



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-NINTH GENERAL ASSEMBLY

104TH LEGISLATIVE DAY

FRIDAY, APRIL 22, 2016

9:09 O'CLOCK A.M.

SENATE
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104th Legislative Day

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The Senate met pursuant to adjournment.
Senator Don Harmon, Oak Park, Illinois, presiding.
Prayer by Senator David Koehler.
Senator Cunningham led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Thursday, April 21, 2016, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Reporting Requirement of Public Act 94-0987 (Law Enforcement Camera Grant Act), submitted by the East Alton Police Department.

Reporting Requirement of Public Act 94-0987 (Law Enforcement Camera Grant Act), submitted by the Sangamon County Sheriff.

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

LEGISLATIVE MEASURE FILED

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

Floor Amendment No. 1 to Senate Bill 2047

MESSAGE FROM THE PRESIDENT

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

JOHN J. CULLERTON
SENATE PRESIDENT

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

April 21, 2016

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

Dear Mr. Secretary:

Pursuant to Rule 2-10, I am scheduling a regular session of the Senate to convene at 9:00 a.m. on Friday, April 22nd.

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

cc: Senate Minority Leader Christine Radogno

[April 22, 2016]

PRESENTATION OF RESOLUTION

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

SENATE JOINT RESOLUTION NO. 52

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Friday, April 22, 2016, the Senate stands adjourned until Tuesday, May 03, 2016 at 12:00 o'clock noon, or until the call of the President; and the House of Representatives stands adjourned until Tuesday, May 03, 2016, at 12:00 o'clock noon, or until the call of the Speaker.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 696, sponsored by Senator J. Cullerton, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1052, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3239, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3408, sponsored by Senator Cunningham, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4351, sponsored by Senator Biss, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4327, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4362, sponsored by Senator Delgado, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4432, sponsored by Senator Weaver, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4477, sponsored by Senator Harris, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4668, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4688, sponsored by Senator Syverson, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5010, sponsored by Senator J. Cullerton, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5530, sponsored by Senator Van Pelt, was taken up, read by title a first time and referred to the Committee on Assignments.

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House Bill No. 5576, sponsored by Senator Hutchinson, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5668, sponsored by Senator Harris, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5785, sponsored by Senator Lightford, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5907, sponsored by Senator Hastings, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5912, sponsored by Senator Noland, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5973, sponsored by Senator Raoul, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 6041, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 6044, sponsored by Senator Rezin, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 6093, sponsored by Senator Sandoval, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 6328, sponsored by Senator Collins, was taken up, read by title a first time and referred to the Committee on Assignments.

SENATE BILLS RECALLED

On motion of Senator Lightford, **Senate Bill No. 565** was recalled from the order of third reading to the order of second reading.

Floor Amendment Nos. 1, 2 and 3 were held in the Committee on Assignments.

Floor Amendment No. 4 was postponed in the Committee on Executive.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 5 TO SENATE BILL 565

AMENDMENT NO. 5. Amend Senate Bill 565 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 27-8.1 as follows:

(105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

Sec. 27-8.1. Health examinations and immunizations.

(1) In compliance with rules and regulations which the Department of Public Health shall promulgate, and except as hereinafter provided, all children in Illinois shall have a health examination as follows: within one year prior to entering kindergarten or the first grade of any public, private, or parochial elementary school; upon entering the sixth and ninth grades of any public, private, or parochial school; prior to entrance into any public, private, or parochial nursery school; and, irrespective of grade, immediately prior to or upon entrance into any public, private, or parochial school or nursery school, each child shall present proof of having been examined in accordance with this Section and the rules and regulations promulgated hereunder. Any child who received a health examination within one year prior to entering the fifth grade for the 2007-2008 school year is not required to receive an additional health examination in order to comply with the provisions of Public Act 95-422 when he or she attends school for the 2008-2009 school year, unless the child is attending school for the first time as provided in this paragraph.

[April 22, 2016]

A tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis. Additional health examinations of pupils, including eye examinations, may be required when deemed necessary by school authorities. Parents are encouraged to have their children undergo eye examinations at the same points in time required for health examinations.

(1.5) In compliance with rules adopted by the Department of Public Health and except as otherwise provided in this Section, all children in kindergarten and the second and sixth grades of any public, private, or parochial school shall have a dental examination. Each of these children shall present proof of having been examined by a dentist in accordance with this Section and rules adopted under this Section before May 15th of the school year. If a child in the second or sixth grade fails to present proof by May 15th, the school may hold the child's report card until one of the following occurs: (i) the child presents proof of a completed dental examination or (ii) the child presents proof that a dental examination will take place within 60 days after May 15th. The Department of Public Health shall establish, by rule, a waiver for children who show an undue burden or a lack of access to a dentist. Each public, private, and parochial school must give notice of this dental examination requirement to the parents and guardians of students at least 60 days before May 15th of each school year.

(1.10) Except as otherwise provided in this Section, all children enrolling in kindergarten in a public, private, or parochial school on or after the effective date of this amendatory Act of the 95th General Assembly and any student enrolling for the first time in a public, private, or parochial school on or after the effective date of this amendatory Act of the 95th General Assembly shall have an eye examination. Each of these children shall present proof of having been examined by a physician licensed to practice medicine in all of its branches or a licensed optometrist within the previous year, in accordance with this Section and rules adopted under this Section, before October 15th of the school year. If the child fails to present proof by October 15th, the school may hold the child's report card until one of the following occurs: (i) the child presents proof of a completed eye examination or (ii) the child presents proof that an eye examination will take place within 60 days after October 15th. The Department of Public Health shall establish, by rule, a waiver for children who show an undue burden or a lack of access to a physician licensed to practice medicine in all of its branches who provides eye examinations or to a licensed optometrist. Each public, private, and parochial school must give notice of this eye examination requirement to the parents and guardians of students in compliance with rules of the Department of Public Health. Nothing in this Section shall be construed to allow a school to exclude a child from attending because of a parent's or guardian's failure to obtain an eye examination for the child.

(2) The Department of Public Health shall promulgate rules and regulations specifying the examinations and procedures that constitute a health examination, which shall include an age-appropriate and developmentally appropriate social and emotional screening and the collection of data relating to obesity (including at a minimum, date of birth, gender, height, weight, blood pressure, and date of exam), and a dental examination and may recommend by rule that certain additional examinations be performed. The rules and regulations of the Department of Public Health shall specify that a tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis. With respect to the social and emotional screening, the rules must be developed in conjunction with a statewide organization representing school boards, a statewide organization representing pediatricians, and a statewide organization representing children's mental health experts and, at a minimum, recommend the use of a validated screening tool. The rules shall provide that social and emotional screenings are not intended to replace or duplicate health care systems conducting screening and anticipatory guidance consistent with recommendations of the American Academy of Pediatrics and must be consistent with the State Board of Education's social and emotional learning standards. The Department of Public Health shall specify that a diabetes screening as defined by rule shall be included as a required part of each health examination. Diabetes testing is not required.

Physicians licensed to practice medicine in all of its branches, licensed advanced practice nurses, or licensed physician assistants shall be responsible for the performance of the health examinations, other than dental examinations, eye examinations, and vision and hearing screening, and shall sign all report forms required by subsection (4) of this Section that pertain to those portions of the health examination for which the physician, advanced practice nurse, or physician assistant is responsible. If a registered nurse performs any part of a health examination, then a physician licensed to practice medicine in all of its branches must review and sign all required report forms. Licensed dentists shall perform all dental examinations and shall sign all report forms required by subsection (4) of this Section that pertain to the dental examinations. Physicians licensed to practice medicine in all its branches or licensed optometrists shall perform all eye examinations required by this Section and shall sign all report forms required by

subsection (4) of this Section that pertain to the eye examination. For purposes of this Section, an eye examination shall at a minimum include history, visual acuity, subjective refraction to best visual acuity near and far, internal and external examination, and a glaucoma evaluation, as well as any other tests or observations that in the professional judgment of the doctor are necessary. Vision and hearing screening tests, which shall not be considered examinations as that term is used in this Section, shall be conducted in accordance with rules and regulations of the Department of Public Health, and by individuals whom the Department of Public Health has certified. In these rules and regulations, the Department of Public Health shall require that individuals conducting vision screening tests give a child's parent or guardian written notification, before the vision screening is conducted, that states, "Vision screening is not a substitute for a complete eye and vision evaluation by an eye doctor. Your child is not required to undergo this vision screening if an optometrist or ophthalmologist has completed and signed a report form indicating that an examination has been administered within the previous 12 months."

(2.5) With respect to the social and emotional screening portion of the health examination, each child shall present proof of having been examined by a physician licensed to practice medicine in all of its branches within the previous year, in accordance with this Section and rules adopted under this Section, before October 15th of the school year. If the child fails to present proof of the social and emotional screening portion of the health examination by October 15th, the school may hold the child's report card until one of the following occurs: (i) the child presents proof of a completed social and emotional screening or (ii) the child presents proof that a social and emotional screening will take place within 60 days after October 15th. The Department of Public Health shall establish, by rule, a waiver for children who show an undue burden or a lack of access to a physician licensed to practice medicine in all of its branches who provides social and emotional screenings. Each public, private, and parochial school must give notice of this social and emotional screening requirement to the parents and guardians of students in compliance with rules of the Department of Public Health. Nothing in this Section shall be construed to allow a school to exclude a child from attending because of a parent's or guardian's failure to obtain a social and emotional screening for the child.

(3) Every child shall, at or about the same time as he or she receives a health examination required by subsection (1) of this Section, present to the local school proof of having received such immunizations against preventable communicable diseases as the Department of Public Health shall require by rules and regulations promulgated pursuant to this Section and the Communicable Disease Prevention Act.

(4) The individuals conducting the health examination, dental examination, or eye examination shall record the fact of having conducted the examination, and such additional information as required, including for a health examination data relating to obesity (including at a minimum, date of birth, gender, height, weight, blood pressure, and date of exam), on uniform forms which the Department of Public Health and the State Board of Education shall prescribe for statewide use. The examiner shall summarize on the report form any condition that he or she suspects indicates a need for special services, including for a health examination factors relating to obesity. Regarding social and emotional functioning, information must be shared in a manner consistent with laws and policies governing health care confidentiality. The individuals confirming the administration of required immunizations shall record as indicated on the form that the immunizations were administered.

(5) If a child does not submit proof of having had either the health examination or the immunization as required, then the child shall be examined or receive the immunization, as the case may be, and present proof by October 15 of the current school year, or by an earlier date of the current school year established by a school district. To establish a date before October 15 of the current school year for the health examination or immunization as required, a school district must give notice of the requirements of this Section 60 days prior to the earlier established date. If for medical reasons one or more of the required immunizations must be given after October 15 of the current school year, or after an earlier established date of the current school year, then the child shall present, by October 15, or by the earlier established date, a schedule for the administration of the immunizations and a statement of the medical reasons causing the delay, both the schedule and the statement being issued by the physician, advanced practice nurse, physician assistant, registered nurse, or local health department that will be responsible for administration of the remaining required immunizations. If a child does not comply by October 15, or by the earlier established date of the current school year, with the requirements of this subsection, then the local school authority shall exclude that child from school until such time as the child presents proof of having had the health examination as required and presents proof of having received those required immunizations which are medically possible to receive immediately. During a child's exclusion from school for noncompliance with this subsection, the child's parents or legal guardian shall be considered in violation of Section 26-1 and subject to any penalty imposed by Section 26-10. This subsection (5) does not apply to dental examinations, and eye examinations , or the social and emotional screening portion of the health

examination. If the student is an out-of-state transfer student and does not have the proof required under this subsection (5) before October 15 of the current year or whatever date is set by the school district, then he or she may only attend classes (i) if he or she has proof that an appointment for the required vaccinations has been scheduled with a party authorized to submit proof of the required vaccinations. If the proof of vaccination required under this subsection (5) is not submitted within 30 days after the student is permitted to attend classes, then the student is not to be permitted to attend classes until proof of the vaccinations has been properly submitted. No school district or employee of a school district shall be held liable for any injury or illness to another person that results from admitting an out-of-state transfer student to class that has an appointment scheduled pursuant to this subsection (5).

(6) Every school shall report to the State Board of Education by November 15, in the manner which that agency shall require, the number of children who have received the necessary immunizations and the health examination (other than a dental examination or eye examination) as required, indicating, of those who have not received the immunizations and examination as required, the number of children who are exempt from health examination and immunization requirements on religious or medical grounds as provided in subsection (8). On or before December 1 of each year, every public school district and registered nonpublic school shall make publicly available the immunization data they are required to submit to the State Board of Education by November 15. The immunization data made publicly available must be identical to the data the school district or school has reported to the State Board of Education.

Every school shall report to the State Board of Education by June 30, in the manner that the State Board requires, the number of children who have received the required dental examination, indicating, of those who have not received the required dental examination, the number of children who are exempt from the dental examination on religious grounds as provided in subsection (8) of this Section and the number of children who have received a waiver under subsection (1.5) of this Section.

Every school shall report to the State Board of Education by June 30, in the manner that the State Board requires, the number of children who have received the required eye examination, indicating, of those who have not received the required eye examination, the number of children who are exempt from the eye examination as provided in subsection (8) of this Section, the number of children who have received a waiver under subsection (1.10) of this Section, and the total number of children in noncompliance with the eye examination requirement.

The reported information under this subsection (6) shall be provided to the Department of Public Health by the State Board of Education.

(7) Upon determining that the number of pupils who are required to be in compliance with subsection (5) of this Section is below 90% of the number of pupils enrolled in the school district, 10% of each State aid payment made pursuant to Section 18-8.05 to the school district for such year may be withheld by the State Board of Education until the number of students in compliance with subsection (5) is the applicable specified percentage or higher.

(8) Children of parents or legal guardians who object to health, dental, or eye examinations or any part thereof, to immunizations, or to vision and hearing screening tests on religious grounds shall not be required to undergo the examinations, tests, or immunizations to which they so object if such parents or legal guardians present to the appropriate local school authority a signed Certificate of Religious Exemption detailing the grounds for objection and the specific immunizations, tests, or examinations to which they object. The grounds for objection must set forth the specific religious belief that conflicts with the examination, test, immunization, or other medical intervention. The signed certificate shall also reflect the parent's or legal guardian's understanding of the school's exclusion policies in the case of a vaccine-preventable disease outbreak or exposure. The certificate must also be signed by the authorized examining health care provider responsible for the performance of the child's health examination confirming that the provider provided education to the parent or legal guardian on the benefits of immunization and the health risks to the student and to the community of the communicable diseases for which immunization is required in this State. However, the health care provider's signature on the certificate reflects only that education was provided and does not allow a health care provider grounds to determine a religious exemption. Those receiving immunizations required under this Code shall be provided with the relevant vaccine information statements that are required to be disseminated by the federal National Childhood Vaccine Injury Act of 1986, which may contain information on circumstances when a vaccine should not be administered, prior to administering a vaccine. A healthcare provider may consider including without limitation the nationally accepted recommendations from federal agencies such as the Advisory Committee on Immunization Practices, the information outlined in the relevant vaccine information statement, and vaccine package inserts, along with the healthcare provider's clinical judgment, to determine whether any child may be more susceptible to experiencing an adverse vaccine reaction than the general population, and, if so, the healthcare provider may exempt the child from an immunization or

adopt an individualized immunization schedule. The Certificate of Religious Exemption shall be created by the Department of Public Health and shall be made available and used by parents and legal guardians by the beginning of the 2015-2016 school year. Parents or legal guardians must submit the Certificate of Religious Exemption to their local school authority prior to entering kindergarten, sixth grade, and ninth grade for each child for which they are requesting an exemption. The religious objection stated need not be directed by the tenets of an established religious organization. However, general philosophical or moral reluctance to allow physical examinations, eye examinations, immunizations, vision and hearing screenings, or dental examinations does not provide a sufficient basis for an exception to statutory requirements. The local school authority is responsible for determining if the content of the Certificate of Religious Exemption constitutes a valid religious objection. The local school authority shall inform the parent or legal guardian of exclusion procedures, in accordance with the Department's rules under Part 690 of Title 77 of the Illinois Administrative Code, at the time the objection is presented.

If the physical condition of the child is such that any one or more of the immunizing agents should not be administered, the examining physician, advanced practice nurse, or physician assistant responsible for the performance of the health examination shall endorse that fact upon the health examination form.

Exempting a child from the health, dental, or eye examination does not exempt the child from participation in the program of physical education training provided in Sections 27-5 through 27-7 of this Code.

(9) For the purposes of this Section, "nursery schools" means those nursery schools operated by elementary school systems or secondary level school units or institutions of higher learning. (Source: P.A. 98-673, eff. 6-30-14; 99-173, eff. 7-29-15; 99-249, eff. 8-3-15; revised 10-21-15.)".

The motion prevailed.

The amendment was adopted and ordered printed.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 6 TO SENATE BILL 565

AMENDMENT NO. 6. Amend Senate Bill 565, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 5, on page 4, by replacing line 18 with the following: "age-appropriate developmental and social and".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Collins, **Senate Bill No. 574** 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. 1 TO SENATE BILL 574

AMENDMENT NO. 1. Amend Senate Bill 574 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Muslim American Advisory Council Act.

Section 5. Findings and declaration of policy. The General Assembly hereby finds, determines, and declares:

(a) The State of Illinois is home to over 500,000 Muslims and over 300 mosques, representing various races and ethnicities, including but not limited to African Americans, West and East African Americans, South Asian Americans, Arab Americans, Latin Americans, and Caucasian Americans. They also represent a variety of professions, including but not limited to lawyers, business owners, professors, and community activists.

(b) Muslims are the third largest religious group in the State of Illinois after Roman Catholics and independent Evangelical Christians.

(c) It is the public policy of the State of Illinois to promote diversity and to ensure inclusion of all religious, racial, and ethnic groups within this State.

Section 10. Definitions. As used in this Act:

[April 22, 2016]

"Council" means the Illinois Muslim American Advisory Council created by this Act.
 "Muslim" means an individual who practices the religion of Islam.

Section 15. The Illinois Muslim American Advisory Council. There is hereby created the Illinois Muslim American Advisory Council. The purpose of the Council is to advise the Governor and the General Assembly on policy issues impacting Muslim Americans and immigrants; to advance the role and civic participation of Muslim Americans in this State; to enhance trade and cooperation between Muslim-majority countries and this State; and to build relationships with and disseminate information to, in cooperation with State agencies, boards, and commissions, Muslim American and immigrant communities across this State.

Section 20. Council members.

(a) The Council shall consist of 21 members. The Governor shall appoint one member to be the representative of the Office of the Governor. The Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives shall also each appoint 4 public members to the Council. The Governor shall select the chairperson of the Council, from among the members.

(b) Appointing authorities shall ensure, to the maximum extent practicable, that the Council is diverse with respect to race, ethnicity, age, gender, and geography.

(c) Appointments to the Council shall be persons of recognized ability and experience in one or more of the following areas: higher education, business, international trade, law, social services, human services, immigration, refugee services, community development, or healthcare.

(d) Members of the Council shall serve 2-year terms. A member shall serve until his or her successor shall be appointed. Members of the Council shall not be entitled to compensation for their services as members.

(e) The following officials shall serve as ex-officio members: the Deputy Director of the Office of Trade and Investment within the Department of Commerce and Economic Opportunity, or his or her designee, and the Chief of the Bureau of Refugee and Immigrant Services within the Department of Human Services, or his or her designee. In addition, the Department on Aging, the Department of Children and Family Services, the Department of Healthcare and Family Services, the Department of Public Health, the Department of Central Management Services, the Board of Education, the Board of Higher Education, and the Community College Board shall each appoint a liaison to serve as an ex-officio member of the Council.

(f) The Council may establish committees that address certain issues, including, but not limited to, communications, economic development, and legislative affairs.

(g) The Office of the Governor shall provide administrative and technical support to the Council, including a staff member to serve as ethics officer.

Section 25. Meetings. The Council shall meet at least once per month. In addition, the Council may hold up to 2 public hearings annually to assist in the development of policy recommendations to the Governor and the General Assembly. All meetings of the Council shall be conducted in accordance with the Open Meetings Act. Eleven members of the Council shall constitute a quorum. Six members of the Council shall constitute a majority of a quorum.

Section 30. Reports. The Council shall issue semi-annual reports on its policy recommendations by June 30th and December 31st of each year to the Governor and the General Assembly.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

[April 22, 2016]

On motion of Senator Collins, **Senate Bill No. 574** 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 4.

The following voted in the affirmative:

Althoff	Harmon	Luechtefeld	Righter
Bennett	Harris	Manar	Sandoval
Bertino-Tarrant	Hastings	Martinez	Stadelman
Biss	Holmes	McGuire	Steans
Brady	Hunter	Morrison	Sullivan
Bush	Hutchinson	Mulroe	Syverson
Collins	Jones, E.	Muñoz	Trotter
Cullerton, T.	Koehler	Murphy, L.	Van Pelt
Cunningham	Landek	Nybo	Weaver
Forby	Lightford	Radogno	Mr. President
Haine	Link	Raoul	

The following voted in the negative:

Anderson	McCarter
Bivins	Rose

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 Bennett, **Senate Bill No. 575** was recalled from the order of third reading to the order of second reading.

