) be a candidate for elective public office and serve in that public office if elected;

(2) be appointed to any public office and serve in that public office if appointed; and

(3) as long as the member is not in uniform and not on duty, solicit votes and campaign funds and challenge voters for the public office for which the member is a candidate.

(b) A firefighter who is elected to the Illinois General Assembly shall, upon written application to the employer, be granted a leave of absence without compensation during his or her term of office.

(c) A police officer or Sheriff's deputy may be a candidate for or appointed to serve in, and if elected or appointed serve in, the Illinois General Assembly. A police officer or Sheriff's deputy who is elected to the General Assembly shall, upon written application to the employer, be granted a leave of absence without compensation during his or her term of office. As long as the police officer or Sheriff's deputy is not in uniform and not on duty, he or she may solicit votes and campaign funds and challenge voters for the General Assembly office for which he or she is a candidate.

(Source: P.A. 94-316, eff. 7-25-05; 95-142, eff. 8-13-07.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Link, **Senate Bill No. 1680** 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.

The following voted in the affirmative:

Bush	Harris	Manar	Silverstein
Clayborne	Hastings	Martinez	Stadelman

Collins	Hunter	McGuire	Steans
Cunningham	Hutchinson	Morrison	Sullivan
Delgado	Jones, E.	Mulroe	Syverson
Dillard	Koehler	Muñoz	Van Pelt
Frerichs	Kotowski	Noland	Mr. President
Harmon	Link	Raoul	

The following voted in the negative:

Althoff	Duffy	McCann	Righter
Barickman	Haine	McCarter	Rose
Biss	LaHood	Oberweis	
Bivins	Landek	Radogno	
Connelly	Luechtefeld	Rezin	

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 Link, **Senate Bill No. 2305** 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 20.

The following voted in the affirmative:

Bertino-Tarrant	Harris	Link	Raoul
Bush	Hastings	Manar	Silverstein
Clayborne	Holmes	Martinez	Stadelman
Collins	Hunter	McGuire	Steans
Cunningham	Hutchinson	Morrison	Sullivan
Delgado	Jones, E.	Mulroe	Van Pelt
Haine	Koehler	Muñoz	Mr. President
Harmon	Kotowski	Noland	

The following voted in the negative:

Althoff	Dillard	McConnaughay	Rose
Barickman	Duffy	Murphy	Syverson
Bivins	LaHood	Oberweis	
Brady	Luechtefeld	Radogno	
Connelly	McCann	Rezin	
Cullerton, T.	McCarter	Righter	

This roll call verified.

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

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

SENATE BILL RECALLED

On motion of Senator Link, **Senate Bill No. 206** was recalled from the order of third reading to the order of second reading.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 206

AMENDMENT NO. 1. Amend Senate Bill 206 by replacing everything after the enacting clause with the following:

"Section 5. The Secretary of State Merit Employment Code is amended by changing Section 12 as follows:

(15 ILCS 310/12) (from Ch. 124, par. 112)

Sec. 12. Employees of the Office of the Secretary of State - election to public office - leave of absence - re-entry of service. Any person holding a position in the Office of the Secretary of State, who is elected to public office, may ~~shall~~, upon request, be granted a leave of absence, without pay, from such position. The leave of absence shall continue so long as he remains an elected officer or for a period of 5 years, whichever is shorter ~~and for a period of 30 calendar days thereafter~~.

If such person files a written request with the Director of Personnel to re-enter active service with the Office of the Secretary of State within a 30-day period following the termination of his leave, ~~such 30 day period~~ he may ~~shall~~ be reinstated to his former position or a position of comparable duties, responsibilities and pay.

(Source: P.A. 80-13.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Link, **Senate Bill No. 206** 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 43; NAYS 5.