Senator Bennett offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 575

AMENDMENT NO. 1. Amend Senate Bill 575 by replacing everything after the enacting clause with the following:

"Section 5. The University of Illinois Act is amended by adding Section 90 as follows:
(110 ILCS 305/90 new)

Sec. 90. MAP funding: prohibitions. The University may not prohibit a student from registering for classes or refuse to issue a student transcript based solely on the fact that the student was awarded a Monetary Award Program grant under Section 35 of the Higher Education Student Assistance Act for Fiscal Year 2016, but the student did not receive that grant because no funds were appropriated for grant awards. The provisions of this Section, other than this sentence, are inoperative if funds are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for Fiscal Year 2016 Monetary Award Program grant awards.

Section 10. The Southern Illinois University Management Act is amended by adding Section 75 as follows:

(110 ILCS 520/75 new)

Sec. 75. MAP funding: prohibitions. The University may not prohibit a student from registering for classes or refuse to issue a student transcript based solely on the fact that the student was awarded a Monetary Award Program grant under Section 35 of the Higher Education Student Assistance Act for Fiscal Year 2016, but the student did not receive that grant because no funds were appropriated for grant

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awards. The provisions of this Section, other than this sentence, are inoperative if funds are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for Fiscal Year 2016 Monetary Award Program grant awards.

Section 15. The Chicago State University Law is amended by adding Section 5-185 as follows:
(110 ILCS 660/5-185 new)

Sec. 5-185. MAP funding; prohibitions. The University may not prohibit a student from registering for classes or refuse to issue a student transcript based solely on the fact that the student was awarded a Monetary Award Program grant under Section 35 of the Higher Education Student Assistance Act for Fiscal Year 2016, but the student did not receive that grant because no funds were appropriated for grant awards. The provisions of this Section, other than this sentence, are inoperative if funds are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for Fiscal Year 2016 Monetary Award Program grant awards.

Section 20. The Eastern Illinois University Law is amended by adding Section 10-185 as follows:
(110 ILCS 665/10-185 new)

Sec. 10-185. MAP funding; prohibitions. The University may not prohibit a student from registering for classes or refuse to issue a student transcript based solely on the fact that the student was awarded a Monetary Award Program grant under Section 35 of the Higher Education Student Assistance Act for Fiscal Year 2016, but the student did not receive that grant because no funds were appropriated for grant awards. The provisions of this Section, other than this sentence, are inoperative if funds are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for Fiscal Year 2016 Monetary Award Program grant awards.

Section 25. The Governors State University Law is amended by adding Section 15-185 as follows:
(110 ILCS 670/15-185 new)

Sec. 15-185. MAP funding; prohibitions. The University may not prohibit a student from registering for classes or refuse to issue a student transcript based solely on the fact that the student was awarded a Monetary Award Program grant under Section 35 of the Higher Education Student Assistance Act for Fiscal Year 2016, but the student did not receive that grant because no funds were appropriated for grant awards. The provisions of this Section, other than this sentence, are inoperative if funds are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for Fiscal Year 2016 Monetary Award Program grant awards.

Section 30. The Illinois State University Law is amended by adding Section 20-190 as follows:
(110 ILCS 675/20-190 new)

Sec. 20-190. MAP funding; prohibitions. The University may not prohibit a student from registering for classes or refuse to issue a student transcript based solely on the fact that the student was awarded a Monetary Award Program grant under Section 35 of the Higher Education Student Assistance Act for Fiscal Year 2016, but the student did not receive that grant because no funds were appropriated for grant awards. The provisions of this Section, other than this sentence, are inoperative if funds are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for Fiscal Year 2016 Monetary Award Program grant awards.

Section 35. The Northeastern Illinois University Law is amended by adding Section 25-185 as follows:
(110 ILCS 680/25-185 new)

Sec. 25-185. MAP funding; prohibitions. The University may not prohibit a student from registering for classes or refuse to issue a student transcript based solely on the fact that the student was awarded a Monetary Award Program grant under Section 35 of the Higher Education Student Assistance Act for Fiscal Year 2016, but the student did not receive that grant because no funds were appropriated for grant awards. The provisions of this Section, other than this sentence, are inoperative if funds are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for Fiscal Year 2016 Monetary Award Program grant awards.

Section 40. The Northern Illinois University Law is amended by adding Section 30-195 as follows:
(110 ILCS 685/30-195 new)

Sec. 30-195. MAP funding; prohibitions. The University may not prohibit a student from registering for classes or refuse to issue a student transcript based solely on the fact that the student was awarded a Monetary Award Program grant under Section 35 of the Higher Education Student Assistance Act for

Fiscal Year 2016, but the student did not receive that grant because no funds were appropriated for grant awards. The provisions of this Section, other than this sentence, are inoperative if funds are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for Fiscal Year 2016 Monetary Award Program grant awards.

Section 45. The Western Illinois University Law is amended by adding Section 35-190 as follows:
(110 ILCS 690/35-190 new)

Sec. 35-190. MAP funding: prohibitions. The University may not prohibit a student from registering for classes or refuse to issue a student transcript based solely on the fact that the student was awarded a Monetary Award Program grant under Section 35 of the Higher Education Student Assistance Act for Fiscal Year 2016, but the student did not receive that grant because no funds were appropriated for grant awards. The provisions of this Section, other than this sentence, are inoperative if funds are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for Fiscal Year 2016 Monetary Award Program grant awards.

Section 50. The Public Community College Act is amended by adding Section 3-29.11 as follows:
(110 ILCS 805/3-29.11 new)

Sec. 3-29.11. MAP funding: prohibitions. A community college district may not prohibit a student from registering for classes or refuse to issue a student transcript based solely on the fact that the student was awarded a Monetary Award Program grant under Section 35 of the Higher Education Student Assistance Act for Fiscal Year 2016, but the student did not receive that grant because no funds were appropriated for grant awards. The provisions of this Section, other than this sentence, are inoperative if funds are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for Fiscal Year 2016 Monetary Award Program grant awards.

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 BILLS OF THE SENATE A THIRD TIME

On motion of Senator Nybo, **Senate Bill No. 2138** 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	Forby	Luechtefeld	Rezin
Anderson	Haine	Manar	Righter
Barickman	Harmon	Martinez	Rose
Bennett	Harris	McCann	Sandoval
Bertino-Tarrant	Hastings	McConaughay	Stadelman
Biss	Holmes	McGuire	Steans
Bivins	Hunter	Morrison	Sullivan
Brady	Hutchinson	Mulroe	Syverson
Bush	Jones, E.	Muñoz	Trotter
Collins	Koehler	Murphy, L.	Van Pelt
Connelly	Landek	Murphy, M.	Weaver
Cullerton, T.	Lightford	Nybo	Mr. President
Cunningham	Link	Raoul	

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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 Althoff, **Senate Bill No. 2186** 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	Haine	Martinez	Righter
Anderson	Harmon	McCann	Rose
Barickman	Harris	McCarter	Sandoval
Bennett	Hastings	McConnaughay	Stadelman
Bertino-Tarrant	Holmes	McGuire	Steans
Biss	Hunter	Morrison	Sullivan
Bivins	Hutchinson	Mulroe	Syverson
Brady	Jones, E.	Muñoz	Trotter
Bush	Koehler	Murphy, L.	Van Pelt
Collins	Landek	Murphy, M.	Weaver
Connelly	Lightford	Nybo	Mr. President
Cullerton, T.	Link	Radogno	
Cunningham	Luechtefeld	Raoul	
Forby	Manar	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.

SENATE BILL RECALLED

On motion of Senator Morrison, **Senate Bill No. 2213** was recalled from the order of third reading to the order of second reading.

Senator Morrison offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2213

AMENDMENT NO. 2. Amend Senate Bill 2213, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Firearm Owners Identification Card Act is amended by changing Section 8.1 as follows: (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

Sec. 8.1. Notifications to the Department of State Police.

(a) The Circuit Clerk shall, in the form and manner required by the Supreme Court, notify the Department of State Police of all final dispositions of cases for which the Department has received information reported to it under Sections 2.1 and 2.2 of the Criminal Identification Act.

(b) Upon adjudication of any individual as a person with a mental disability as defined in Section 1.1 of this Act or a finding that a person has been involuntarily admitted, the court shall direct the circuit court clerk to immediately notify the Department of State Police, Firearm Owner's Identification (FOID) department, and shall forward a copy of the court order to the Department.

(b-1) Beginning July 1, 2016, and each July 1 and December 30 of every year thereafter, the circuit court clerk shall, in the form and manner prescribed by the Department of State Police, notify the Department of State Police, Firearm Owner's Identification (FOID) department if the court has not directed

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the circuit court clerk to notify the Department of State Police, Firearm Owner's Identification (FOID) department under subsection (b) of this Section, within the preceding 6 months, because no person has been adjudicated as a person with a mental disability by the court as defined in Section 1.1 of this Act or if no person has been involuntarily admitted. The Supreme Court may adopt any orders or rules necessary to identify the persons who shall be reported to the Department of State Police under subsection (b), or any other orders or rules necessary to implement the requirements of this Act.

(c) The Department of Human Services shall, in the form and manner prescribed by the Department of State Police, report all information collected under subsection (b) of Section 12 of the Mental Health and Developmental Disabilities Confidentiality Act for the purpose of determining whether a person who may be or may have been a patient in a mental health facility is disqualified under State or federal law from receiving or retaining a Firearm Owner's Identification Card, or purchasing a weapon.

(d) If a person is determined to pose a clear and present danger to himself, herself, or to others:

(1) by a physician, clinical psychologist, or qualified examiner, or is determined to have a developmental disability by a physician, clinical psychologist, or qualified examiner, whether employed by the State or privately, then the physician, clinical psychologist, or qualified examiner shall, within 24 hours of making the determination, notify the Department of Human Services that the person poses a clear and present danger or has a developmental disability; or

(2) by a law enforcement official or school administrator, then the law enforcement official or school administrator shall, within 24 hours of making the determination, notify the Department of State Police that the person poses a clear and present danger.

The Department of Human Services shall immediately update its records and information relating to mental health and developmental disabilities, and if appropriate, shall notify the Department of State Police in a form and manner prescribed by the Department of State Police. The Department of State Police shall determine whether to revoke the person's Firearm Owner's Identification Card under Section 8 of this Act. Any information disclosed under this subsection shall remain privileged and confidential, and shall not be redisclosed, except as required under subsection (e) of Section 3.1 of this Act, nor used for any other purpose. The method of providing this information shall guarantee that the information is not released beyond what is necessary for the purpose of this Section and shall be provided by rule by the Department of Human Services. The identity of the person reporting under this Section shall not be disclosed to the subject of the report. The physician, clinical psychologist, qualified examiner, law enforcement official, or school administrator making the determination and his or her employer shall not be held criminally, civilly, or professionally liable for making or not making the notification required under this subsection, except for willful or wanton misconduct.

(e) The Department of State Police shall adopt rules to implement this Section.
(Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-143, eff. 7-27-15.)

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 Morrison, **Senate Bill No. 2213** 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	Haine	Martinez	Righter
Anderson	Harmon	McCann	Rose
Barickman	Harris	McConchie	Sandoval
Bennett	Hastings	McConnaughay	Stadelman

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Bertino-Tarrant	Holmes	McGuire	Steans
Biss	Hunter	Morrison	Sullivan
Bivins	Hutchinson	Mulroe	Syverson
Brady	Jones, E.	Muñoz	Trotter
Bush	Koehler	Murphy, L.	Van Pelt
Collins	Landek	Murphy, M.	Weaver
Connelly	Lightford	Nybo	Mr. President
Cullerton, T.	Link	Radogno	
Cunningham	Luechtefeld	Raoul	
Forby	Manar	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.

PRESENTATION OF RESOLUTIONS

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

SENATE RESOLUTION NO. 1781

WHEREAS, Safety is the highest priority for the streets and highways of our State; and

WHEREAS, The great State of Illinois is proud to be a national leader in motorcycle safety, education, and awareness; and

WHEREAS, Motorcycles are a common and economical means of transportation that reduces fuel consumption and road wear, and contributes in a significant way to the relief of traffic and parking congestion; and

WHEREAS, According to the Illinois Secretary of State's office, there are nearly 356,000 licensed motorcyclists in the State of Illinois; and

WHEREAS, It is especially meaningful that the citizens of our State be aware of motorcycles on the roadways and recognize the importance of motorcycle safety; and

WHEREAS, The members of A Brotherhood Aimed Toward Education (A.B.A.T.E.) of Illinois, Inc. have promoted motorcycle safety, education, and awareness in high school drivers' education programs and to the general public in our State for more than 29 years; the group has provided motorcycle awareness presentations to more than 138,000 participants in Illinois over the past 7 years; and

WHEREAS, All motorcyclists should proudly and actively promote the safe operation of motorcycles, as well as promote motorcycle safety, education, and awareness; and

WHEREAS, The motorcyclists of Illinois have contributed extensive volunteerism and money to national and community charitable organizations; and

WHEREAS, During the month of May, all roadway users should unite in the safe sharing of roadways within and throughout the great State of Illinois; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that, in recognition of over 355,000 registered motorcycles statewide, over 29 years of A.B.A.T.E. of Illinois, Inc., and in recognition of the continued role Illinois serves as a leader in motorcycle safety, education, and awareness, we designate the month of May of 2016 as Motorcycle Awareness Month in the State of Illinois; and be it further

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RESOLVED, That a suitable copy of this resolution be presented to A.B.A.T.E. of Illinois as a symbol of our esteem and respect.

Senator E. Jones III offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 1782

WHEREAS, It is the duty of the United States Congress to enact measures that establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for every resident of this nation; and

WHEREAS, Throughout the course of our nation's history, there has been one consistent voice supporting racial and social inequality and promoting the intimidation, subjugation, and violent repression of individuals solely on the basis of their race, ethnicity, religion, sexual orientation, and immigration status; and

WHEREAS, Since the issuance of the Emancipation Proclamation, the Ku Klux Klan and its many affiliates have terrorized African-Americans; and

WHEREAS, Since its founding in 1866, the main objective of this terrorist group has been to end or interfere with any policy giving equal rights to African-Americans; and

WHEREAS, In 1964, the Ku Klux Klan was held responsible for the deaths of three civil rights workers (James Chaney, Andrew Goodman, and Michael Schwerner), who were shot near Meridian, Mississippi; and

WHEREAS, In 1963, the Ku Klux Klan organized the bombing, which claimed the lives of four young girls, of the Sixteenth Street Baptist Church in Birmingham, Alabama; and

WHEREAS, The Ku Klux Klan has used tactics such as lynching, bombing, tar-and-feathering, shooting, rape, assaults on both property and persons, assassinations, and a host of Jim Crow-era laws in an effort to terrorize African-Americans; they and their affiliates were pioneers in the use of the Internet to recruit and mobilize members and remain an active online presence, seeking to indoctrinate and inspire youth to continue their campaign of hate; and

WHEREAS, The Ku Klux Klan's tactics mirror those of modern-day terrorist groups such as ISIS, BOKO Haram, and others whose sole purpose is to intimidate, disenfranchise, silence, and kill particular groups of people; and

WHEREAS, The Ku Klux Klan's message of racial and social injustice has led to senseless acts of violence that continue to terrorize African-American individuals and communities in our time; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge Congress to recognize the Ku Klux Klan as a terrorist organization and pursue dismantling this domestic terrorist hate group with the same fervor used to protect the United States from other manifestations of terrorism; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Speaker of the United States House of Representatives Paul Ryan, Senate Majority Leader Mitch McConnell, and all members of the Illinois Congressional Delegation.

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Senator Muñoz, Chairperson of the Committee on Executive Appointments, moved that the Senate resolve itself into Executive Session to consider the report of that Committee relative to the appointment messages.

The motion prevailed.

EXECUTIVE SESSION

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 990190, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 990190

Title of Office: Member

Agency or Other Body: Human Rights Commission

Start Date: April 27, 2015

End Date: January 21, 2019

Name: Hermene Hartman

Residence: 1919 S. Prairie Ave., Apt. 3, Chicago, IL 60616

Annual Compensation: \$46,960

Per diem: Not Applicable

Nominee's Senator: Senator Mattie Hunter

Most Recent Holder of Office: Merri Dee

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 49; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Martinez	Righter
Anderson	Harmon	McCann	Sandoval
Barickman	Harris	McConaughay	Stadelman
Bennett	Hastings	McGuire	Steans
Bertino-Tarrant	Hunter	Morrison	Sullivan
Biss	Hutchinson	Mulroe	Syverson
Brady	Jones, E.	Muñoz	Trotter
Bush	Koehler	Murphy, L.	Van Pelt
Collins	Landek	Murphy, M.	Weaver
Connelly	Lightford	Nybo	Mr. President
Cullerton, T.	Link	Radogno	
Cunningham	Luechtefeld	Raoul	
Forby	Manar	Rezin	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

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On motion of Senator Muñoz, the Executive Session arose and the Senate resumed consideration of business.

Senator Harmon, presiding.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Althoff, **Senate Bill No. 2214** 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; Present 1.

The following voted in the affirmative:

Althoff	Harris	McCann	Rezin
Anderson	Hastings	McCarter	Righter
Barickman	Holmes	McConchie	Sandoval
Biss	Hunter	McConnaughay	Sullivan
Bivins	Hutchinson	McGuire	Syverson
Brady	Jones, E.	Mulroe	Trotter
Bush	Koehler	Muñoz	Van Pelt
Connelly	Landek	Murphy, L.	Weaver
Cullerton, T.	Lightford	Murphy, M.	Mr. President
Cunningham	Link	Nybo	
Haine	Luechtefeld	Radogno	
Harmon	Martinez	Raoul	

The following voted present:

Manar

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 Holmes, **Senate Bill No. 2227** was recalled from the order of third reading to the order of second reading.

Senator Holmes offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2227

AMENDMENT NO. 1. Amend Senate Bill 2227 by replacing everything after the enacting clause with the following:

"Section 5. The State Mandates Act is amended by changing Section 7 as follows:
(30 ILCS 805/7) (from Ch. 85, par. 2207)

Sec. 7. Review of Existing Mandates.

(a) Beginning with the 2019 catalog and every other year thereafter, concurrently ~~Concurrently~~ with, or within 3 months subsequent to the publication of a catalog of State mandates as prescribed in subsection (b) of Section 4 the Department shall submit to the Governor and the General Assembly a review and report on mandates enacted in the previous 2 years prior to the effective date of this Act and remaining in effect at the time of submittal of the report. The Department may fulfill its responsibilities for compiling the report by entering into a contract for service.

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Beginning with the 2017 catalog and every 10 years thereafter, concurrently with, or within 3 months subsequent to the publication of a catalog of State mandates as prescribed in subsection (b) of Section 4, the Department shall submit to the Governor and the General Assembly a review and report on all effective mandates at the time of submittal of the reports.

(b) The report shall include for each mandate the following: ~~(1) The factual information specified in subsection (b) of Section 4 for the catalog ;~~ The report may also include the following: (1) ~~(2)~~ extent to which the enactment of the mandate was requested, supported, encouraged or opposed by local governments or their respective organization; (2) ~~(3)~~ whether the mandate continues to meet a Statewide policy objective or has achieved the initial policy intent in whole or in part; (3) ~~(4)~~ amendments if any are required to make the mandate more effective; (4) ~~(5)~~ whether the mandate should be retained or rescinded; (5) ~~(6)~~ whether State financial participation in helping meet the identifiable increased local costs arising from the mandate should be initiated, and if so, recommended ratios and phasing-in schedules; and (6) ~~(7)~~ any other information or recommendations which the Department considers pertinent ; and (7) any comments about the mandate submitted by affected units of government.

(c) The appropriate committee of each house of the General Assembly shall review the report and shall initiate such legislation or other action as it deems necessary.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader, the Secretary of the Senate, the members of the committees required to review the report under subsection (c) and the Legislative Research Unit, as required by Section 3.1 of "An Act to revise the law in relation to the General Assembly", approved February 25, 1874, as amended, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(Source: P.A. 84-1438.)

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 BILLS OF THE SENATE A THIRD TIME

On motion of Senator Holmes, **Senate Bill No. 2227** 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	Haine	Martinez	Righter
Anderson	Harmon	McCann	Rose
Barickman	Harris	McCarter	Sandoval
Bennett	Hastings	McConchie	Stadelman
Bertino-Tarrant	Holmes	McConnaughay	Steans
Biss	Hunter	McGuire	Sullivan
Bivins	Hutchinson	Mulroe	Syverson
Brady	Jones, E.	Muñoz	Trotter
Bush	Koehler	Murphy, L.	Van Pelt
Collins	Landek	Murphy, M.	Weaver
Connelly	Lightford	Nybo	Mr. President
Cullerton, T.	Link	Radogno	
Cunningham	Luechtefeld	Raoul	
Forby	Manar	Rezin	

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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 Bennett, **Senate Bill No. 2236** 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	Haine	Manar	Raoul
Anderson	Harmon	Martinez	Rezin
Barickman	Harris	McCann	Righter
Bennett	Hastings	McConchie	Sandoval
Bertino-Tarrant	Holmes	McConnaughay	Stadelman
Biss	Hunter	McGuire	Stears
Bivins	Hutchinson	Morrison	Sullivan
Brady	Jones, E.	Mulroe	Syverson
Bush	Koehler	Muñoz	Trotter
Collins	Landek	Murphy, L.	Van Pelt
Cullerton, T.	Lightford	Murphy, M.	Weaver
Cunningham	Link	Nybo	Mr. President
Forby	Luechtefeld	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 Haine, **Senate Bill No. 2261** was recalled from the order of third reading to the order of second reading.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2261

AMENDMENT NO. 2. Amend Senate Bill 2261, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short Title. This Act may be cited as the Statewide Relocation Towing Licensure Commission Act.

Section 5. The Statewide Relocation Towing Licensure Commission.

- (a) There is hereby created the Statewide Relocation Towing Licensure Commission.
- (b) Within 60 days after the effective date of this Act, the members of the Commission shall be appointed with the following members:
 - (1) one member of the General Assembly, appointed by the President of the Senate;
 - (2) one member of the General Assembly, appointed by the Minority Leader of the Senate;
 - (3) one member of the General Assembly, appointed by the Speaker of the House of Representatives;
 - (4) one member of the General Assembly, appointed by the Minority Leader of the House of Representatives;
 - (5) the Mayor of the City of Chicago, or his or her designee;

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- (6) the Secretary of Transportation, or his or her designee;
 - (7) the Director of State Police, or his or her designee;
 - (8) two members of the public who represent the towing industry, appointed by the President of the Professional Towing and Recovery Operators of Illinois;
 - (9) two members of the public who represent the property casualty insurance industry, appointed by the Executive Director of the Illinois Insurance Association;
 - (10) the President of the Illinois Municipal League, or his or her designee;
 - (11) the President of the Illinois Sheriff's Association, or his or her designee;
 - (12) the Cook County State's Attorney, or his or her designee;
 - (13) the Chairman of the Illinois Commerce Commission, or his or her designee; and
 - (14) the President of the Northwest Municipal Conference, or his or her designee.
- (c) The members of the Commission shall receive no compensation for serving as members of the Commission.
- (d) The Illinois Commerce Commission shall provide administrative and other support to the Commission.

Section 10. Meetings.

- (a) Each member of the Commission shall have voting rights and all actions and recommendations shall be approved by a simple majority vote of the members.
- (b) The Commission shall meet no less than 3 times before the end of the calendar year in which this Act of the 99th General Assembly becomes effective.
- (c) At the initial meeting, the Commission shall elect one member as a Chairperson, through a simple majority vote, who shall thereafter call any subsequent meetings.

Section 15. Reporting.

- (a) No later than July 1, 2017, the Commission shall submit a report to the Governor and to the General Assembly, which shall include, but is not limited to:
- (1) an evaluation of the current towing laws in this State;
 - (2) a recommendation for an appropriate towing program for this State;
 - (3) a review of all potential litigation costs for an owner of an impounded vehicle, a towing company, and a county or municipality; and
 - (3) any other matters the Commission deems necessary.

Section 20. Repealer. This Act is repealed on January 1, 2018.

Section 105. The Illinois Vehicle Code is amended by changing Sections 11-208.7, 11-1303, 11-1431, 18d-120, and 18d-125 as follows:

(625 ILCS 5/11-208.7)

Sec. 11-208.7. Administrative fees and procedures for impounding vehicles for specified violations.

(a) Any county or municipality may, consistent with this Section, provide by ordinance procedures for the release of properly impounded vehicles and for the imposition of a reasonable administrative fee related to its administrative and processing costs associated with the investigation, arrest, and detention of an offender, or the removal, impoundment, storage, and release of the vehicle. The administrative fee imposed by the county or municipality may be in addition to any fees charged for the towing and storage of an impounded vehicle. The administrative fee shall be waived by the county or municipality upon verifiable proof that the vehicle was stolen at the time the vehicle was impounded.

(b) ~~Any~~ ordinance establishing procedures for the release of properly impounded vehicles under this Section may impose fees only for the following violations:

- (1) operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to Section 36-1 of the Criminal Code of 2012; or
- (2) driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of Section 11-501 of this Code; or
- (3) operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony or in violation of the Cannabis Control Act; or
- (4) operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act; or
- (5) operation or use of a motor vehicle in the commission of, or in the attempt to

commit, an offense in violation of Section 24-1, 24-1.5, or 24-3.1 of the Criminal Code of 1961 or the Criminal Code of 2012; or

(6) driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to Section 6-303 of this Code; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing; or

(7) operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, as defined by the Cannabis Control Act or the Illinois Controlled Substances Act; or

(8) operation or use of a motor vehicle with an expired driver's license, in violation of Section 6-101 of this Code, if the period of expiration is greater than one year; or

(9) operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of Section 6-101 of this Code, or operating a motor vehicle without ever having been issued a driver's license or permit due to a person's age; or

(10) operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in Illinois for failing to answer charges that the driver violated Section 6-101, 6-303, or 11-501 of this Code; or

(11) operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Article 16 or 16A of the Criminal Code of 1961 or the Criminal Code of 2012; or

(12) operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor or felony offense in violation of the Criminal Code of 1961 or the Criminal Code of 2012, when so provided by local ordinance; or

(13) operation or use of a motor vehicle in violation of Section 11-503 of this Code:

(A) while the vehicle is part of a funeral procession; or

(B) in a manner that interferes with a funeral procession; or

(14) parking a vehicle in violation of Section 11-1301.3 or Section 11-1303 of this Code, or parking a vehicle on a designated snow route or tow zone established by a county or municipality.

(c) The following shall apply to any fees imposed for administrative and processing costs pursuant to subsection (b):

(1) All administrative fees and towing and storage charges shall be imposed on the registered owner of the motor vehicle or the agents of that owner.

(2) The fees shall be in addition to (i) any other penalties that may be assessed by a court of law for the underlying violations; and (ii) any towing or storage fees, or both, charged by the towing company.

(3) The fees shall be uniform for all similarly situated vehicles.

(4) The fees shall be collected by and paid to the county or municipality imposing the fees.

(5) The towing or storage fees, or both, shall be collected by and paid to the person, firm, or entity that tows and stores the impounded vehicle.

(d) Any ordinance establishing procedures for the release of properly impounded vehicles under this Section shall provide for an opportunity for a hearing, as provided in subdivision (b)(4) of Section 11-208.3 of this Code, and for the release of the vehicle to the owner of record, lessee, or a lienholder of record upon payment of all administrative fees and towing and storage fees.

(e) Any ordinance establishing procedures for the impoundment and release of vehicles under this Section shall include the following provisions concerning notice of impoundment:

(1) Whenever a police officer has cause to believe that a motor vehicle is subject to impoundment, the officer shall provide for the towing of the vehicle to a facility authorized by the county or municipality.

(2) At the time the vehicle is towed, the county or municipality shall notify or make a reasonable attempt to notify the owner, lessee, or person identifying himself or herself as the owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged offense, of the fact of the seizure, and of the vehicle owner's or lessee's right to an administrative hearing.

(3) The county or municipality shall also provide notice that the motor vehicle will remain impounded pending the completion of an administrative hearing, unless the owner or lessee of the vehicle or a lienholder posts with the county or municipality a bond equal to the administrative fee as provided by ordinance and pays for all towing and storage charges.

(f) Any ordinance establishing procedures for the impoundment and release of vehicles under this Section shall include a provision providing that the registered owner or lessee of the vehicle and any lienholder of record shall be provided with a notice of hearing. The notice shall:

(1) be served upon the owner, lessee, and any lienholder of record either by personal service or by first class mail to the interested party's address as registered with the Secretary of State;

(2) be served upon interested parties within 10 days after a vehicle is impounded by the municipality; and

(3) contain the date, time, and location of the administrative hearing. An initial hearing shall be scheduled and convened no later than 45 days after the date of the mailing of the notice of hearing.

(g) In addition to the requirements contained in subdivision (b)(4) of Section 11-208.3 of this Code relating to administrative hearings, any ordinance providing for the impoundment and release of vehicles under this Section shall include the following requirements concerning administrative hearings:

(1) administrative hearings shall be conducted by a hearing officer who is an attorney licensed to practice law in this State for a minimum of 3 years;

(2) at the conclusion of the administrative hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment;

(3) if the basis for the vehicle impoundment is sustained by the administrative hearing officer, any administrative fee posted to secure the release of the vehicle shall be forfeited to the county or municipality;

(4) all final decisions of the administrative hearing officer shall be subject to review under the provisions of the Administrative Review Law, unless the county or municipality allows in the enabling ordinance for direct appeal to the circuit court having jurisdiction over the county or municipality; and

(5) unless the administrative hearing officer overturns the basis for the vehicle impoundment, no vehicle shall be released to the owner, lessee, or lienholder of record until all administrative fees and towing and storage charges are paid; and -

(6) if the administrative hearing officer finds no probable cause for vehicle impoundment, the county or municipality shall be liable to the registered owner or lessee of the vehicle for the cost of storage fees and reasonable attorney's fees; except for a home rule unit that, on the effective date of this amendatory Act of the 99th General Assembly, owns and operates a towing facility within its boundaries for the storage of towed vehicles and owns and operates tow trucks or enters into a contract with a third party vendor to operate tow trucks, the administrative hearing officer shall not award attorney's fees if the reason for vehicle impoundment is a parking violation under Section 11-1301.3 or Section 11-1303 of this Code or parking a vehicle on a designated snow route or tow zone in violation of a county or municipal ordinance.

(h) Vehicles not retrieved from the towing facility or storage facility within 35 days after the administrative hearing officer issues a written decision shall be deemed abandoned and disposed of in accordance with the provisions of Article II of Chapter 4 of this Code.

(i) Unless stayed by a court of competent jurisdiction, any fine, penalty, or administrative fee imposed under this Section which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(j) Except as provided in subsection (k) of this Section, a home rule unit may not regulate the administrative fees and procedures for impounding vehicles in a manner inconsistent with this Section. This subsection (j) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(k) The fee limits and provisions in paragraph (6) of subsection (b) and paragraph (6) of Section (g) of this Section shall not apply to a home rule unit that tows a vehicle on a public way if a circumstance requires the towing of the vehicle or if the vehicle is towed due to a violation of a statute or local ordinance, and the home rule unit:

(1) owns and operates a towing facility within its boundaries for the storage of towed vehicles; and

(2) owns and operates tow trucks or enters into a contract with a third party vendor to operate tow trucks.

(Source: P.A. 97-109, eff. 1-1-12; 97-1150, eff. 1-25-13; 98-518, eff. 8-22-13; 98-734, eff. 1-1-15; 98-756, eff. 7-16-14.)

(625 ILCS 5/11-1303) (from Ch. 95 1/2, par. 11-1303)

Sec. 11-1303. Stopping, standing or parking prohibited in specified places.

(a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

1. Stop, stand or park a vehicle:

- a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- b. On a sidewalk;
- c. Within an intersection;
- d. On a crosswalk;
- e. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel, including, but not limited to, a viaduct or an underpass;
- h. On any railroad tracks. A violation of any part of this subparagraph h. shall result in a mandatory fine of \$500 or 50 hours of community service.
- i. At any place where official signs prohibit stopping;
- j. On any controlled-access highway;
- k. In the area between roadways of a divided highway, including crossovers;
 1. In a public parking area if the vehicle does not display a current annual registration sticker or current temporary permit pending registration.

2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge passengers:

- a. In front of a public or private driveway;
- b. Within 15 feet of a fire hydrant;
- c. Within 20 feet of a crosswalk at an intersection;
- d. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;
- e. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance (when properly sign-posted);
- f. At any place where official signs prohibit standing.

3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:

- a. Within 50 feet of the nearest rail of a railroad crossing;
- b. At any place where official signs prohibit parking;
- c. On a parkway; or
- d. On a bicycle path or lane.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(Source: P.A. 89-245, eff. 1-1-96; 89-658, eff. 1-1-97.)

(625 ILCS 5/11-1431)

Sec. 11-1431. Solicitations at accident or disablement scene prohibited.

(a) A tower, as defined by Section 1-205.2 of this Code, or an employee or agent of a tower may not: (i) stop at the scene of a motor vehicle accident or at or near a damaged or disabled vehicle for the purpose of soliciting the owner or operator of the damaged or disabled vehicle to enter into a towing service transaction; or (ii) stop at the scene of an accident or at or near a damaged or disabled vehicle unless called to the location by a law enforcement officer, the Illinois Department of Transportation, the Illinois State Toll Highway Authority, a local agency having jurisdiction over the highway, or the owner or operator of the damaged or disabled vehicle, or the owner or operator's authorized agent, including his or her insurer or motor club of which the owner or operator is a member. This Section shall not apply to employees of the Department, the Illinois State Toll Highway Authority, or local agencies when engaged in their official duties. Nothing in this Section shall prevent a tower from stopping at the scene of a motor vehicle accident or at or near a damaged or disabled vehicle if the owner or operator signals the tower for assistance from the location of the motor vehicle accident or damaged or disabled vehicle.

(b) A person or company who violates this Section is guilty of a Class 4 felony business offense and ~~shall be required to pay a fine of more than \$500, but not more than \$1,000.~~ A person convicted of violating this Section shall also have his or her driver's license, permit, or privileges suspended for 3 months. After the expiration of the 3 month suspension, the person's driver's license, permit, or privileges shall not be reinstated until he or she has paid a reinstatement fee of \$100. If a person violates this Section while his

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or her driver's license, permit, or privileges are suspended under this subsection (b), his or her driver's license, permit, or privileges shall be suspended for an additional 6 months, and shall not be reinstated after the expiration of the 6 month suspension until he or she pays a reinstatement fee of \$100.

(Source: P.A. 99-438, eff. 1-1-16.)

(625 ILCS 5/18d-120)

Sec. 18d-120. Disclosure to vehicle owner or operator before towing of damaged or disabled vehicle commences.

(a) A commercial vehicle safety relocater shall not commence the towing of a damaged or disabled vehicle without specific authorization from the vehicle owner or operator after the disclosures set forth in this Section.

(b) Every commercial vehicle safety relocater shall, before towing a damaged or disabled vehicle, give to each vehicle owner or operator a written disclosure providing:

(1) The formal business name of the commercial vehicle safety relocater, as registered with the Illinois Secretary of State, and its business address and telephone number.

(2) The address of the location to which the vehicle shall be relocated.

(3) The cost of all relocation, storage, and any other fees, without limitation, that the commercial vehicle safety relocater will charge for its services.

(4) An itemized description of the vehicle owner or operator's rights under this Code, as follows:

"As a customer, you also have the following rights under Illinois law:

(1) This written disclosure must be provided to you before your vehicle is towed, providing the business name, business address, address where the vehicle will be towed, and a reliable telephone number;

(2) Before towing, you must be advised of the price of all services;

(3) Upon your demand, a final invoice itemizing all charges, as well as any damage to the vehicle upon its receipt and return to you, must be provided;

(4) Upon your demand, your vehicle must be returned during business hours, upon your prompt payment of all reasonable fees;

(5) You have the right to pay all charges in cash or by major credit card;

(6) Upon your demand, you must be provided with proof of the existence of mandatory insurance insuring against all risks associated with the transportation and storage of your vehicle."

(c) The commercial vehicle safety relocater shall provide a copy of the completed disclosure required by this Section to the vehicle owner or operator, before towing the damaged or disabled vehicle, and shall maintain an identical copy of the completed disclosure in its records for a minimum of 5 years after the transaction concludes.

(d) If the vehicle owner or operator is incapacitated, incompetent, or otherwise unable to knowingly accept receipt of the disclosure described in this Section, the commercial vehicle safety relocater shall provide a completed copy of the disclosure to local law enforcement and, if known, the vehicle owner or operator's automobile insurance company.

(e) If the commercial vehicle safety relocater fails to comply with the requirements of this Section, the commercial vehicle safety relocater shall be prohibited from seeking any compensation whatsoever from the vehicle owner or operator, including but not limited to any towing, storage, or other incidental fees. Furthermore, if the commercial vehicle safety relocater or operator fails to comply with the requirements of this Section, any contracts entered into by the commercial vehicle safety relocater and the vehicle owner or operator shall be deemed null, void, and unenforceable. A vehicle owner, or his or her authorized agent or automobile insurer, may bring a claim against a commercial vehicle safety relocater who willfully and materially violates this Section. A court may award the prevailing party reasonable attorney's fees, costs, and expenses relating to that action.

(Source: P.A. 95-562, eff. 7-1-08.)

(625 ILCS 5/18d-125)

Sec. 18d-125. Disclosures to vehicle owners or operators; invoices.

(a) Upon demand of the vehicle owner or operator, the commercial vehicle safety relocater shall provide an itemized final invoice that fairly and accurately documents the charges owed by the vehicle owner or operator for relocation of damaged or disabled vehicles. The final estimate or invoice shall accurately record in writing all of the items set forth in this Section.

(b) The final invoice shall show the formal business name of the commercial vehicle safety relocater, as registered with the Illinois Secretary of State, its business address and telephone number, the date of the invoice, the odometer reading at the time the final invoice was prepared, the name of the vehicle owner or

operator, and the description of the motor vehicle, including the motor vehicle identification number. In addition, the invoice shall describe any modifications made to the vehicle by the commercial vehicle safety relocater, any observable damage to the vehicle upon its initial receipt by the commercial vehicle safety relocater, and any observable damage to the vehicle at the time of its release to the vehicle owner or operator. The invoice shall itemize any additional charges and include those charges in the total presented to the vehicle owner or operator.

(c) A legible copy of the invoice shall be given to the vehicle owner or operator, and a legible copy shall be retained by the commercial vehicle safety relocater for a period of 5 years from the date of release of the vehicle. The copy may be retained in electronic format. Records may be stored at a separate location.

(d) Disclosure forms required in accordance with this Section 18d-120 must be approved by the Commission.

(Source: P.A. 95-562, eff. 7-1-08.)

Section 999. 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 BILLS OF THE SENATE A THIRD TIME

On motion of Senator Haine, **Senate Bill No. 2261** 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	Haine	McCann	Righter
Anderson	Harmon	McCarter	Rose
Barickman	Harris	McConchie	Sandoval
Bennett	Hastings	McConnaughay	Stadelman
Bertino-Tarrant	Holmes	McGuire	Steans
Biss	Hunter	Morrison	Sullivan
Bivins	Hutchinson	Mulroe	Syverson
Brady	Jones, E.	Muñoz	Trotter
Bush	Koehler	Murphy, L.	Van Pelt
Collins	Landek	Murphy, M.	Weaver
Connelly	Lightford	Nybo	Mr. President
Cullerton, T.	Link	Radogno	
Cunningham	Luechtefeld	Raoul	
Forby	Manar	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 Stadelman, **Senate Bill No. 2270** 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 15.

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The following voted in the affirmative:

Anderson	Harmon	Martinez	Stadelman
Bennett	Harris	McCann	Steans
Bertino-Tarrant	Hunter	McGuire	Sullivan
Biss	Hutchinson	Morrison	Syverson
Bivins	Jones, E.	Mulroe	Trotter
Bush	Koehler	Muñoz	Van Pelt
Collins	Landek	Murphy, L.	Mr. President
Cullerton, T.	Lightford	Raoul	
Cunningham	Link	Rezin	
Forby	Luechtefeld	Sandoval	

The following voted in the negative:

Althoff	Haine	McConaughay	Righter
Barickman	Manar	Murphy, M.	Rose
Brady	McCarter	Nybo	Weaver
Connelly	McConchie	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 Lightford, **Senate Bill No. 565** 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 35; NAYS 18.

The following voted in the affirmative:

Bennett	Harmon	Lightford	Murphy, L.
Bertino-Tarrant	Harris	Link	Raoul
Biss	Hastings	Manar	Sandoval
Bush	Holmes	Martinez	Stadelman
Clayborne	Hunter	McCann	Steans
Collins	Hutchinson	McGuire	Sullivan
Cullerton, T.	Jones, E.	Morrison	Trotter
Cunningham	Koehler	Mulroe	Mr. President
Forby	Landek	Muñoz	

The following voted in the negative:

Althoff	Connelly	Murphy, M.	Rose
Anderson	Luechtefeld	Nybo	Syverson
Barickman	McCarter	Radogno	Weaver
Bivins	McConchie	Rezin	
Brady	McConaughay	Righter	

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

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

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At the hour of 10:52 o'clock a.m., Senator Link, presiding.

SENATE BILL RECALLED

On motion of Senator Hutchinson, **Senate Bill No. 514** was recalled from the order of third reading to the order of second reading.

Senator Hutchinson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 514

AMENDMENT NO. 1. Amend Senate Bill 514 by replacing everything after the enacting clause with the following:

"Section 5. The Corporate Accountability for Tax Expenditures Act is amended by changing Section 10 as follows:

(20 ILCS 715/10)

Sec. 10. Unified Economic Development Budget.

(a) For each State fiscal year ending on or after June 30, 2005, the Department of Revenue shall submit an annual Unified Economic Development Budget to the General Assembly. The Unified Economic Development Budget shall be due within 6 3 months after the end of the fiscal year, and shall present all types of development assistance granted during the prior fiscal year, including:

(1) The aggregate amount of uncollected or diverted State tax revenues resulting from each type of development assistance provided in the tax statutes, as reported to the Department of Revenue on tax returns filed during the fiscal year.

(2) All State development assistance.

(b) All data contained in the Unified Economic Development Budget presented to the General Assembly shall be fully subject to the Freedom of Information Act.