The following voted in the affirmative:

Althoff	Harmon	Manar	Raoul
Bertino-Tarrant	Hastings	Martinez	Rezin
Biss	Holmes	McCann	Rose
Bush	Hunter	McConnaughay	Silverstein
Clayborne	Hutchinson	McGuire	Stadelman
Collins	Jones, E.	Morrison	Steans
Cunningham	Koehler	Mulroe	Sullivan
Delgado	Kotowski	Muñoz	Syverson
Dillard	Landek	Murphy	Van Pelt
Frerichs	Link	Noland	Mr. President
Haine	Luechtefeld	Radogno	

The following voted in the negative:

Bivins	Duffy	McCarter
Connelly	LaHood	

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.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Steans, **House Bill No. 2275** 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 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Link	Radogno
Barickman	Frerichs	Luechtefeld	Raoul
Bertino-Tarrant	Haine	Manar	Rezin
Biss	Harmon	Martinez	Righter
Bivins	Harris	McCann	Rose
Brady	Hastings	McCarter	Silverstein
Bush	Holmes	McConnaughay	Stadelman
Clayborne	Hunter	McGuire	Steans
Collins	Hutchinson	Morrison	Sullivan
Connelly	Jones, E.	Mulroe	Syverson
Cullerton, T.	Koehler	Muñoz	Van Pelt
Cunningham	Kotowski	Murphy	Mr. President
Delgado	LaHood	Noland	
Dillard	Landek	Oberweis	

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 Steans, **House Bill No. 207** 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 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Link	Radogno
Barickman	Frerichs	Luechtefeld	Raoul
Bertino-Tarrant	Haine	Manar	Rezin
Biss	Harmon	Martinez	Righter
Bivins	Harris	McCann	Rose
Brady	Hastings	McCarter	Silverstein
Bush	Holmes	McConnaughay	Stadelman
Clayborne	Hunter	McGuire	Steans
Collins	Hutchinson	Morrison	Sullivan
Connelly	Jones, E.	Mulroe	Syverson
Cullerton, T.	Koehler	Muñoz	Van Pelt
Cunningham	Kotowski	Murphy	Mr. President
Delgado	LaHood	Noland	

Dillard	Landek	Oberweis

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 Koehler, **House Bill No. 1292** 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:

Althoff	Duffy	Link	Radogno
Barickman	Frerichs	Luechtefeld	Raoul
Bertino-Tarrant	Haine	Manar	Rezin
Biss	Harmon	Martinez	Righter
Bivins	Harris	McCann	Rose
Brady	Hastings	McCarter	Silverstein
Bush	Holmes	McConnaughay	Stadelman
Clayborne	Hunter	McGuire	Steans
Collins	Hutchinson	Morrison	Sullivan
Connelly	Jones, E.	Mulroe	Syverson
Cullerton, T.	Koehler	Muñoz	Mr. President
Cunningham	Kotowski	Murphy	
Delgado	LaHood	Noland	
Dillard	Landek	Oberweis	

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 McCarter, **House Bill No. 2381** 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 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Link	Radogno
Barickman	Frerichs	Luechtefeld	Raoul
Bertino-Tarrant	Haine	Manar	Rezin
Biss	Harmon	Martinez	Righter
Bivins	Harris	McCann	Rose
Brady	Hastings	McCarter	Silverstein
Bush	Holmes	McConnaughay	Stadelman
Clayborne	Hunter	McGuire	Steans
Collins	Hutchinson	Morrison	Sullivan
Connelly	Jones, E.	Mulroe	Syverson
Cullerton, T.	Koehler	Muñoz	Van Pelt
Cunningham	Kotowski	Murphy	Mr. President

Delgado	LaHood	Noland
Dillard	Landek	Oberweis

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.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Manar moved that **Senate Resolution No. 218**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Manar offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE RESOLUTION 218

AMENDMENT NO. 1. Amend Senate Resolution 218 on page 2, line 21, by replacing "2" with "25".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Manar moved that Senate Resolution No. 218, as amended, be adopted.

The motion prevailed.

And the resolution was adopted.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 238

Offered by Senator Harmon and all Senators:
Mourns the death of Camillus Joachim Wurtz of Pocahontas, Arkansas.

SENATE RESOLUTION NO. 239

Offered by Senator E. Jones III and all Senators:
Mourns the death of Jacoby Dickens of Chicago.