(c) The Department of Revenue shall submit a report of the amounts in subdivision (a)(1) of this Section to the Department, which may append such report to the Unified Economic Development Budget rather than separately reporting such amounts.

(Source: P.A. 93-552, eff. 8-20-03.)

Section 10. The Use Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 105/3-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Personal property purchased by a governmental body, by a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or by a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption

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shall make tax-free purchases unless it has an active exemption identification number issued by the Department.

(5) Until July 1, 2003, a passenger car that is a replacement vehicle to the extent that the purchase price of the car is subject to the Replacement Vehicle Tax.

(6) Until July 1, 2003 and beginning again on September 1, 2004 through August 30, 2014, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order, certified by the purchaser to be used primarily for graphic arts production, and including machinery and equipment purchased for lease. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(7) Farm chemicals.

(8) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(9) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(10) A motor vehicle that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(11) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (11). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (11) is exempt from the provisions of Section 3-90.

(12) Until June 30, 2013, fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

Beginning July 1, 2013, fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight that (i) is engaged in foreign trade or is engaged in trade between the United States and any of its possessions and (ii) transports at least one individual or package for hire from the city of origination to the city of final destination on the same aircraft, without regard to a change in the flight number of that aircraft.

(13) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages purchased at retail from a retailer, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(14) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(15) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(16) Coal and aggregate exploration, mining, off-highway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code. The changes made to this Section by Public Act 97-767 apply on and after July 1, 2003, but no claim for credit or refund is allowed on or after August 16, 2013 (the effective date of Public Act 98-456) for such taxes paid during the period beginning July 1, 2003 and ending on August 16, 2013 (the effective date of Public Act 98-456).

(17) Until July 1, 2003, distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(18) Manufacturing and assembling machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether that sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether that sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser. The exemption provided by this paragraph (18) does not include machinery and equipment used in (i) the generation of electricity for wholesale or retail sale; (ii) the generation or treatment of natural or artificial gas for wholesale or retail sale that is delivered to customers through pipes, pipelines, or mains; or (iii) the treatment of water for wholesale or retail sale that is delivered to customers through pipes, pipelines, or mains. The provisions of Public Act 98-583 are declaratory of existing law as to the meaning and scope of this exemption.

(19) Personal property delivered to a purchaser or purchaser's donee inside Illinois when the purchase order for that personal property was received by a florist located outside Illinois who has a florist located inside Illinois deliver the personal property.

(20) Semen used for artificial insemination of livestock for direct agricultural production.

(21) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes. This item (21) is exempt from the provisions of Section 3-90, and the exemption provided for under this item (21) applies for all periods beginning May 30, 1995, but no claim for credit or refund is allowed on or after January 1, 2008 for such taxes paid during the period beginning May 30, 2000 and ending on January 1, 2008.

(22) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(23) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly

collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(24) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(25) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(26) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" as that term is used in the Wildlife Code. This paragraph is exempt from the provisions of Section 3-90.

(27) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(28) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-90.

(29) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-90.

(30) Beginning January 1, 2001 and through June 30, 2016, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article V of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act, or in a licensed facility as defined in the ID/DD Community Care Act, the MC/DD Act, or the Specialized Mental Health Rehabilitation Act of 2013.

(31) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall

be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(32) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(33) On and after July 1, 2003 and through June 30, 2004, the use in this State of motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds and that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. Beginning on July 1, 2004 and through June 30, 2005, the use in this State of motor vehicles of the second division: (i) with a gross vehicle weight rating in excess of 8,000 pounds; (ii) that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code; and (iii) that are primarily used for commercial purposes. Through June 30, 2005, this exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act. For purposes of this paragraph, the term "used for commercial purposes" means the transportation of persons or property in furtherance of any commercial or industrial enterprise, whether for-hire or not.

(34) Beginning January 1, 2008, tangible personal property used in the construction or maintenance of a community water supply, as defined under Section 3.145 of the Environmental Protection Act, that is operated by a not-for-profit corporation that holds a valid water supply permit issued under Title IV of the Environmental Protection Act. This paragraph is exempt from the provisions of Section 3-90.

(35) Beginning January 1, 2010, materials, parts, equipment, components, and furnishings incorporated into or upon an aircraft as part of the modification, refurbishment, completion, replacement, repair, or maintenance of the aircraft. This exemption includes consumable supplies used in the modification, refurbishment, completion, replacement, repair, and maintenance of aircraft, but excludes any materials, parts, equipment, components, and consumable supplies used in the modification, replacement, repair, and maintenance of aircraft engines or power plants, whether such engines or power plants are installed or uninstalled upon any such aircraft. "Consumable supplies" include, but are not limited to, adhesive, tape, sandpaper, general purpose lubricants, cleaning solution, latex gloves, and protective films. This exemption applies only to the use of qualifying tangible personal property by persons who modify, refurbish, complete, repair, replace, or maintain aircraft and who (i) hold an Air Agency Certificate and are empowered to operate an approved repair station by the Federal Aviation Administration, (ii) have a Class IV Rating, and (iii) conduct operations in accordance with Part 145 of the Federal Aviation Regulations. The exemption does not include aircraft operated by a commercial air carrier providing scheduled passenger air service pursuant to authority issued under Part 121 or Part 129 of the Federal Aviation Regulations. The changes made to this paragraph (35) by Public Act 98-534 are declarative of existing law.

(36) Tangible personal property purchased by a public-facilities corporation, as described in Section 11-65-10 of the Illinois Municipal Code, for purposes of constructing or furnishing a municipal convention hall, but only if the legal title to the municipal convention hall is transferred to the municipality without any further consideration by or on behalf of the municipality at the time of the completion of the municipal convention hall or upon the retirement or redemption of any bonds or other debt instruments issued by the public-facilities corporation in connection with the development of the municipal convention hall. This

exemption includes existing public-facilities corporations as provided in Section 11-65-25 of the Illinois Municipal Code. This paragraph is exempt from the provisions of Section 3-90.

(37) Personal property purchased by a purchaser who is exempt from the tax imposed by this Act by operation of federal law. This paragraph is exempt from the provisions of Section 3-90.

(Source: P.A. 98-104, eff. 7-22-13; 98-422, eff. 8-16-13; 98-456, eff. 8-16-13; 98-534, eff. 8-23-13; 98-574, eff. 1-1-14; 98-583, eff. 1-1-14; 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

Section 15. The Service Use Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 110/3-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a non-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Until July 1, 2003 and beginning again on September 1, 2004 through August 30, 2014, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(6) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-75.

(8) Until June 30, 2013, fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air

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common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

Beginning July 1, 2013, fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight that (i) is engaged in foreign trade or is engaged in trade between the United States and any of its possessions and (ii) transports at least one individual or package for hire from the city of origination to the city of final destination on the same aircraft, without regard to a change in the flight number of that aircraft.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages acquired as an incident to the purchase of a service from a serviceman, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Proceeds from the sale of photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Coal and aggregate exploration, mining, off-highway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code. The changes made to this Section by Public Act 97-767 apply on and after July 1, 2003, but no claim for credit or refund is allowed on or after August 16, 2013 (the effective date of Public Act 98-456) for such taxes paid during the period beginning July 1, 2003 and ending on August 16, 2013 (the effective date of Public Act 98-456).

(13) Semen used for artificial insemination of livestock for direct agricultural production.

(14) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes. This item (14) is exempt from the provisions of Section 3-75, and the exemption provided for under this item (14) applies for all periods beginning May 30, 1995, but no claim for credit or refund is allowed on or after the effective date of this amendatory Act of the 95th General Assembly for such taxes paid during the period beginning May 30, 2000 and ending on the effective date of this amendatory Act of the 95th General Assembly.

(15) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(16) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount

(however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(17) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(19) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" as that term is used in the Wildlife Code. This paragraph is exempt from the provisions of Section 3-75.

(20) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(21) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-75.

(22) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-75.

(23) Beginning August 23, 2001 and through June 30, 2016, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article V of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act, or in a licensed facility as defined in the ID/DD Community Care Act, the MC/DD Act, or the Specialized Mental Health Rehabilitation Act of 2013.

(24) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by

the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

(25) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

(26) Beginning January 1, 2008, tangible personal property used in the construction or maintenance of a community water supply, as defined under Section 3.145 of the Environmental Protection Act, that is operated by a not-for-profit corporation that holds a valid water supply permit issued under Title IV of the Environmental Protection Act. This paragraph is exempt from the provisions of Section 3-75.

(27) Beginning January 1, 2010, materials, parts, equipment, components, and furnishings incorporated into or upon an aircraft as part of the modification, refurbishment, completion, replacement, repair, or maintenance of the aircraft. This exemption includes consumable supplies used in the modification, refurbishment, completion, replacement, repair, and maintenance of aircraft, but excludes any materials, parts, equipment, components, and consumable supplies used in the modification, replacement, repair, and maintenance of aircraft engines or power plants, whether such engines or power plants are installed or uninstalled upon any such aircraft. "Consumable supplies" include, but are not limited to, adhesive, tape, sandpaper, general purpose lubricants, cleaning solution, latex gloves, and protective films. This exemption applies only to the use of qualifying tangible personal property transferred incident to the modification, refurbishment, completion, replacement, repair, or maintenance of aircraft by persons who (i) hold an Air Agency Certificate and are empowered to operate an approved repair station by the Federal Aviation Administration, (ii) have a Class IV Rating, and (iii) conduct operations in accordance with Part 145 of the Federal Aviation Regulations. The exemption does not include aircraft operated by a commercial air carrier providing scheduled passenger air service pursuant to authority issued under Part 121 or Part 129 of the Federal Aviation Regulations. The changes made to this paragraph (27) by Public Act 98-534 are declarative of existing law.

(28) Tangible personal property purchased by a public-facilities corporation, as described in Section 11-65-10 of the Illinois Municipal Code, for purposes of constructing or furnishing a municipal convention hall, but only if the legal title to the municipal convention hall is transferred to the municipality without any further consideration by or on behalf of the municipality at the time of the completion of the municipal convention hall or upon the retirement or redemption of any bonds or other debt instruments issued by the public-facilities corporation in connection with the development of the municipal convention hall. This exemption includes existing public-facilities corporations as provided in Section 11-65-25 of the Illinois Municipal Code. This paragraph is exempt from the provisions of Section 3-75.

(29) Personal property purchased by a purchaser who is exempt from the tax imposed by this Act by operation of federal law. This paragraph is exempt from the provisions of Section 3-75.
(Source: P.A. 98-104, eff. 7-22-13; 98-422, eff. 8-16-13; 98-456, eff. 8-16-13; 98-534, eff. 8-23-13; 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

Section 20. The Service Occupation Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 115/3-5)

Sec. 3-5. Exemptions. The following tangible personal property is exempt from the tax imposed by this Act:

[April 22, 2016]

(1) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by any not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Until July 1, 2003 and beginning again on September 1, 2004 through August 30, 2014, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-55.

(8) Until June 30, 2013, fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

Beginning July 1, 2013, fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight that (i) is engaged in foreign trade or is engaged in trade between the United States and any of its possessions and (ii) transports at least one individual or package for hire from the city of origination to the city of final destination on the same aircraft, without regard to a change in the flight number of that aircraft.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned

over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Coal and aggregate exploration, mining, off-highway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code. The changes made to this Section by Public Act 97-767 apply on and after July 1, 2003, but no claim for credit or refund is allowed on or after August 16, 2013 (the effective date of Public Act 98-456) for such taxes paid during the period beginning July 1, 2003 and ending on August 16, 2013 (the effective date of Public Act 98-456).

(13) Beginning January 1, 1992 and through June 30, 2016, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article V of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act, or in a licensed facility as defined in the ID/DD Community Care Act, the MC/DD Act, or the Specialized Mental Health Rehabilitation Act of 2013.

(14) Semen used for artificial insemination of livestock for direct agricultural production.

(15) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes. This item (15) is exempt from the provisions of Section 3-55, and the exemption provided for under this item (15) applies for all periods beginning May 30, 1995, but no claim for credit or refund is allowed on or after January 1, 2008 (the effective date of Public Act 95-88) for such taxes paid during the period beginning May 30, 2000 and ending on January 1, 2008 (the effective date of Public Act 95-88).

(16) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(17) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(19) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(20) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" as that term is used in the Wildlife Code. This paragraph is exempt from the provisions of Section 3-55.

(21) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(22) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-55.

(23) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-55.

(24) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(25) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(26) Beginning on January 1, 2002 and through June 30, 2016, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (26). The permit issued under this paragraph (26) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(27) Beginning January 1, 2008, tangible personal property used in the construction or maintenance of a community water supply, as defined under Section 3.145 of the Environmental Protection Act, that is operated by a not-for-profit corporation that holds a valid water supply permit issued under Title IV of the Environmental Protection Act. This paragraph is exempt from the provisions of Section 3-55.

(28) Tangible personal property sold to a public-facilities corporation, as described in Section 11-65-10 of the Illinois Municipal Code, for purposes of constructing or furnishing a municipal convention hall, but only if the legal title to the municipal convention hall is transferred to the municipality without any further consideration by or on behalf of the municipality at the time of the completion of the municipal convention hall or upon the retirement or redemption of any bonds or other debt instruments issued by the public-facilities corporation in connection with the development of the municipal convention hall. This exemption

includes existing public-facilities corporations as provided in Section 11-65-25 of the Illinois Municipal Code. This paragraph is exempt from the provisions of Section 3-55.

(29) Beginning January 1, 2010, materials, parts, equipment, components, and furnishings incorporated into or upon an aircraft as part of the modification, refurbishment, completion, replacement, repair, or maintenance of the aircraft. This exemption includes consumable supplies used in the modification, refurbishment, completion, replacement, repair, and maintenance of aircraft, but excludes any materials, parts, equipment, components, and consumable supplies used in the modification, replacement, repair, and maintenance of aircraft engines or power plants, whether such engines or power plants are installed or uninstalled upon any such aircraft. "Consumable supplies" include, but are not limited to, adhesive, tape, sandpaper, general purpose lubricants, cleaning solution, latex gloves, and protective films. This exemption applies only to the transfer of qualifying tangible personal property incident to the modification, refurbishment, completion, replacement, repair, or maintenance of an aircraft by persons who (i) hold an Air Agency Certificate and are empowered to operate an approved repair station by the Federal Aviation Administration, (ii) have a Class IV Rating, and (iii) conduct operations in accordance with Part 145 of the Federal Aviation Regulations. The exemption does not include aircraft operated by a commercial air carrier providing scheduled passenger air service pursuant to authority issued under Part 121 or Part 129 of the Federal Aviation Regulations. The changes made to this paragraph (29) by Public Act 98-534 are declarative of existing law.

(30) Personal property purchased by a purchaser who is exempt from use tax by operation of federal law. This paragraph is exempt from the provisions of Section 3-55.

(Source: P.A. 98-104, eff. 7-22-13; 98-422, eff. 8-16-13; 98-456, eff. 8-16-13; 98-534, eff. 8-23-13; 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

Section 25. The Retailers' Occupation Tax Act is amended by changing Section 2-5 as follows:

(35 ILCS 120/2-5)

Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:

(1) Farm chemicals.

(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (2) is exempt from the provisions of Section 2-70.

(3) Until July 1, 2003, distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) Until July 1, 2003 and beginning again September 1, 2004 through August 30, 2014, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

[April 22, 2016]

(5) A motor vehicle that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act. This paragraph is exempt from the provisions of Section 2-70.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Until July 1, 2003, proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Tangible personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(12-5) On and after July 1, 2003 and through June 30, 2004, motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. Beginning on July 1, 2004 and through June 30, 2005, the use in this State of motor vehicles of the second division: (i) with a gross vehicle weight rating in excess of 8,000 pounds; (ii) that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code; and (iii) that are primarily used for commercial purposes. Through June 30, 2005, this exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act. For purposes of this paragraph, "used for commercial purposes" means the transportation of persons or property in furtherance of any commercial or industrial enterprise whether for-hire or not.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser. The exemption provided by this paragraph (14) does not include machinery and equipment used in (i) the generation of electricity for wholesale or retail sale; (ii) the generation or treatment of natural or artificial gas for wholesale or retail sale that is delivered to customers through pipes,

pipelines, or mains; or (iii) the treatment of water for wholesale or retail sale that is delivered to customers through pipes, pipelines, or mains. The provisions of Public Act 98-583 are declaratory of existing law as to the meaning and scope of this exemption.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Personal property ~~Petroleum products~~ sold to a purchaser if the purchaser is exempt from use tax ~~seller is prohibited by operation of federal law from charging tax to the purchaser.~~ This paragraph is exempt from the provisions of Section 2-70.

(17) Tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(19) Until July 1 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(21) Coal and aggregate exploration, mining, off-highway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code. The changes made to this Section by Public Act 97-767 apply on and after July 1, 2003, but no claim for credit or refund is allowed on or after August 16, 2013 (the effective date of Public Act 98-456) for such taxes paid during the period beginning July 1, 2003 and ending on August 16, 2013 (the effective date of Public Act 98-456).

(22) Until June 30, 2013, fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

Beginning July 1, 2013, fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight that (i) is engaged in foreign trade or is engaged in trade between the United States and any of its possessions and (ii) transports at least one individual or package for hire from the city of origin to the city of final destination on the same aircraft, without regard to a change in the flight number of that aircraft.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) Except as provided in item (25-5) of this Section, a motor vehicle sold in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a drive-away permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the drive-away permit or having the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will not be titled in this State.

(25-5) The exemption under item (25) does not apply if the state in which the motor vehicle will be titled does not allow a reciprocal exemption for a motor vehicle sold and delivered in that state to an Illinois

resident but titled in Illinois. The tax collected under this Act on the sale of a motor vehicle in this State to a resident of another state that does not allow a reciprocal exemption shall be imposed at a rate equal to the state's rate of tax on taxable property in the state in which the purchaser is a resident, except that the tax shall not exceed the tax that would otherwise be imposed under this Act. At the time of the sale, the purchaser shall execute a statement, signed under penalty of perjury, of his or her intent to title the vehicle in the state in which the purchaser is a resident within 30 days after the sale and of the fact of the payment to the State of Illinois of tax in an amount equivalent to the state's rate of tax on taxable property in his or her state of residence and shall submit the statement to the appropriate tax collection agency in his or her state of residence. In addition, the retailer must retain a signed copy of the statement in his or her records. Nothing in this item shall be construed to require the removal of the vehicle from this state following the filing of an intent to title the vehicle in the purchaser's state of residence if the purchaser titles the vehicle in his or her state of residence within 30 days after the date of sale. The tax collected under this Act in accordance with this item (25-5) shall be proportionately distributed as if the tax were collected at the 6.25% general rate imposed under this Act.

(25-7) Beginning on July 1, 2007, no tax is imposed under this Act on the sale of an aircraft, as defined in Section 3 of the Illinois Aeronautics Act, if all of the following conditions are met:

(1) the aircraft leaves this State within 15 days after the later of either the issuance of the final billing for the sale of the aircraft, or the authorized approval for return to service, completion of the maintenance record entry, and completion of the test flight and ground test for inspection, as required by 14 C.F.R. 91.407;

(2) the aircraft is not based or registered in this State after the sale of the aircraft; and

(3) the seller retains in his or her books and records and provides to the Department a signed and dated certification from the purchaser, on a form prescribed by the Department, certifying that the requirements of this item (25-7) are met. The certificate must also include the name and address of the purchaser, the address of the location where the aircraft is to be titled or registered, the address of the primary physical location of the aircraft, and other information that the Department may reasonably require.

For purposes of this item (25-7):

"Based in this State" means hangared, stored, or otherwise used, excluding post-sale customizations as defined in this Section, for 10 or more days in each 12-month period immediately following the date of the sale of the aircraft.

"Registered in this State" means an aircraft registered with the Department of Transportation, Aeronautics Division, or titled or registered with the Federal Aviation Administration to an address located in this State.

This paragraph (25-7) is exempt from the provisions of Section 2-70.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes. This item (27) is exempt from the provisions of Section 2-70, and the exemption provided for under this item (27) applies for all periods beginning May 30, 1995, but no claim for credit or refund is allowed on or after January 1, 2008 (the effective date of Public Act 95-88) for such taxes paid during the period beginning May 30, 2000 and ending on January 1, 2008 (the effective date of Public Act 95-88).

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure

repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" as that term is used in the Wildlife Code. This paragraph is exempt from the provisions of Section 2-70.

(33) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 2-70.

(35) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 2-70.

(35-5) Beginning August 23, 2001 and through June 30, 2016, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article V of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act, or a licensed facility as defined in the ID/DD Community Care Act, the MC/DD Act, or the Specialized Mental Health Rehabilitation Act of 2013.

(36) Beginning August 2, 2001, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(37) Beginning August 2, 2001, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(38) Beginning on January 1, 2002 and through June 30, 2016, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (38). The permit issued under this paragraph (38) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to

purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(39) Beginning January 1, 2008, tangible personal property used in the construction or maintenance of a community water supply, as defined under Section 3.145 of the Environmental Protection Act, that is operated by a not-for-profit corporation that holds a valid water supply permit issued under Title IV of the Environmental Protection Act. This paragraph is exempt from the provisions of Section 2-70.

(40) Beginning January 1, 2010, materials, parts, equipment, components, and furnishings incorporated into or upon an aircraft as part of the modification, refurbishment, completion, replacement, repair, or maintenance of the aircraft. This exemption includes consumable supplies used in the modification, refurbishment, completion, replacement, repair, and maintenance of aircraft, but excludes any materials, parts, equipment, components, and consumable supplies used in the modification, replacement, repair, and maintenance of aircraft engines or power plants, whether such engines or power plants are installed or uninstalled upon any such aircraft. "Consumable supplies" include, but are not limited to, adhesive, tape, sandpaper, general purpose lubricants, cleaning solution, latex gloves, and protective films. This exemption applies only to the sale of qualifying tangible personal property to persons who modify, refurbish, complete, replace, or maintain an aircraft and who (i) hold an Air Agency Certificate and are empowered to operate an approved repair station by the Federal Aviation Administration, (ii) have a Class IV Rating, and (iii) conduct operations in accordance with Part 145 of the Federal Aviation Regulations. The exemption does not include aircraft operated by a commercial air carrier providing scheduled passenger air service pursuant to authority issued under Part 121 or Part 129 of the Federal Aviation Regulations. The changes made to this paragraph (40) by Public Act 98-534 are declarative of existing law.

(41) Tangible personal property sold to a public-facilities corporation, as described in Section 11-65-10 of the Illinois Municipal Code, for purposes of constructing or furnishing a municipal convention hall, but only if the legal title to the municipal convention hall is transferred to the municipality without any further consideration by or on behalf of the municipality at the time of the completion of the municipal convention hall or upon the retirement or redemption of any bonds or other debt instruments issued by the public-facilities corporation in connection with the development of the municipal convention hall. This exemption includes existing public-facilities corporations as provided in Section 11-65-25 of the Illinois Municipal Code. This paragraph is exempt from the provisions of Section 2-70.

(Source: P.A. 98-104, eff. 7-22-13; 98-422, eff. 8-16-13; 98-456, eff. 8-16-13; 98-534, eff. 8-23-13; 98-574, eff. 1-1-14; 98-583, eff. 1-1-14; 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

Section 30. The Cigarette Tax Act is amended by changing Section 18c as follows:

(35 ILCS 130/18c)

Sec. 18c. Possession of not less than 10 and not more than 100 original packages of contraband cigarettes; penalty. With the exception of licensed distributors and transporters, as defined in Section 9c of this Act, possessing unstamped original packages of cigarettes, and licensed distributors possessing original packages of cigarettes that bear a tax stamp of another state or taxing jurisdiction, anyone possessing not less than 10 and not more than 100 packages of contraband cigarettes contained in original packages is liable to pay to the Department, for deposit into the Tax Compliance and Administration Fund, a penalty of ~~\$20~~ \$10 for each such package of cigarettes, unless reasonable cause can be established by the person upon whom the penalty is imposed. Reasonable cause shall be determined in each situation in accordance with rules adopted by the Department. The provisions of the Uniform Penalty and Interest Act do not apply to this Section.

(Source: P.A. 96-782, eff. 1-1-10.)

Section 35. The Counties Code is amended by changing Sections 5-1032 and 5-1033 as follows:

(55 ILCS 5/5-1032) (from Ch. 34, par. 5-1032)

Sec. 5-1032. County Automobile Renting Occupation Tax. The corporate authorities of a county may impose a tax upon all persons engaged in the business of renting automobiles in the county, but outside any municipality, at the rate of not to exceed 1% of the gross receipts from such business. The tax imposed by a county pursuant to this Section and all civil penalties that may be assessed as an Incident thereof shall be collected and enforced by the State Department of Revenue. The certificate of registration which is issued by the Department to a retailer under the "Retailers' Occupation Tax Act", ~~approved June 23, 1933, as amended, or under the "Automobile Renting Occupation and Use Tax Act", enacted by the Eighty-Second General Assembly,~~ shall permit such person to engage in a business which is taxable under any ordinance or resolution enacted pursuant to this Section without registering separately with the Department

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under such ordinance or resolution or under this Section. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided, and to determine all rights to credit memoranda, arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 2 and 3 (in respect to all provisions therein other than the State rate of tax; and with relation to the provisions of the "Retailers' Occupation Tax" referred to therein, except as to the disposition of taxes and penalties collected, and except for the provision allowing retailers a deduction from the tax to cover certain costs, and except that credit memoranda issued hereunder may not be used to discharge any State tax liability) of the "Automobile Renting Occupation and Use Tax Act", ~~as the same are now or may hereafter be amended~~, as fully as if provisions contained in those Sections of said Act were set forth herein.

Persons subject to any tax imposed pursuant to the authority granted in this Section may reimburse themselves for their tax liability hereunder by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the "Automobile Renting Occupation and Use Tax Act" pursuant to such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the county automobile renting tax fund.

The Department shall forthwith pay over to the State Treasurer, ex-officio, as trustee, all taxes and penalties collected hereunder. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named counties from which renters have paid taxes or penalties hereunder to the Department during the second preceding calendar month. The amount to be paid to each county shall be the amount (not including credit memoranda) collected hereunder during the second preceding calendar month by the Department, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of such county, less 2% of such balance, which sum shall be retained by the State Treasurer to cover the costs incurred by the Department in administering and enforcing this Section as provided herein. The Department at the time of each monthly disbursement to the counties shall prepare and certify to the Comptroller the amount, so retained by the State Treasurer, to be paid into the General Revenue Fund of the State Treasury. Within 10 days after receipt, by the Comptroller, of the disbursement certification to the counties and the General Revenue Fund, provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in such certification.

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

An ordinance or resolution imposing or discontinuing the tax under this Section or effecting a change in the rate thereof shall be adopted and a certified copy thereof filed with the Department either: (i) on or before the first day of April, in which case the Department shall proceed to administer and enforce this Section as of the first day of July next following the adoption or filing; or (ii) on or before the first day of October, in which case the Department shall proceed to administer and enforce this Section as of the first day of January next following the adoption and filing.

~~An ordinance or resolution imposing a tax hereunder or effecting a change in the rate thereof shall be effective on the first day of the calendar month next following the month in which such ordinance or resolution is passed. The corporate authorities of any county which levies a tax authorized by this Section shall transmit to the Department of Revenue on or not later than 5 days after passage of the ordinance or resolution a certified copy of the ordinance or resolution imposing such tax whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of such county as of the effective date of the ordinance or resolution. Upon a change in rate of a tax levied hereunder, or upon the discontinuance of the tax, the corporate authorities of the county shall on or not later than 5 days after passage of the ordinance or resolution discontinuing the tax or effecting a change in rate transmit to the Department of Revenue a certified copy of the ordinance or resolution effecting such change or discontinuance.~~

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The Department of Revenue must upon the request of the County Clerk or County Board submit to a county a list of those persons who are registered with the Department to pay automobile renting occupation tax within the unincorporated area of that governmental unit. This list shall contain only the names of persons who have paid the tax and not the amount of tax paid by such person.

This Section shall be known and may be cited as the "County Automobile Renting Occupation Tax Law".

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

(55 ILCS 5/5-1033) (from Ch. 34, par. 5-1033)

Sec. 5-1033. County Automobile Renting Use Tax. The corporate authorities of a county may impose a tax upon the privilege of using, in such county an automobile which is rented from a rentor outside Illinois, and which is titled or registered with an agency of this State's government, at a rate not to exceed 1% of the rental price of such automobile. Such tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the unincorporated area of such county. Such tax shall be collected by the Department of Revenue for any county imposing such tax. Such tax must be paid to the State, or an exemption determination must be obtained from the Department of Revenue, before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

The Department shall have full power to administer and enforce this Section; to collect all taxes, penalties and interest due hereunder; to dispose of taxes, penalties and interest so collected in the manner hereinafter provided, and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty or interest hereunder. In the administration of, and compliance with, this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 2 and 4 (except provisions pertaining to the State rate of tax; and with relation to the provisions of the "Use Tax Act" referred to therein, except provisions concerning collection or refunding of the tax by retailers, and except the provisions of Section 19 pertaining to claims by retailers and except the last paragraph concerning refunds, and except that credit memoranda issued hereunder may not be used to discharge any State tax liability) of the "Automobile Renting Occupation and Use Tax Act", ~~as the same are now or may hereafter be amended,~~ which are not inconsistent with this Section, as fully as if provisions contained in those Sections of said Act were set forth herein.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the county automobile renting tax fund.

The Department shall forthwith pay over to the State Treasurer, ex-officio, as trustee, all taxes, penalties and interest collected hereunder. On or before the 25th day of each calendar month, the Department shall prepare and certify to the State Comptroller the disbursement of stated sums of money to named counties from which the Department, during the second preceding calendar month, collected taxes hereunder from persons whose Illinois address for titling or registration purposes is given as being in the unincorporated area of such county. The amount to be paid to each county shall be the amount (not including credit memoranda) collected hereunder during the second preceding calendar month by the Department, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of such county, less 2% of such balance, which sum shall be retained by the State Treasurer to cover the costs incurred by the Department in administering and enforcing this Section as provided herein. The Department at the time of each monthly disbursement to the counties shall prepare and certify to the State Comptroller the amount, so retained by the State Treasurer, to be paid into the General Revenue Fund of the State Treasury. Within 10 days after receipt, by the State Comptroller, of the disbursement certification to the counties and the General Revenue Fund, provided for in this Section to be given to the State Comptroller by the Department, the State Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in such certification.

An ordinance or resolution imposing or discontinuing the tax under this Section or effecting a change in the rate thereof shall be adopted and a certified copy thereof filed with the Department either: (i) on or before the first day of April, in which case the Department shall proceed to administer and enforce this Section as of the first day of July next following the adoption or filing; or (ii) on or before the first day of

October, in which case the Department shall proceed to administer and enforce this Section as of the first day of January next following the adoption and filing.

~~An ordinance or resolution imposing a tax hereunder or effecting a change in the rate thereof shall be effective on the first day of the calendar month next following the month in which such ordinance or resolution is passed. The corporate authorities of any county which levies a tax authorized by this Section shall transmit to the Department of Revenue on or not later than 5 days after passage of the ordinance or resolution a certified copy of the ordinance or resolution imposing such tax whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of such county as of the effective date of the ordinance or resolution. Upon a change in rate of a tax levied hereunder, or upon the discontinuance of the tax, the corporate authorities of the county shall, on or not later than 5 days after passage of the ordinance or resolution discontinuing the tax or effecting a change in rate, transmit to the Department of Revenue a certified copy of the ordinance or resolution effecting such change or discontinuance.~~

This Section shall be known and may be cited as the "County Automobile Renting Use Tax Law".
(Source: P.A. 86-962.)

Section 40. The Illinois Municipal Code is amended by changing Sections 8-11-7 and 8-11-8 as follows:
(65 ILCS 5/8-11-7) (from Ch. 24, par. 8-11-7)

Sec. 8-11-7. Municipal Automobile Renting Occupation Tax. The corporate authorities of a municipality may impose a tax upon all persons engaged in the business of renting automobiles in the municipality at the rate of not to exceed 1% of the gross receipts from such business. The tax imposed by a municipality pursuant to this Section and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The certificate of registration which is issued by the Department to a retailer under the Retailers' Occupation Tax Act or under the Automobile Renting Occupation and Use Tax Act shall permit such person to engage in a business which is taxable under any ordinance or resolution enacted pursuant to this Section without registering separately with the Department under such ordinance or resolution or under this Section. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda, arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 2 and 3 (in respect to all provisions therein other than the State rate of tax; and with relation to the provisions of the "Retailers' Occupation Tax" referred to therein, except as to the disposition of taxes and penalties collected, and except for the provision allowing retailers a deduction from the tax to cover certain costs, and except that credit memoranda issued hereunder may not be used to discharge any State tax liability) of the Automobile Renting Occupation and Use Tax Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed pursuant to the authority granted in this Section may reimburse themselves for their tax liability hereunder by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the Automobile Renting Occupation and Use Tax Act pursuant to such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the municipal automobile renting tax fund.

The Department shall forthwith pay over to the State Treasurer, ex-officio, as trustee, all taxes and penalties collected hereunder. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities, the municipalities to be those from which renters have paid taxes or penalties hereunder to the Department during the second preceding calendar month. The amount to be paid to each municipality shall be the amount (not including credit memoranda) collected hereunder during the second preceding calendar month by the Department, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of such municipality, less 1.6% of such balance, which sum shall be retained by the State Treasurer to cover the costs incurred by the Department in administering and enforcing this Section as provided herein. The Department at the time of each monthly

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disbursement to the municipalities shall prepare and certify to the Comptroller the amount, so retained by the State Treasurer, to be paid into the General Revenue Fund of the State Treasury. Within 10 days after receipt, by the Comptroller, of the disbursement certification to the municipalities and the General Revenue Fund, provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in such certification.

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

An ordinance or resolution imposing or discontinuing the tax under this Section or effecting a change in the rate thereof shall be adopted and a certified copy thereof filed with the Department either: (i) on or before the first day of April, in which case the Department shall proceed to administer and enforce this Section as of the first day of July next following the adoption or filing; or (ii) on or before the first day of October, in which case the Department shall proceed to administer and enforce this Section as of the first day of January next following the adoption and filing.

~~An ordinance or resolution imposing a tax hereunder or effecting a change in the rate thereof shall be effective on the first day of the calendar month next following publication as provided in Section 1-2-4. The corporate authorities of any municipality which levies a tax authorized by this Section shall transmit to the Department of Revenue on or not later than 5 days after publication a certified copy of the ordinance or resolution imposing such tax whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of such municipality as of the effective date of the ordinance or resolution. Upon a change in rate of a tax levied hereunder, or upon the discontinuance of the tax, the corporate authorities of the municipality shall on or not later than 5 days after publication of the ordinance or resolution discontinuing the tax or effecting a change in rate transmit to the Department of Revenue a certified copy of the ordinance or resolution effecting such change or discontinuance.~~

The Department of Revenue must upon the request of the municipal clerk, city council or village board of trustees submit to a city, village or incorporated town a list of those persons who are registered with the Department to pay automobile renting occupation tax within that governmental unit. This list shall contain only the names of persons who have paid the tax and not the amount of tax paid by such person.

As used in this Section, "municipal" and "municipality" means a city, village or incorporated town, including an incorporated town which has superseded a civil township.

This Section shall be known and may be cited as the "Municipal Automobile Renting Occupation Tax Act".

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

(65 ILCS 5/8-11-8) (from Ch. 24, par. 8-11-8)

Sec. 8-11-8. Municipal Automobile Renting Use Tax. The corporate authorities of a municipality may impose a tax upon the privilege of using, in such municipality, an automobile which is rented from a rentor outside Illinois, and which is titled or registered with an agency of this State's government, at a rate not to exceed 1% of the rental price of such automobile. Such tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in such municipality. Such tax shall be collected by the Department of Revenue for any municipality imposing such tax. Such tax must be paid to the State, or an exemption determination must be obtained from the Department of Revenue, before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

The Department shall have full power to administer and enforce this Section; to collect all taxes, penalties and interest due hereunder; to dispose of taxes, penalties and interest so collected in the manner hereinafter provided, and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty or interest hereunder. In the administration of, and compliance with, this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of procedure as are prescribed in Sections 2 and 4 (except provisions pertaining to the State rate of tax; and with relation to the provisions of the "Use Tax Act" referred to therein, except provisions concerning collection or refunding of the tax by retailers, and except the provisions of Section 19 pertaining to claims by retailers and except the last paragraph concerning refunds, and except that credit memoranda issued hereunder may not be used to discharge any State tax liability) of the "Automobile Renting Occupation and Use Tax Act", ~~enacted by the Eighty-second General Assembly, as the same are now or may hereafter be amended,~~ which are not

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inconsistent with this Section, as fully as if provisions contained in those Sections of said Act were set forth herein.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the municipal automobile renting tax fund.

The Department shall forthwith pay over to the State Treasurer, ex-officio, as trustee, all taxes, penalties and interest collected hereunder. On or before the 25th day of each calendar month, the Department shall prepare and certify to the State Comptroller the disbursement of stated sums of money to named municipalities, the municipality in each instance to be that municipality from which the Department, during the second preceding calendar month, collected taxes hereunder from persons whose Illinois address for titling or registration purposes is given as being in such municipality. The amount to be paid to each municipality shall be the amount (not including credit memoranda) collected hereunder during the second preceding calendar month by the Department, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of such municipality, less 1.6% of such balance, which sum shall be retained by the State Treasurer to cover the costs incurred by the Department in administering and enforcing this Section as provided herein. The Department at the time of each monthly disbursement to the municipalities shall prepare and certify to the State Comptroller the amount, so retained by the State Treasurer, to be paid into the General Revenue Fund of the State Treasury. Within 10 days after receipt, by the State Comptroller, of the disbursement certification to the municipalities and the General Revenue Fund, provided or in this Section to be given to the State Comptroller by the Department, the State Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in such certification.

An ordinance or resolution imposing or discontinuing the tax under this Section or effecting a change in the rate thereof shall be adopted and a certified copy thereof filed with the Department either: (i) on or before the first day of April, in which case the Department shall proceed to administer and enforce this Section as of the first day of July next following the adoption or filing; or (ii) on or before the first day of October, in which case the Department shall proceed to administer and enforce this Section as of the first day of January next following the adoption and filing.

An ordinance or resolution imposing a tax hereunder or effecting a change in the rate thereof shall be effective on the first day of the second calendar month next following publication as provided in Section 1-2.4. The corporate authorities of any municipality which levies a tax authorized by this Section shall transmit to the Department of Revenue not later than 5 days after publication a certified copy of the ordinance or resolution imposing such tax whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of such municipality as of the effective date of the ordinance or resolution. Upon a change in rate of a tax levied hereunder, or upon the discontinuance of the tax, the corporate authorities of the municipality shall, on or not later than 5 days after publication of the ordinance or resolution discontinuing the tax or effecting a change in rate, transmit to the Department of Revenue a certified copy of the ordinance or resolution effecting such change or discontinuance.

As used in this Section, "Municipal" and "Municipality" means a city, village or incorporated town, including an incorporated town which has superseded a civil township.

This Section shall be known and may be cited as the "Municipal Automobile Renting Use Tax Act". (Source: P.A. 84-149.)

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 Hutchinson, **Senate Bill No. 514** 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:

[April 22, 2016]

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Martinez	Righter
Anderson	Harmon	McCann	Rose
Barickman	Harris	McConchie	Sandoval
Bennett	Hastings	McConnaughay	Stadelman
Bertino-Tarrant	Holmes	McGuire	Steans
Biss	Hunter	Morrison	Sullivan
Bivins	Hutchinson	Mulroe	Syverson
Bush	Jones, E.	Muñoz	Trotter
Clayborne	Koehler	Murphy, L.	Van Pelt
Collins	Landek	Murphy, M.	Weaver
Connelly	Lightford	Nybo	Mr. President
Cullerton, T.	Link	Radogno	
Cunningham	Luechtefeld	Raoul	
Forby	Manar	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.

MESSAGE FROM THE HOUSE

A message from the House by

Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2059

A bill for AN ACT concerning appropriations.

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

House Amendment No. 1 to SENATE BILL NO. 2059

House Amendment No. 3 to SENATE BILL NO. 2059

Passed the House, as amended, April 22, 2016.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 SENATE BILL 2059

AMENDMENT NO. 1. Amend Senate Bill 2059, by replacing everything after the enacting clause with the following:

“Section 5. The amount of \$2, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the Illinois State University for its FY 16 ordinary and contingent expenses.

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

AMENDMENT NO. 3 SENATE BILL 2059

AMENDMENT NO. 3. Amend Senate Bill 2059, by replacing everything after the enacting clause and inserting the following:

“ARTICLE 1

Section 5. The sum of \$20,107,300, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Chicago State University for ordinary and contingent expenses.

ARTICLE 2

[April 22, 2016]

Section 5. The sum of \$6,974,400, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Governors State University for ordinary and contingent expenses.

ARTICLE 3

Section 5. The sum of \$74,142,300, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Illinois Community College Board for distribution of base operating and equalization grants to qualifying public community colleges and the City Colleges of Chicago for educational related expenses.

ARTICLE 4

Section 5. The sum of \$6,000,000, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Education Assistance Fund to the Illinois Mathematics and Science Academy to meet ordinary and contingent expenses.

ARTICLE 5

Section 5. The sum of \$10,695,100, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Northeastern Illinois University for ordinary and contingent expenses.

ARTICLE 6

Section 5. The sum of \$57,482,200, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Southern Illinois University for ordinary and contingent expenses.

ARTICLE 7

Section 5. The sum of \$167,645,200, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of University of Illinois for ordinary and contingent expenses.

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of Trustees of the University of Illinois to meet ordinary and contingent expenses:

Payable from the Education Assistance Fund:

For costs associated with the School of

Labor and Employment Relations:

For degree programs	641,600
For certificate programs.....	<u>702,700</u>
Total	\$1,344,300

Section 15. The sum of \$11,104,600, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of the University of Illinois for operating costs and expenses related to or in support of the University of Illinois Hospital.

ARTICLE 8

Section 5. The sum of \$12,456,500, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Eastern Illinois University for ordinary and contingent expenses.

ARTICLE 9

Section 5. The sum of \$20,934,900 or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Illinois State University for ordinary and contingent expenses.