SENATE RESOLUTION NO. 240

Offered by Senator Manar and all Senators:
Mourns the death of Betty June Wolff of Bunker Hill.

SENATE RESOLUTION NO. 241

Offered by Senator Forby and all Senators:
Mourns the death of Lorene Page.

SENATE RESOLUTION NO. 242

Offered by Senator Haine and all Senators:
Mourns the death of James "Curt" Gregory of Alton, formerly of Marion.

SENATE RESOLUTION NO. 244

Offered by Senator Link and all Senators:
Mourns the death of John H. VanGeem of Gurnee, formerly of Waukegan.

SENATE RESOLUTION NO. 245

Offered by Senator Link and all Senators:
Mourns the death of Stephen E. Walter of Grayslake.

SENATE RESOLUTION NO. 246

Offered by Senator Koehler and all Senators:

Mourns the death of Royce W. Elliott of East Peoria.

SENATE RESOLUTION NO. 247

Offered by Senator Frerichs and all Senators:
Mourns the death of Edward J. Layden, Sr., of Hoopeston.

SENATE RESOLUTION NO. 248

Offered by Senator Frerichs and all Senators:
Mourns the death of Lyle E. Shields of Dewey.

SENATE RESOLUTION NO. 249

Offered by Senator Althoff and all Senators:
Mourns the death of Dr. James "Jim" O'Donnell of Woodstock.

SENATE RESOLUTION NO. 250

Offered by Senator Althoff and all Senators:
Mourns the death of Sandra "Sandy" Huff of Woodstock, formerly of Richmond and Crystal Lake.

SENATE RESOLUTION NO. 251

Offered by Senator LaHood and all Senators:
Mourns the death of Frederick J. "Fritz" Campbell of Wenona.

SENATE RESOLUTION NO. 252

Offered by Senator LaHood and all Senators:
Mourns the death of Royce W. Elliott of East Peoria.

SENATE RESOLUTION NO. 253

Offered by Senator Haine and all Senators:
Mourns the death of George Georgevits of Alton.

SENATE RESOLUTION NO. 254

Offered by Senator Biss and all Senators:
Mourns the death of Thomas Francis Dee III of Wilmette.

SENATE RESOLUTION NO. 255

Offered by Senator Morrison and all Senators:
Mourns the death of Richard A. Giesen of Lake Forest.

SENATE RESOLUTION NO. 258

Offered by Senator Harmon and all Senators:
Mourns the death of Leo J. Harmon, Sr., of River Forest.

SENATE RESOLUTION NO. 259

Offered by Senator Link and all Senators:
Mourns the death of Nota J. Kallianis of Waukegan.

SENATE RESOLUTION NO. 260

Offered by Senator Link and all Senators:
Mourns the death of Mary Ann Cavener of Waukegan.

SENATE RESOLUTION NO. 261

Offered by Senator Hunter and all Senators:
Mourns the death of Inell Brewer.

SENATE RESOLUTION NO. 262

Offered by Senator Hunter and all Senators:
Mourns the death of Jacoby Dickens of Fisher Island, Florida, formerly of Chicago.

SENATE RESOLUTION NO. 263

Offered by Senator McGuire and all Senators
Mourns the death of Morton "Mort" D. Barnett, M.D., of Scottsdale, Arizona, formerly of Joliet.

SENATE RESOLUTION NO. 264

Offered by Senator McGuire and all Senators
Mourns the death of John B. Tipton.

SENATE RESOLUTION NO. 265

Offered by Senator Koehler and all Senators:
Mourns the death of Keiya "Laurie Winkler" Dancer of Peoria.

The Chair moved the adoption of the Resolutions Consent Calendar. The motion prevailed, and the resolutions were adopted.

At the hour of 2:29 o'clock p.m., pursuant to **Senate Joint Resolution No. 34**, the Chair announced the Senate stand adjourned until Tuesday, April 30, 2013, at 12:00 o'clock noon, or until the call of the President.