ARTICLE 10

Section 5. The sum of \$169,798,700, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Education Assistance Fund for grant awards to students eligible for the Monetary Award Program, as provided by law, and for agency administrative and operational costs not to exceed 2 percent of the total appropriation in this Section.

ARTICLE 11

Section 5. The sum of \$26,403,200, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Northern Illinois University for ordinary and contingent expenses.

ARTICLE 12

Section 5. The sum of \$14,911,400, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Western Illinois University for ordinary and contingent expenses.

ARTICLE 998

Section 998. The appropriation authority granted in this Act shall be valid for costs incurred prior to September 1, 2016.

ARTICLE 999

Section 999. Effective date. This Act takes effect upon becoming law.”.

Under the rules, the foregoing **Senate Bill No. 2059**, with House Amendments numbered 1 and 3, was referred to the Secretary’s Desk.

JOINT ACTION MOTION FILED

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

Motion to Concur in House Amendments 1 and 3 to Senate Bill 2059

PRESENTATION OF RESOLUTION

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

SENATE RESOLUTION NO. 1783

WHEREAS, 795 million people globally experience hunger every day; and

WHEREAS, Because of a lack of food, millions of the world's poor are left stunted, blind, and afflicted with developmental disabilities; countless others are continually weakened by anemia and are condemned to do little more than survive; and

WHEREAS, 45.3 million people live in poverty in the United States; 14.7 million of them are children; and

WHEREAS, Nearly 15% of United States households, or approximately 49 million Americans, including 15.9 million children, experience hunger or food insecurity, which can produce physical, mental, and social impairments; and

WHEREAS, Although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States and around the world, millions of people remain vulnerable to hunger and the negative effects of food deprivation; and

WHEREAS, According to the United Nations Food and Agriculture Organization, the percentage of the world's population that is undernourished has decreased from 23.4% in 1990-1992 to 13.5% in 2012-2014; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we call upon all elected leaders in state legislatures, the United States Congress, and the President to make it a top priority to end hunger by 2030; and be it further

RESOLVED, That we call upon Congress and the President to provide adequate and consistent funding for the Women, Infant and Children (WIC) Program and the Supplemental Nutrition Assistance Program (SNAP); and be it further

RESOLVED, That we recognize the unique power of churches, schools, communities, local charities, and people of good will to generate the political will to help end hunger by 2030; and be it further

[April 22, 2016]

RESOLVED, That we recognize the importance of government policy to help end hunger and join the world in endorsing the goal to end hunger in the United States and around the world by 2030; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the President and Vice President of the United States, the members of the Illinois congressional delegation, and other federal and state government officials as appropriate.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 22, 2016 meeting, reported that the following Legislative Measure has been approved for consideration:

Floor Amendment No. 1 to Senate Bill 2047

The foregoing floor amendment was placed on the Secretary's Desk.

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 22, 2016 meeting, reported that the following Legislative Measure has been approved for consideration:

Motion to Concur in House Amendments 1 and 3 to Senate Bill 2059

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

Pursuant to Senate Rule 3-8 (b-1), the following amendment will remain in the Committee on Assignments: **Floor Amendment No. 1 to Senate Bill 518**

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

On motion of Senator Trotter, **Senate Bill No. 2059**, with House Amendments numbered 1 and 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator Trotter moved that the Senate concur with the House in the adoption of their amendments to said bill.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Manar	Raoul
Anderson	Haine	Martinez	Rezin
Barickman	Harmon	McCann	Righter
Bennett	Harris	McCarter	Rose
Bertino-Tarrant	Hastings	McConchie	Sandoval
Biss	Holmes	McConnaughay	Stadelman
Bivins	Hunter	McGuire	Stears
Brady	Hutchinson	Morrison	Sullivan
Bush	Jones, E.	Mulroe	Syverson
Clayborne	Koehler	Muñoz	Trotter
Collins	Landek	Murphy, L.	Van Pelt
Connelly	Lightford	Murphy, M.	Weaver
Cullerton, T.	Link	Nybo	Mr. President
Cunningham	Luechtefeld	Radogno	

[April 22, 2016]

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 3 to **Senate Bill No. 2059**.

Ordered that the Secretary inform the House of Representatives thereof.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Barickman, **Senate Bill No. 3412** 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	Forby	Martinez	Rezin
Anderson	Haine	McCann	Righter
Barickman	Harmon	McCarter	Rose
Bennett	Harris	McConchie	Sandoval
Bertino-Tarrant	Hastings	McConnaughay	Stadelman
Biss	Holmes	McGuire	Steans
Bivins	Hunter	Morrison	Sullivan
Brady	Hutchinson	Mulroe	Syverson
Bush	Koehler	Muñoz	Trotter
Clayborne	Landek	Murphy, L.	Van Pelt
Collins	Lightford	Murphy, M.	Weaver
Connelly	Link	Nybo	Mr. President
Cullerton, T.	Luechtefeld	Radogno	
Cunningham	Manar	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 J. Cullerton, **Senate Bill No. 2047** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 1 SENATE BILL 2047

AMENDMENT NO. 1. Amend Senate Bill 2047 by replacing everything after the enacting clause with the following:

“ARTICLE 1

Section 5. The sum of \$262,500, or so much thereof as may be necessary, is appropriated from the Commitment to Human Services Fund to the Department of Transportation for a grant to the Illinois Latino Family Commission for the costs associated with the assisting State agencies in developing programs, services, public policies and research strategies that will expand and enhance the social and economic well-being of Latino children and families.

ARTICLE 2

[April 22, 2016]

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DISTRIBUTIVE ITEMS
OPERATIONS

Payable from Commitment to Human Services Fund:

For Expenses of the Provisions of the Statewide Centralized Abuse, Neglect, Financial Exploitation and Self-Neglect Act	7,000,000
For Expenses of the Senior Employment Specialist Program	65,100
For Expenses of the Grandparents Raising Grandchildren Program	102,655
For expenses associated with Home Delivered Meals (formula and non-formula)	3,976,595
For Specialized Training Program	17,115
For Expenses of the Illinois Department on Aging for Monitoring and Support Services	62,265
For Expenses of the Illinois Council on Aging	8,890
For Administrative Expenses of the Senior Meal Program	10,640
For Benefits, Eligibility, Assistance and Monitoring	632,485
For the expenses of the Senior Helpline	476,875

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Commitment to Human Services Fund for the ordinary and contingent expenses of the Department on Aging:

DISTRIBUTIVE ITEMS
GRANTS-IN-AID

For Grants for Retired Senior Volunteer Program	188,790
For Planning and Service Grants to Area Agencies on Aging	2,641,905
For Grants for the Foster Grandparent Program	82,600
For Expenses to the Area Agencies on Aging for Long-Term Care Systems Development	83,405
For the Ombudsman Program	461,335
For grants for Community Based Services for equal distribution to each of the 13 Area Agencies on Aging	257,005

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DISTRIBUTIVE ITEMS
COMMUNITY CARE

Payable from the Commitment to Human Services Fund:

For grants and for administrative expenses associated with the purchase of services covered by the Community Care Program, including prior year costs	200,700,000
For the Balancing Incentive Program	1,189,440

For grants and for administrative expenses associated with Comprehensive Case Coordination, including prior year costs 20,786,780

ARTICLE 3

Section 5. The sum of \$2,975,000, or so much thereof as may be necessary, is appropriated from the Commitment to Human Services Fund to the Illinois Criminal Justice Information Authority for administrative costs, awards and grants for the Adult Redeploy and Diversion Programs.

Section 10. The sum of \$420,000, or so much thereof as may be necessary, is appropriated from the Commitment to Human Services Fund to the Illinois Criminal Justice Information Authority for the purpose of awarding grants, contracts, administrative expenses and all related costs for the Safe From the Start program.

Section 15. The amount of 410,550, or so much thereof as may be necessary, is appropriated from the Commitment to Human Services Fund to the Illinois Criminal Justice Information Authority for grants and administrative expenses for Franklin County Juvenile Detention Center for the Methamphetamine Pilot Program.

Section 20. The amount of 4,375,000, or so much thereof as may be necessary, is appropriated from the Commitment to Human Services Fund to the Illinois Criminal Justice Information Authority for grants and administrative expenses related to YouthBuild programming.

ARTICLE 4

Section 5. The sum of \$20,107,300, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Chicago State University for ordinary and contingent expenses.

ARTICLE 5

Section 5. The sum of \$6,974,400, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Governors State University for ordinary and contingent expenses.

ARTICLE 6

Section 5. The sum of \$74,142,300, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Illinois Community College Board for distribution of base operating and equalization grants to qualifying public community colleges and the City Colleges of Chicago for educational related expenses.

ARTICLE 7

Section 5. The sum of \$6,000,000, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Education Assistance Fund to the Illinois Mathematics and Science Academy to meet ordinary and contingent expenses.

ARTICLE 8

Section 5. The sum of \$10,695,100, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Northeastern Illinois University for ordinary and contingent expenses.

ARTICLE 9

Section 5. The sum of \$57,482,200, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Southern Illinois University for ordinary and contingent expenses.

ARTICLE 10

Section 5. The sum of \$167,645,200, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of University of Illinois for ordinary and contingent expenses.

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of Trustees of the University of Illinois to meet ordinary and contingent expenses:

Payable from the Education Assistance Fund:

For costs associated with the School of

Labor and Employment Relations:

For degree programs	641,600
For certificate programs	<u>702,700</u>
Total	\$1,344,300

Section 15. The sum of \$11,104,600, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of the University of Illinois for operating costs and expenses related to or in support of the University of Illinois Hospital.

ARTICLE 11

Section 5. The sum of \$12,456,500, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Eastern Illinois University for ordinary and contingent expenses.

ARTICLE 12

Section 5. The sum of \$20,934,900 or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Illinois State University for ordinary and contingent expenses.

ARTICLE 13

Section 5. The sum of \$169,798,700, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Education Assistance Fund for grant awards to students eligible for the Monetary Award Program, as provided by law, and for agency administrative and operational costs not to exceed 2 percent of the total appropriation in this Section.

ARTICLE 14

Section 5. The sum of \$26,403,200, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Northern Illinois University for ordinary and contingent expenses.

ARTICLE 15

Section 5. The sum of \$14,911,400, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Western Illinois University for ordinary and contingent expenses.

ARTICLE 16

Section 5. The amount of \$85,540, or so much thereof as may be necessary, is appropriated from the Commitment to Human Services Fund to the Department of Veterans' Affairs for costs

associated with the Illinois Warrior Assistance Program.

Section 10. The following named amount, or so much thereof as may be necessary, respectively, is appropriated to the Department of Veterans' Affairs for costs associated with the operation of a program for homeless veterans at the Illinois Veterans' Home at Manteno:

Payable from the Commitment
to Human Services Fund \$255,115

Section 15. The following named amount, or so much thereof as may be necessary, is appropriated from the Commitment to Human Services Fund to the Department of Veterans' Affairs for the objects and purposes and in the amounts set forth as follows:

GRANTS-IN-AID

For Bonus Payments to War
Veterans and Peacetime
Crisis Survivors 67,725

ARTICLE 17

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Military Affairs:

Payable from Commitment to Human Services Fund:
For Lincoln's Challenge 967,820

ARTICLE 18

Section 5. The following named amount, or so much thereof as may be necessary, respectively is appropriated to the Department of Commerce and Economic Opportunity:

OFFICE OF COMMUNITY DEVELOPMENT
GRANTS

Payable from the Commitment to Human Services Fund:
For a grant to the Illinois African American Family
Commission for the costs associated with assisting
State agencies in developing programs, services,
public policies and research strategies that
will expand and enhance the social and economic
well-being of African American children
and families 262,500

ARTICLE 19

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Human Services for income assistance and related distributive purposes, including such Federal funds as are made available by the Federal Government for the following purposes:

DISTRIBUTIVE ITEMS
GRANTS-IN-AID

Payable from Commitment to Human Services Fund:
For Refugees 385,500
For Funeral and Burial Expenses under
Articles III, IV, and V, including
prior year costs 3,150,000
For costs associated with the
Illinois Welcoming Centers 524,600
For Grants and Administrative
Expenses associated with Immigrant
Integration Services and for other
Immigrant Services pursuant to 305 ILCS

5/12-4.34, provided the agency enters directly into agreements with grant recipients rather than granting the funds to one agency serving as a fiscal agent..... 2,112,200

Section 10. The following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for Grants-In-Aid and Purchased Care in its various regions pursuant to Sections 3 and 4 of the Community Services Act and the Community Mental Health Act:

**MENTAL HEALTH GRANTS AND PROGRAM SUPPORT
GRANTS-IN-AID AND PURCHASED CARE**

Payable from Commitment to Human Services Fund:

For all costs and administrative expenses for Community Service Programs for Persons with Mental Illness, Child and Adolescent Mental Health Programs and Mental Health Transitions or State Operated Mental Health Facilities:.....70,000,000
For Psychiatric Leadership Grants.....9,450,000

Payable from Commitment to Human Services Fund:

For costs associated with the Purchase and Disbursement of Psychotropic Medications for Mentally Ill Clients in the Community..... 658,600
For Supportive MI Housing..... 5,570,500
For costs associated with the Specialized Mental Health Rehabilitative Facility Community Programs..... 561,200
For the costs associated with Mental Health Balancing Incentive Programs 2,745,400

Section 15. The following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for Grants-In-Aid and Purchased Care in its various regions pursuant to Sections 3 and 4 of the Community Services Act and the Community Mental Health Act:

**DEVELOPMENTAL DISABILITIES GRANTS AND PROGRAM SUPPORT
GRANTS-IN-AID AND PURCHASED CARE**

Payable from Commitment to Human Services Fund:

For a grant to the Autism Program for an Autism Diagnosis Education Program for Individuals..... 1,505,000
For a Grant to Best Buddies..... 342,100
For a grant to the ARC of Illinois for the Life Span Project 165,000
For Dental Grants for People with Developmental Disabilities..... 345,100
For out-of-State residential services for people with Developmental Disabilities..... . 175,000
For Respite Care Services..... 3,072,300
For Epilepsy Services..... 726,200

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

**ADDICTION TREATMENT
GRANTS-IN-AID**

Payable from Commitment to Human Services Fund:

For costs associated with Community Based Addiction Treatment Services 18,175,100
For Addiction Treatment Services for

DCFS clients.....	2,225,600
For costs associated with Addiction Treatment Services for Special Populations	1,922,800

Section 25. The sum of \$171,100, or as much thereof is necessary is appropriated from the Commitment to Human Services Fund to the Department of Human Services for a pilot program to study uses and effects of medication assisted treatments for addiction and for the prevention of relapse to opioid dependence in publicly-funded treatment program.

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

REHABILITATION SERVICES BUREAUS
GRANTS-IN-AID

For Case Services to Individuals:	
Payable from Commitment to Human Services Fund	2,712,300
For Federal match for Supported Employment Programs:	
Payable from Commitment to Human Services Fund	35,700
For Grants to Independent Living Centers:	
Payable from Commitment to Human Services Fund	1,469,900
For Independent Living Older Blind Grant:	
Payable from Commitment to Human Services Fund	45,900

Section 35. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services for the purposes hereinafter named:

FAMILY AND COMMUNITY SERVICES

Payable from Commitment to Human Services Fund	
For Expenses for the Development and Implementation of Cornerstone	148,300

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, for the objects hereinafter named, are appropriated to the Department of Human Services for Family and Community Services and related distributive purposes, including such Federal funds as are made available by the Federal government for the following purposes:

FAMILY AND COMMUNITY SERVICES
GRANTS-IN-AID

Payable from Commitment to Human Services Fund:	
For Emergency Food Program, including Operating and Administrative Costs	75,400
For Homeless Prevention.....	341,300
For a grant to Children's Place for costs associated with specialized child care for families affected by HIV/AIDS	133,400
For Grants and administrative expenses for Programs to Reduce Infant Mortality, provide Case Management and Outreach Services, and for the Intensive Prenatal Performance Project	11,887,800
For Costs Associated with Teen Parent Services	350,000
For Grants for Community Services, including operating and administrative costs	1,750,000
For Grants and Administrative Expenses of the Westside Health Authority Crisis Intervention	102,600
For Grants and Administrative Expenses of Addiction Prevention and related services	350,700
For Grants and Administrative Expenses of Supportive Housing Services.....	3,850,000

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For Grants and Administrative Expenses of the Comprehensive Community-Based Services to Youth	5,310,900
For Grants and Administrative Expenses of Redeploy Illinois	1,496,300
For Grants and Administrative Expenses for Homeless Youth Services.....	1,592,500
For grants to provide Assistance to Sexual Assault Victims and for Sexual Assault Prevention Activities.....	2,107,400
For Grants and Administrative Expenses for After School Youth Support Programs.....	4,550,000
For Grants and Administrative Expenses For at-risk community support programs, after school programs, and youth employment opportunities	2,450,000
For Grants and Administrative Expenses Related to the Healthy Families Program.....	3,514,000
For Parents Too Soon Program	2,404,600

ARTICLE 20

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION

Payable from the Commitment to Human Services Fund:

For expenses of Sudden Infant Death Syndrome (SIDS) Program	85,500
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Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION

Payable from the Commitment to Human Services Fund:

For Expenses for the University of Illinois Sickle Cell Clinic.....	169,400
For Prostate Cancer Awareness	51,300

Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROTECTION

Payable from the Commitment to Human Services Fund:

For Grants for Immunizations and Outreach Activities	1,580,300
For Local Health Protection Grants to Certified Local Health Departments for Health Protection Programs including, But Not Limited To, Infectious Diseases, Food Sanitation, Potable Water and Private Sewage	6,199,800

Section 20. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for expenses of programs related to Acquired Immunodeficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV):

OFFICE OF HEALTH PROTECTION: AIDS/HIV

Payable from the Commitment to Human Services Fund:

For Expenses of AIDS/HIV Education, Drugs, Services, Counseling, Testing, Outreach to Minority populations, costs

associated with correctional facilities
 Referral and Partner Notification
 (CTRPN), and Patient and Worker
 Notification pursuant to Public
 Act 87-763 8,050,000

For grants and other expenses for
 the prevention and treatment of
 HIV/AIDS and the creation of an HIV/AIDS
 service delivery system to reduce the
 disparity of HIV infection and AIDS cases
 between African-Americans and other
 population groups 437,500

Section 25. The following named amounts, or as much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF WOMEN'S HEALTH

Payable from the Commitment to Human Services Fund:
 For Expenses for Breast and Cervical
 Cancer Screenings, minority outreach,
 and other Related Activities 3,850,000

Section 30. The following named amounts, or as much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF WOMEN'S HEALTH

Payable from the Commitment to Human Services Fund:
 For Expenses associated with School Health
 Centers 402,900

Section 35. The following named sum, or so much thereof as may be necessary, is appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF PREPAREDNESS AND RESPONSE

Payable from the Commitment to Human Services Fund:
 For grants to MCHC Chicago Hospital Council
 for the support of the Illinois
 Poison Control Center 700,000

ARTICLE 997

Section 997. All appropriation authority granted in this Act shall be used only for costs for services for which spending authority has not been authorized for fiscal year 2016 by any order of any court.

ARTICLE 998

Section 998. The appropriation authority granted in this Act shall be valid for costs incurred prior to July 1, 2016.

ARTICLE 999

Section 999. 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 BILLS OF THE SENATE A THIRD TIME

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On motion of Senator Steans, as chief co-sponsor pursuant to Senate Rule 5-1(b)(i), **Senate Bill No. 2047** 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 55; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Manar	Raoul
Anderson	Haine	Martinez	Rezin
Barickman	Harmon	McCann	Righter
Bennett	Harris	McCarter	Rose
Bertino-Tarrant	Hastings	McConchie	Sandoval
Biss	Holmes	McConnaughay	Stadelman
Bivins	Hunter	McGuire	Steans
Brady	Hutchinson	Morrison	Sullivan
Bush	Jones, E.	Mulroe	Syverson
Clayborne	Koehler	Muñoz	Trotter
Collins	Landek	Murphy, L.	Van Pelt
Connelly	Lightford	Murphy, M.	Weaver
Cullerton, T.	Link	Nybo	Mr. President
Cunningham	Luechtefeld	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 Harris, **Senate Bill No. 2279** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 32; NAYS 17.

The following voted in the affirmative:

Bennett	Holmes	McCann	Steans
Biss	Hunter	McGuire	Sullivan
Bush	Hutchinson	Morrison	Trotter
Clayborne	Jones, E.	Mulroe	Van Pelt
Collins	Koehler	Muñoz	Mr. President
Cunningham	Landek	Murphy, L.	
Harmon	Lightford	Raoul	
Harris	Link	Sandoval	
Hastings	Martinez	Stadelman	

The following voted in the negative:

Althoff	Connelly	Murphy, M.	Syverson
Anderson	Luechtefeld	Nybo	Weaver
Barickman	McCarter	Radogno	
Bivins	McConchie	Rezin	
Brady	McConnaughay	Righter	

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

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

On motion of Senator Collins, **Senate Bill No. 2282** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Luechtefeld	Rezin
Anderson	Haine	Manar	Righter
Barickman	Harmon	McCann	Sandoval
Bennett	Harris	McConchie	Stadelman
Biss	Hastings	McConnaughay	Steans
Bivins	Holmes	McGuire	Sullivan
Brady	Hunter	Mulroe	Syverson
Bush	Hutchinson	Muñoz	Trotter
Clayborne	Jones, E.	Murphy, L.	Van Pelt
Collins	Koehler	Murphy, M.	Weaver
Connelly	Landek	Nybo	Mr. President
Cullerton, T.	Lightford	Radogno	
Cunningham	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 Trotter, **Senate Bill No. 2300** 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 35; NAYS 17; Present 1.

The following voted in the affirmative:

Bennett	Harmon	Lightford	Rezin
Bertino-Tarrant	Harris	Link	Sandoval
Biss	Hastings	Manar	Stadelman
Bush	Holmes	McGuire	Steans
Clayborne	Hunter	Morrison	Sullivan
Collins	Hutchinson	Mulroe	Trotter
Cullerton, T.	Jones, E.	Muñoz	Van Pelt
Cunningham	Koehler	Murphy, L.	Mr. President
Haine	Landek	Raoul	

The following voted in the negative:

Anderson	Luechtefeld	Murphy, M.	Syverson
Barickman	McCann	Nybo	Weaver
Bivins	McCarter	Radogno	

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Brady	McConchie	Righter
Connelly	McConnaughay	Rose

The following voted present:

Althoff

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 Koehler, **Senate Bill No. 2301** 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	Forby	Manar	Rezin
Anderson	Haine	McCann	Righter
Barickman	Harmon	McCarter	Rose
Bennett	Harris	McConchie	Sandoval
Bertino-Tarrant	Hastings	McConnaughay	Stadelman
Biss	Holmes	McGuire	Steans
Bivins	Hunter	Morrison	Sullivan
Brady	Hutchinson	Mulroe	Syverson
Bush	Jones, E.	Muñoz	Trotter
Clayborne	Koehler	Murphy, L.	Van Pelt
Collins	Landek	Murphy, M.	Weaver
Connelly	Lightford	Nybo	Mr. President
Cullerton, T.	Link	Radogno	
Cunningham	Luechtefeld	Raoul	

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

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

SENATE BILL RECALLED

On motion of Senator Steans, **Senate Bill No. 2306** was recalled from the order of third reading to the order of second reading.

Senator Steans offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2306

AMENDMENT NO. 2. Amend Senate Bill 2306, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by adding Section 5-30.3 as follows:
(305 ILCS 5/5-30.3 new)

Sec. 5-30.3. Managed care: automatic assignment. The Department shall, within a reasonable period of time after relevant data from managed care entities has been collected and analyzed, but no earlier than January 1, 2017, develop and implement within each enrollment region an algorithm preserving existing provider-beneficiary relationships that takes into account quality scores and other operational proficiency

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criteria developed, defined, and adopted by the Department, to automatically assign Medicaid enrollees served under the Family Health Plan and the Integrated Care Program and those Medicaid enrollees eligible for medical assistance pursuant to the Patient Protection and Affordable Care Act (Public Law 111-148) into managed care entities, including Accountable Care Entities, Managed Care Community Networks, and Managed Care Organizations. The quality metrics used shall be measurable for all entities. The algorithm shall not use the quality and proficiency metrics to reassign enrollees out of any plan in which they are enrolled at the time and shall only be used if the client has not voluntarily selected a primary care physician and a managed care entity or care coordination entity. Clients shall have one opportunity within 90 calendar days after auto-assignment by algorithm to select a different managed care entity. The algorithm developed and implemented shall favor assignment into managed care entities with the highest quality scores and levels of compliance with the operational proficiency criteria established, taking into consideration existing provider-beneficiary relationship as defined by 42 CFR 438.50(f)(3) if one exists."

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 Steans, **Senate Bill No. 2306** 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	Haine	McCann	Rose
Anderson	Harmon	McCarter	Sandoval
Barickman	Harris	McConchie	Stadelman
Bennett	Hastings	McConaughay	Steans
Bertino-Tarrant	Holmes	McGuire	Sullivan
Biss	Hunter	Morrison	Syverson
Bivins	Hutchinson	Mulroe	Trotter
Brady	Jones, E.	Muñoz	Van Pelt
Bush	Koehler	Murphy, L.	Weaver
Clayborne	Landek	Murphy, M.	Mr. President
Collins	Lightford	Nybo	
Connolly	Link	Radogno	
Cullerton, T.	Luechtefeld	Rezin	
Cunningham	Manar	Righter	

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

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

On motion of Senator Rezin, **Senate Bill No. 2314** 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:

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Althoff	Forby	Manar	Righter
Anderson	Haine	McCann	Rose
Barickman	Harmon	McConchie	Sandoval
Bennett	Harris	McConnaughay	Stadelman
Bertino-Tarrant	Hastings	McGuire	Steans
Biss	Holmes	Morrison	Sullivan
Bivins	Hunter	Mulroe	Syverson
Brady	Hutchinson	Muñoz	Trotter
Bush	Jones, E.	Murphy, L.	Van Pelt
Clayborne	Koehler	Murphy, M.	Weaver
Collins	Landek	Nybo	Mr. President
Connelly	Lightford	Radogno	
Cullerton, T.	Link	Raoul	
Cunningham	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 Lightford, **Senate Bill No. 2340**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

Pending roll call, on motion of Senator Lightford, further consideration of **Senate Bill No. 2340** was postponed.

On motion of Senator Holmes, **Senate Bill No. 2355** 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	Forby	McCann	Rezin
Anderson	Haine	McCarter	Righter
Barickman	Harmon	McConchie	Rose
Bennett	Hastings	McConnaughay	Sandoval
Bertino-Tarrant	Holmes	McGuire	Stadelman
Biss	Hunter	Morrison	Steans
Bivins	Hutchinson	Mulroe	Sullivan
Brady	Koehler	Muñoz	Syverson
Bush	Landek	Murphy, L.	Trotter
Clayborne	Lightford	Murphy, M.	Van Pelt
Collins	Link	Nybo	Weaver
Connelly	Luechtefeld	Radogno	Mr. President
Cunningham	Manar	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

[April 22, 2016]

On motion of Senator Harmon, **Senate Bill No. 2393** 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. 2 TO SENATE BILL 2393

AMENDMENT NO. 2. Amend Senate Bill 2393, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Childhood Hunger Relief Act is amended by adding Section 16 as follows:
(105 ILCS 126/16 new)

Sec. 16. Breakfast after the bell program.

(a) For the purposes of this Section, "breakfast after the bell" means breakfast is provided to children after the instructional day has officially begun. This term does not prohibit schools from also providing breakfast before the instructional day begins.

(b) The board of education of each school district in this State shall implement and operate a breakfast after the bell program by the first school day of the next academic year after the effective date of this amendatory Act of the 99th General Assembly, if a breakfast after the bell program does not currently exist, in each school building within its district (1) in which at least 70% or more of the students are eligible for free or reduced-price lunches based upon the previous year's October claim (for those schools that participate in the National School Lunch Program); (2) in which at least 70% or more of the students are classified as low-income according to the Fall Housing Data from the previous year (for those schools that do not participate in the National School Lunch Program); or (3) that has an individual site percentage for free or reduced-price meals of 70% or more (for those schools using Provision 2 under Section 11(a)(1) of the federal Richard B. Russell National School Lunch Act or the Community Eligibility Provision under Section 104(a) of the federal Healthy, Hunger-Free Kids Act of 2010 to provide universal meals). If a school falls below the applicable 70% threshold for 2 consecutive years, it has the option to continue participating in the program, but is not required to do so.

(c) Each school under this Section may determine the breakfast after the bell service model that best suits its students. Service models include, but are not limited to, breakfast in the classroom, grab and go breakfast, and second-chance breakfast.

(d) The State Board of Education may establish a waiver process for the breakfast after the bell program required by this Section. If a waiver process is established, it shall be limited to schools that can demonstrate that providing the program resulted in undue financial hardship for the school.

(e) Before the beginning of the next academic year after the effective date of this amendatory Act of the 99th General Assembly, the State Board of Education shall develop and distribute procedures and guidelines for the implementation of this Section, which must be in compliance with federal regulations governing the school breakfast program.

(f) The State Board of Education shall annually collect information about breakfast after the bell delivery models implemented at each school and make the information publicly available.

(g) In fulfilling its responsibilities under this Section, the State Board of Education shall collaborate with nonprofit organizations knowledgeable about equity, the opportunity gap, hunger and food security issues, and best practices for improving student access to school breakfast. The State Board of Education shall make available a list of opportunities for philanthropic support of school breakfast programs and make the list available to schools interested in a breakfast after the bell program."

The motion prevailed.

The amendment was adopted and ordered printed.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 2393

AMENDMENT NO. 3. Amend Senate Bill 2393, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Childhood Hunger Relief Act is amended by adding Section 16 as follows:
(105 ILCS 126/16 new)

Sec. 16. Breakfast after the bell program.

(a) For the purposes of this Section, "breakfast after the bell" means breakfast is provided to children after the instructional day has officially begun. This term does not prohibit schools from also providing breakfast before the instructional day begins.

(b) The board of education of each school district in this State shall implement and operate a breakfast after the bell program by the first school day of the next academic year after the effective date of this amendatory Act of the 99th General Assembly, if a breakfast after the bell program does not currently exist, in each school building within its district (1) in which at least 70% or more of the students are eligible for free or reduced-price lunches based upon the previous year's October claim (for those schools that participate in the National School Lunch Program); (2) in which at least 70% or more of the students are classified as low-income according to the Fall Housing Data from the previous year (for those schools that do not participate in the National School Lunch Program); or (3) that has an individual site percentage for free or reduced-price meals of 70% or more (for those schools using Provision 2 under Section 11(a)(1) of the federal Richard B. Russell National School Lunch Act or the Community Eligibility Provision under Section 104(a) of the federal Healthy, Hunger-Free Kids Act of 2010 to provide universal meals). If a school falls below the applicable 70% threshold for 2 consecutive years, it has the option to continue participating in the program, but is not required to do so.

(c) Each school under this Section may determine the breakfast after the bell service model that best suits its students. Service models include, but are not limited to, breakfast in the classroom, grab and go breakfast, and second-chance breakfast.

(d) A school district is allowed to petition for an exemption of a school or schools from the breakfast after the bell program requirement if it is determined that, due to circumstances specific to that school district, the expense reimbursement would not fully cover the costs of implementing and operating a breakfast after the bell program. The school district shall petition its regional superintendent of schools by February 15 of each year to request to be exempt from operating the breakfast after the bell program in the school or schools in the next school year. The petition shall include all legitimate costs associated with implementing and operating a breakfast after the bell program, the estimated reimbursement from State and federal sources, and any unique circumstances the school district can verify that exist that would cause the implementation and operation of such a program to be cost prohibitive.

The regional superintendent of schools shall review the petition. In accordance with the Open Meetings Act, he or she shall convene a public hearing to hear testimony from the school district and interested community members. The regional superintendent shall, by March 15 of each year, inform the school district of his or her decision, along with the reasons why the exemption was granted or denied, in writing. The regional superintendent must also send notification to the State Board of Education detailing which schools an exemption was requested for and the results. If the regional superintendent grants an exemption, then the school district is relieved from the requirement to implement and operate a breakfast after the bell program in the school or schools granted an exemption for the next school year.

If the regional superintendent of schools does not grant an exemption, then the school district shall implement and operate a breakfast after the bell program in accordance with this Section by the first student attendance day of the next school year. However, the school district or a resident of the school district may, by April 15, appeal the decision of the regional superintendent to the State Superintendent of Education. The State Superintendent shall hear appeals on the decisions of regional superintendents no later than May 15 of each year. The State Superintendent shall make a final decision at the conclusion of the hearing on the school district's request for an exemption from the breakfast after the bell program requirement. If the State Superintendent grants an exemption, then the school district is relieved from the requirement to implement and operate a breakfast after the bell program in the school or schools granted an exemption for the next school year. If the State Superintendent does not grant an exemption, then the school district shall implement and operate a breakfast after the bell program in accordance with this Section by the first student attendance day of the next school year.

A school district may not attempt to exempt a school or schools from the breakfast after the bell program requirement of this Section by requesting a waiver under Section 2-3.25g of the School Code.

(e) Before the beginning of the next academic year after the effective date of this amendatory Act of the 99th General Assembly, the State Board of Education shall develop and distribute procedures and guidelines for the implementation of this Section, which must be in compliance with federal regulations governing the school breakfast program.

(f) The State Board of Education shall annually collect information about breakfast after the bell delivery models implemented at each school and make the information publicly available.

(g) In fulfilling its responsibilities under this Section, the State Board of Education shall collaborate with nonprofit organizations knowledgeable about equity, the opportunity gap, hunger and food security issues, and best practices for improving student access to school breakfast. The State Board of Education shall collaborate with nonprofit organizations knowledgeable about food security issues and best practices for improving access to school breakfast to create and post a list of opportunities for philanthropic support of school breakfast programs on its website."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Harmon, **Senate Bill No. 2393** 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:

Anderson	Harmon	Link	Rezin
Bennett	Harris	Manar	Sandoval
Bertino-Tarrant	Hastings	McCann	Stadelman
Biss	Holmes	McGuire	Steans
Bush	Hunter	Morrison	Sullivan
Clayborne	Hutchinson	Mulroe	Trotter
Collins	Jones, E.	Muñoz	Van Pelt
Cunningham	Koehler	Murphy, L.	Mr. President
Forby	Landek	Radogno	
Haine	Lightford	Raoul	

The following voted in the negative:

Althoff	Luechtefeld	Murphy, M.	Syverson
Barickman	McCarter	Nybo	Weaver
Bivins	McConchie	Righter	
Connelly	McConnaughay	Rose	

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 Rose, **Senate Bill No. 2404** 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	Haine	McCann	Righter
Anderson	Harmon	McCarter	Rose
Barickman	Harris	McConchie	Sandoval
Bennett	Hastings	McConnaughay	Stadelman
Bertino-Tarrant	Holmes	McGuire	Steans
Biss	Hunter	Morrison	Sullivan
Bivins	Hutchinson	Mulroe	Syverson
Brady	Jones, E.	Muñoz	Trotter

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Bush	Koehler	Murphy, L.	Van Pelt
Clayborne	Landek	Murphy, M.	Weaver
Collins	Lightford	Nybo	Mr. President
Connelly	Link	Radogno	
Cunningham	Luechtefeld	Raoul	
Forby	Manar	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.

SENATE BILL RECALLED

On motion of Senator Rezin, **Senate Bill No. 2527** was recalled from the order of third reading to the order of second reading.

Senator Rezin offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2527

AMENDMENT NO. 2. Amend Senate Bill 2527 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by changing Section 2705-300 and adding Section 2705-615 as follows:

(20 ILCS 2705/2705-300) (was 20 ILCS 2705/49.18)

Sec. 2705-300. Powers concerning mass transportation. The Department has the power to do the following:

(1) Advise and assist the Governor and the General Assembly in formulating (i) a mass transportation policy for the State, (ii) proposals designed to help meet and resolve special problems of mass transportation within the State, and (iii) programs of assistance for the comprehensive planning, development, and administration of mass transportation facilities and services.

(2) Appear and participate in proceedings before any federal, State, or local regulatory agency involving or affecting mass transportation in the State.

(3) Study mass transportation problems and provide technical assistance to units of local government.

(4) Encourage experimentation in developing new mass transportation facilities and services.

(5) Recommend policies, programs, and actions designed to improve utilization of mass transportation services.

(6) Cooperate with mass transit districts and systems, local governments, and other State agencies in meeting those problems of air, noise, and water pollution associated with transportation.

(7) Participate fully in a statewide effort to improve transport safety including, but not limited to: -

(a) to the extent required by Fixing America's Surface Transportation Act ("FAST Act"), Section 5329 of 49 U.S.C. and 49 CFR Part 674, developing, adopting, and implementing a system safety program standard meeting the compliance requirements of Section 5329 of 49 U.S.C. for the safety of planned, under construction, or in revenue operation rail fixed guideway systems and the personal security of the systems' passengers and employees;

(b) in accordance with the FAST Act, establishing procedures to regulate, investigative, inspect, audit, and enforce all other necessary and incidental functions related to the effectuation of the FAST Act, or other federal law pertaining to public transportation oversight; and

(c) requiring the local mass transit districts, the Regional Transportation Authority, St. Clair County Transit District, and applicable Service Boards to comply with the requirements of Section 5329 of 49 U.S.C. as now or hereafter amended. The Department may contract for the services of a qualified consultant to comply with this subsection.

(d) The security portion of the system safety program, including, without limitation, investigation reports, surveys, schedules, lists, or data compiled, collected, or prepared by or for the Department under this subsection, shall not be subject to discovery or admitted into evidence in federal or State court or considered for other purposes in any civil action for damages arising from any matter mentioned or addressed in such reports, surveys, schedules, lists, data, or information.

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(e) The Department and its employees, and any local mass transit district, the Regional Transportation Authority, St. Clair County Transit District, or any Service Board subject to this Section, or their respective directors, officers, or employees, shall not be held liable in any civil action for any injury to or death of any person or loss of or damage to property for any acts or omissions or failures to act under this Section or pursuant to the FAST Act as now or hereafter amended.

(8) Conduct by contract or otherwise technical studies, and demonstration and development projects which shall be designed to test and develop methods for increasing public use of mass transportation and for providing mass transportation in an efficient, coordinated, and convenient manner.

(9) Make applications for, receive, and make use of grants for mass transportation.

(10) Make grants for mass transportation from the Transportation Fund pursuant to the standards and procedures of Sections 2705-305 and 2705-310.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 2705/2705-615 new)

Sec. 2705-615. FAST Act. The Department shall develop, adopt, and implement a system safety program standard and establish procedures to comply with the federal Fixing America's Surface Transportation Act ("FAST Act") as required under paragraph (7) of Section 2705-300 of the Department of Transportation Law of the Civil Administrative Code of Illinois.

Pursuant to 49 CFR 659, the St. Clair County Transit District and the Department shall have concurrent rail transit safety oversight authority for MetroLink until December 31, 2016. Thereafter, the Department shall have rail transit safety oversight authority in the State of Illinois for MetroLink.

Section 10. The Bi-State Transit Safety Act is amended by adding Section 100 as follows:

(45 ILCS 111/100 new)

Sec. 100. Repeal. This Act is repealed on December 31, 2016.

Section 15. The Regional Transportation Authority Act is amended by changing Section 2.11 as follows: (70 ILCS 3615/2.11) (from Ch. 111 2/3, par. 702.11)

Sec. 2.11. Safety.

(a) The Service Boards may establish, enforce and facilitate achievement and maintenance of standards of safety against accidents with respect to public transportation provided by the Service Boards or by transportation agencies pursuant to purchase of service agreements with the Service Boards. The provisions of general or special orders, rules or regulations issued by the Illinois Commerce Commission pursuant to Section 57 of "An Act concerning public utilities", approved June 29, 1921, as amended, which pertain to public transportation and public transportation facilities of railroads will continue to apply until the Service Board determines that different standards are necessary to protect such health and safety.

~~(b) (Blank). To the extent required by 49 CFR Part 659 as now or hereafter amended, the Authority shall develop and adopt a system safety program standard for the safety of rail fixed guideway systems and the personal security of the systems' passengers and employees and shall establish procedures for safety and security reviews, investigations, and oversight reporting. The Authority shall require the applicable Service Boards to comply with the requirements of 49 CFR Part 659 as now or hereafter amended. The Authority may contract for the services of a qualified consultant to comply with this subsection.~~

(c) The security portion of the system safety program, investigation reports, surveys, schedules, lists, or data compiled, collected, or prepared by or for the Department of Transportation or the Authority under this subsection, shall not be subject to discovery or admitted into evidence in federal or State court or considered for other purposes in any civil action for damages arising from any matter mentioned or addressed in such reports, surveys, schedules, lists, data, or information.

(d) Neither the Authority nor its directors, officers, or employees, nor any Service Board subject to this Section nor its directors, officers, or employees, nor a local mass transit district nor its directors, officers, or employees shall be held liable in any civil action for any injury to any person or property for any acts or omissions or failure to act under this Section or pursuant to the federal Fixing America's Surface Transportation Act 49 CFR Part 659 as now or hereafter amended.

(e) The Authority shall comply with all requirements of Section 5329 of 79 U.S.C. as required by the Department of Transportation under paragraph (7) of Section 2705-300 of the Department of Transportation Law of the Civil Administrative Code of Illinois.

(Source: P.A. 90-273, eff. 7-30-97.)"

The motion prevailed.

The amendment was adopted and ordered printed.

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Senator Rezin offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 2527

AMENDMENT NO. 3. Amend Senate Bill 2527, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 3, line 20, by replacing "The" with "Except for willful or wanton conduct, the".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Rezin, **Senate Bill No. 2527** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

Althoff	Haine	McCann	Rezin
Anderson	Harris	McCarter	Righter
Barickman	Hastings	McConchie	Rose
Bennett	Holmes	McConnaughay	Sandoval
Bertino-Tarrant	Hunter	McGuire	Stadelman
Biss	Hutchinson	Morrison	Steans
Bivins	Jones, E.	Mulroe	Sullivan
Brady	Koehler	Muñoz	Syverson
Clayborne	Landek	Murphy, L.	Trotter
Collins	Lightford	Murphy, M.	Van Pelt
Connelly	Link	Nybo	Mr. President
Cunningham	Luechtefeld	Radogno	
Forby	Manar	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 Sandoval, **Senate Bill No. 2567** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

Anderson	Haine	Manar	Rezin
Barickman	Harmon	McCann	Righter
Bennett	Harris	McConchie	Rose
Bertino-Tarrant	Hastings	McConnaughay	Stadelman
Biss	Holmes	McGuire	Steans
Bivins	Hunter	Morrison	Sullivan

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Brady	Hutchinson	Mulroe	Syverson
Bush	Jones, E.	Muñoz	Trotter
Clayborne	Koehler	Murphy, L.	Van Pelt
Collins	Landek	Murphy, M.	Weaver
Connelly	Lightford	Nybo	Mr. President
Cunningham	Link	Radogno	
Forby	Luechtefeld	Raoul	

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

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

SENATE BILL RECALLED

On motion of Senator L. Murphy, **Senate Bill No. 2585** was recalled from the order of third reading to the order of second reading.

Senator L. Murphy offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2585

AMENDMENT NO. 2. Amend Senate Bill 2585, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 8, by replacing "3rd business day in January" with "August 15 3rd business day in January".

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 L. Murphy, **Senate Bill No. 2585** 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	Forby	Manar	Rezin
Anderson	Haine	McCann	Righter
Barickman	Harmon	McConchie	Rose
Bennett	Harris	McConnaughay	Sandoval
Bertino-Tarrant	Hastings	McGuire	Stadelman
Biss	Holmes	Morrison	Steans
Bivins	Hunter	Mulroe	Sullivan
Brady	Hutchinson	Muñoz	Syverson
Bush	Koehler	Murphy, L.	Trotter
Clayborne	Landek	Murphy, M.	Van Pelt
Collins	Lightford	Nybo	Weaver
Connelly	Link	Radogno	Mr. President
Cunningham	Luechtefeld	Raoul	

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

[April 22, 2016]

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

On motion of Senator Clayborne, **Senate Bill No. 2989** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 33; NAYS 18.

The following voted in the affirmative:

Bennett	Harris	Link	Stadelman
Biss	Hastings	Manar	Steans
Bush	Holmes	McGuire	Sullivan
Clayborne	Hunter	Morrison	Trotter
Collins	Hutchinson	Mulroe	Van Pelt
Cunningham	Jones, E.	Muñoz	Mr. President
Forby	Koehler	Murphy, L.	
Haine	Landek	Raoul	
Harmon	Lightford	Sandoval	

The following voted in the negative:

Althoff	Connelly	Murphy, M.	Rose
Anderson	Luechtefeld	Nybo	Syverson
Barickman	McCarter	Radogno	Weaver
Bivins	McConchie	Rezin	
Brady	McConnaughay	Righter	

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

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

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Bertino-Tarrant, **Senate Bill No. 2613** having been printed, was taken up, read by title a second time.

Senator Bertino-Tarrant offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2613

AMENDMENT NO. 1. Amend Senate Bill 2613 on page 1 by replacing lines 11 through 16 with the following:

""Employee" means eligible employee, as defined by Section 101(2) of the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

"Employer" means employer, as defined by Section 101(4) of the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.); and

on page 1, line 18, by changing "4" to "2"; and

on page 1, line 19, by changing "20" to "10"; and

on page 2 by replacing lines 5 and 6 with the following:
"employee receives notice of the death of the child."; and

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on page 2 by replacing line 10 with the following:
"reasonable and practicable."; and

on page 2 by replacing lines 16 through 21 with the following:

"(e) In the event of the death of more than one child in a 12-month period, an employee is entitled to up to a total of 6 weeks of bereavement leave during the 12-month period. This Act does not"; and

on page 5, line 5, by changing "3 years" to "60 days"; and

on page 5 by replacing lines 8 through 21 with the following:

"(b) An employer that violates any provision of this Act or any rule adopted under this Act is subject to a civil penalty for each employee affected as follows:

- (1) first offense, a civil penalty not to exceed \$500;
- (2) second or subsequent offense, a civil penalty not to exceed \$1,000.

(c) A civil action may be brought in the circuit court by an employee to enforce this Act. The circuit court may enjoin any act or practice that violates or may violate this Act and may order any other equitable relief that is necessary and appropriate to redress the violation or to enforce the Act."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Sandoval, **Senate Bill No. 3020** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 3020

AMENDMENT NO. 1. Amend Senate Bill 3020 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Innovations for Transportation Infrastructure Act.

Section 5. Legislative policy.

(a) It is the public policy of the State of Illinois to promote the development of infrastructure projects that serve the needs of the public.

(b) The design-build and construction manager-general contractor project delivery methods and use of alternative technical concepts have the potential to capture private sector innovation and safely deliver infrastructure projects on more predictable schedules and budgets. Earlier completion and lower cost for projects are possible with the ability to shift or share risks with the private sector that are generally retained by the public in the conventional design-bid-build project delivery method.

(c) It is the intent of the General Assembly that the Department of Transportation and the Illinois State Toll Highway Authority may evaluate and use alternative technical concepts proposed by bidders and proposers and to use the DB and CMGC project delivery methods.

(d) It is the intent of this Act to use design professionals, construction companies, and workers from this State to the greatest extent possible.

(e) The powers granted in this Act are in addition to any other powers authorized under applicable law.

Section 10. Definitions. As used in this Act:

"Agency" means the Department of Transportation or the Illinois State Toll Highway Authority.

"ATC" or "Alternative Technical Concepts" means a proposed deviation from the contract technical requirements set forth in the procurement documents for a transportation facility that offers a solution that is equal or better than the requirements in the procurement documents.

"Authority" means the Illinois State Toll Highway Authority.

"Best value" means any selection process in which proposals contain both price and qualitative components and award is based upon a combination of price, qualitative concepts, and other factors.

"Chief procurement officer" means the chief procurement officer for the Department or the Authority.

"CMGC contract" means the two-phase contract between the Department or the Authority and a construction manager-general contractor, which includes a first phase addressing preconstruction services and a second phase addressing the construction of the transportation facility.

"Construction manager-general contractor" or "CMGC" means a proposer that has entered into a construction manager-general contractor contract under this Act.

"Construction manager-general contractor project delivery method" or "CMGC project delivery method" means a method of procurement and contracting that makes a CMGC who enters into a contract with the Department or the Authority responsible for certain preconstruction services and then, if the parties reach agreement on key terms, responsible for construction of the transportation facility.

"DB" means design-build.

"Department" means the Illinois Department of Transportation.

"Design-bid-build project delivery method" means the traditional method of procuring and contracting for design services and construction services used separately in this State, which incorporates the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act and the principles of competitive bidding under the Illinois Procurement Code.

"Design-build contract" or "DB contract" means a contract between the Department or the Authority and a design-builder under which the design-builder agrees to furnish architectural, surveying, engineering, construction, and related services for a transportation facility.

"Design-build project delivery method" or "DB project delivery method" means a method of procurement and contracting that provides responsibility within a single contract between the Department or the Authority and a design-builder for the furnishing of architectural, surveying, engineering, construction, and related services for a transportation facility.

"Design-builder" means a proposer that has entered into a design-build contract with the Department or the Authority under this Act.

"Evaluation Committee" means the committee assembled to evaluate and score statements of qualifications and proposals.

"Evaluation criteria" means the standards and requirements established by the Department or the Authority against which the qualifications and proposals of a proposer will be assessed during the procurement of a design-build contract or construction manager-general contractor contract, as applicable.

"Executive Director" means the Executive Director of the Illinois State Toll Highway Authority.

"Metropolitan planning organization" means a metropolitan planning organization under 23 U.S.C. 134 whose metropolitan planning area boundaries are partially or completely within this State.

"Preconstruction services" means all non-construction-related services that a construction manager-general contractor is required to perform during the first phase of a construction manager-general contractor contract, which may include giving advice to the Department or the Authority regarding scheduling, work sequencing, cost engineering, constructability, cost estimating, and risk identification.

"Proposal" means a proposer's response to a request for proposals.

"Proposer" means any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity legally established to conduct business in this State that proposes to be the design-build or construction manager-general contractor for any transportation facility under this Act.

"Qualifications" means a statement of qualifications submitted by a proposer in response to a request for qualifications.

"Request for proposals" means the document issued by the Department or the Authority to solicit proposals and describe the procurement process for a design-build contract or construction manager-general contractor contract in accordance with the design-build project delivery method or the construction manager-general contractor project delivery method, as applicable.

"Request for qualifications" means the document issued by the Department or the Authority in the first phase of a two-phase procurement to solicit qualifications from proposers in accordance with the design-build project delivery method or the construction manager-general contractor project delivery method, as applicable.

"Scope and performance requirements" means the constructed elements, activities, and standards of performance required by the Department or the Authority to be complied with in the development of the transportation facility, which may include, but not be limited to, the intended usage, capacity, size, scope, quality and performance standards, life-cycle costs, preliminary engineering, design, and other requirements as developed and determined by the Department or the Authority.

"Secretary" means the Secretary of Transportation of the Illinois Department of Transportation.

"Transportation facility" means any new or existing facility or group of facilities that are the subject of a design-build contract or a construction manager-general contractor contract, and which may include

highways, roads, bridges, tunnels, overpasses, bus ways, guideways, ferries, airports or other aviation facilities, public transportation facilities, vehicle parking facilities, port facilities, rail facilities, stations, hubs, terminals, intermodal facilities, transit facilities, or similar facilities used for the transportation of persons or goods, together with any buildings, structures, parking areas, appurtenances, intelligent transportation systems, and other property or facilities related to the operation or maintenance of these facilities.

Section 15. Authorization of project delivery methods.

(a) Notwithstanding any other law, and as authority supplemental to its existing powers, the Agency, in accordance with this Act, may use the design-build project delivery method for a transportation facility, provided that the capital costs for the transportation facility utilizing the design-build project delivery method does not exceed 20% of the Agency's multi-year highway improvement program for any 5-year period. The Agency shall make this calculation prior to commencing the procurement for a design-build contract and shall use the Agency's estimated cost for that transportation facility. The Agency, in accordance with this Act, may use the CMGC project delivery method for up to 3 transportation facilities. Prior to commencing a procurement under this Act for either a design-build contract or a CMGC contract, the Agency must first conduct an analysis and make a written determination that it is in the best interests of this State to utilize the selected delivery method for that transportation facility. The analysis and determination shall discuss the design-build or CMGC project delivery method's impact on the anticipated schedule, completion date, and project costs. The best interests of the State analysis shall be made available to the public.

(b) The Agency shall report to the General Assembly annually for the first 5 years after the effective date of this Act on the progress of procurements and transportation facilities procured under this Act.

Section 20. Preconditions to commencement of procurement.

If the Agency determines to use the design-build project delivery method or the CMGC project delivery method for a particular transportation facility, the Agency shall not commence a procurement for the transportation facility until:

(1) the Agency uses its best effort to ensure that the transportation facility is consistent with the regional plan of any metropolitan planning organization in which the boundaries of the transportation facility are located; and

(2) the Agency completes at least one of the following:

(A) includes the transportation facility in the Department's respective multi-year highway improvement program and designates it as a DB or CMGC project;

(B) issues a notice of intent to receive qualifications at least 14 days prior to the issuance of the request for qualifications; or

(C) for a single phase procurement under subsection (a) of Section 25 of this Act, issues a notice of intent to receive proposals at least 14 days prior to the issuance of the request for proposals. If the Agency issues this notice of intent, the Department shall publish the notice in the Department's Transportation Bulletin and the Authority shall publish the notice in the Illinois Procurement Bulletin. The Agency shall include a description of the proposed procurement and transportation facility in any notice of intent.

Section 25. Procurement process.

(a) The Agency may solicit a proposer with which to enter into a design-build contract or CMGC contract, as applicable, by using, without limitation, one or more requests for qualifications, short-listing of the most highly qualified proposers, or requests for proposals and negotiations. The Agency shall use a two-phase procurement for a design-build contract to select the successful proposer; provided that the Agency may use a single phase procurement if the transportation facility is estimated to cost less than \$10,000,000 or the Secretary of Transportation or the Executive Director makes a written determination that the Agency may use a single phase procurement for a particular transportation facility. In a two-phase procurement, the Agency shall use the first phase to evaluate and short-list the most highly qualified proposers based on qualifications, and then use the second phase to evaluate and select a proposer based on proposals submitted by the short-listed proposers. In a single phase procurement, the Agency shall solicit proposers with a request for proposals, and shall evaluate and select a proposer based on those proposals.

(b) The request for qualifications may contain any information deemed appropriate by the Agency including, without limitation, the following information:

(1) the anticipated scope of work for the transportation facility;

(2) a requirement that the proposer identify certain key personnel, and for DB contracts certain key firms, the experience of the personnel and firms, and the conditions on which identified personnel and firms can be replaced;

(3) the evaluation criteria for the qualifications and the relative importance of those criteria; these evaluation criteria may address, without limitation, the proposer's technical and financial qualifications, such as specialized experience, technical competence, capability to perform, financial capacity, past performance, including the proposer's safety record, and any other qualifications based factors;

(4) the Agency's prequalification, licensing, and registration requirements, including any requirements from the Professional Engineering Practice Act of 1989, the Illinois Architecture Practice Act of 1989, the Structural Engineering Practice Act of 1989, and the Illinois Professional Land Surveyor Act of 1989, provided that nothing contained herein precludes the Agency's use of different or additional prequalification criteria or pass/fail evaluation factors addressing minimum levels of technical experience or financial capabilities;

(5) the maximum number of proposers the Agency will short-list to submit proposals; and

(6) any other relevant information the Agency deems appropriate.

(c) Upon completion of the qualifications evaluation, the Agency shall, based on the evaluation criteria set forth in the request for qualifications, create a short-list of the most highly qualified proposers. The Agency shall short-list no more than 5 and no fewer than 2 of the most highly qualified proposers. Notwithstanding other provisions of this subsection (c), the Agency may short-list fewer than 2 proposers if the Secretary of Transportation or the Executive Director make a finding that an emergency situation justifies the limited short-listing and fewer than 2 proposers meet any applicable prequalification or pass/fail requirements set forth in the request for qualifications.

(d) The request for proposals may contain any information deemed appropriate by the Agency including, without limitation, the following information:

(1) the form and amount of required bid security;

(2) the terms of the DB or CMGC contract including, but not limited to, scope and performance requirements, schedule or completion date requirements, subcontractor requirements, payment and performance security requirements, and insurance requirements;

(3) the requirements for the technical component of the proposal, including a description of the level of design, scope and type of renderings, drawings, and specifications to be provided in the proposals;

(4) the requirements for the price component of the proposal, which for CMGC contracts may include a requirement for the proposer to submit a lump sum price for the direct costs to perform the required preconstruction services and percentage mark-up on those direct costs;

(5) the evaluation criteria for the proposals and the relative importance of those criteria, including any formulas to be employed by the Agency, as the Agency deems appropriate;

(6) a process for the Agency to review and accept alternate technical concepts;

(7) requirements regarding the proposer's qualifications; and

(8) any other relevant information the Agency deems appropriate.

(e) Prior to the proposers' submittal of proposals, the Agency may conduct confidential meetings and exchange confidential information with proposers to promote understanding of the request for proposals, review alternative technical concepts, or discuss other issues related to the procurement.

(f) The date proposals are due must be at least 28 calendar days after the date the Agency first issues the request for proposals.

(g) The Agency may offer to pay a stipend in an amount and on the terms and conditions determined by the Agency and as set forth in the request for proposals to (1) all short-listed proposers if the Agency cancels the procurement before the due date for proposals; or (2) each unsuccessful proposer that submits a responsive proposal. The Agency may pay a stipend only to those proposers who grant to the Agency the right to use any work product contained in the unsuccessful proposer's proposal and other proposal-related submissions or, if the Agency cancels the procurement before the due date for proposals, any work product developed prior to cancellation, including technologies, techniques, methods, processes, and information contained in the recipient's design for the transportation facility.

(h) The Agency shall, as appropriate depending on whether the transportation facility includes building facilities, directly employ or retain a professional engineer or engineers licensed in the State or a licensed architect or architects, or both engineers licensed in this State and licensed architects, to prepare the scope and assist in the evaluation of the proposals' technical submissions under a design-build project delivery method. The professional engineers and licensed architects performing these services are generally

precluded from participating in the procurement of the transportation facility at issue as a member of a proposer team.

(i) The Agency shall have the right to reject any and all qualifications or proposals, including, but not limited to, the right to reject any qualifications or proposals as non-responsive if, in the Agency's sole discretion, the qualifications or proposals do not meet all material requirements of the request for qualifications or request for proposals, as appropriate. The Agency shall not consider a proposal that does not include:

(1) the proposer's plan to comply with requirements established by the Agency regarding utilization of business enterprises, including disadvantaged business enterprises; or

(2) bid security in the form and amount designated in the request for proposals.

(j) The Agency shall consult with the chief procurement officer on the DB and the CMGC procurement processes, and the Secretary or the Executive Director, in consultation with the chief procurement officer, shall determine which procedures to adopt and apply to the design-build and CMGC procurement processes in order to ensure an open, transparent, and efficient process that accomplishes the purposes of this Act.

Section 30. Evaluation committee.

(a) The Agency shall establish one or more evaluation committees to assist in selecting a DB and a CMGC. The Agency shall, in its sole discretion, determine the appropriate size and composition of the evaluation committee, provided that at least half of the committee must be licensed design professionals.

(b) The Agency may establish an evaluation committee for a set term or for the procurement of a particular transportation facility.

(c) Once the Agency identifies the proposers for a transportation facility, each member of an evaluation committee must certify that no conflict of interest exists between the member and the proposers. If the Agency, after consultation with the chief procurement officer, determines that an actual conflict exists, the member shall not participate on the evaluation committee for that procurement and the Agency shall appoint a replacement member on either a permanent or temporary basis.

Section 35. Procedures for selection. The Agency shall review, evaluate, rank, and score proposals and determine which proposal offers the best value to the public based on the evaluation criteria set forth in the request for proposals, and shall award the contract based on those determinations. Notwithstanding other provisions of this Section, if for any reason the proposer awarded the contract is unable or unwilling to execute the contract, including the failure of the proposer and the Agency to successfully complete negotiations, if any, of the contract, the Agency may award the contract to the proposer whose proposal the Agency determines offers the public the next best value.

Section 40. Project records; confidentiality; public disclosure.

(a) The Agency shall maintain all written decisions, qualification and proposal evaluations, scoring documents, selection evaluations, proposals, and procurement documents in a procurement file maintained by the Agency.

(b) A proposer may identify those portions of a proposal or other submission that the proposer considers to be trade secrets or confidential, commercial, financial, or proprietary information. To consider confidential and proprietary information, including trade secrets, to be exempt from disclosure, the proposer shall do all of the following:

(1) request exclusion from disclosure upon submission of the information or other materials for which protection is sought;

(2) identify the data or other materials for which protection is sought;

(3) state the statutory or regulatory basis for the protection;

(4) fully comply with the federal Freedom of Information Act and any other applicable provisions of State law, including, but not limited to, the Freedom of Information Act, with respect to information the proposer contends should be exempt from disclosure; and

(5) certify if the information is in accordance with the protection of the Illinois Trade Secrets Act.

(c) Notwithstanding any other provision of law, in order to properly balance the need to maximize competition under this Act with the need to create a transparent procurement process, the qualifications, proposals, and other information and documents submitted by proposers and the Agency's evaluation records shall not be subject to release or disclosure by the Agency until execution of the DB contract or CMGC contract, as applicable. If the Agency terminates the procurement for a transportation facility, the exemption from release or disclosure under this Section shall remain in place until the Agency re-procures

the transportation facility and has entered into a DB contract or CMGC contract, as applicable. However, this exemption shall lapse if the Agency does not commence the re-procurement of the transportation facility within 5 years of the termination.

Section 45. Design-build contract. A DB contract may include any provisions the Agency determines are necessary or appropriate, including, but not limited to, provisions regarding the following:

- (1) compensation or payments to the DB;
 - (2) grounds for termination of the DB contract, including the Agency's right to terminate for convenience;
 - (3) liability for damages and nonperformance;
 - (4) events of default and the rights and remedies available to the design-builder and the Agency in the event of a default or delay;
 - (5) the identification of any technical specifications that the DB must comply with when developing plans or performing construction work;
 - (6) the procedures for review and approval of the DB's plans;
 - (7) required performance and payment security;
 - (8) the terms and conditions of indemnification and minimum insurance requirements;
- and
- (9) any other terms and conditions the Agency deems necessary.

Section 50. Construction manager-general contractor contract.

(a) The CMGC contract shall divide the CMGC services into 2 phases. The first phase shall address preconstruction services and the procedures the parties shall follow to finalize the contract terms for the second phase. The second phase shall address the CMGC's construction of the transportation facility for a lump sum or a guaranteed maximum price.

(b) A CMGC contract shall include provisions regarding the following:

- (1) the CMGC's provision of preconstruction services during the first phase of the contract, including the CMGC's compensation for those services;
- (2) a requirement that, during the first phase of the contract, the CMGC shall use a competitive bidding process to procure subcontracts for at least the minimum percentage of construction work specified in the request for proposals, provided that:
 - (A) compliance with this requirement shall be based on an estimated cost for the construction work approved by the Agency prior to the start of the competitive bidding process; and
 - (B) the CMGC may not use subcontracts with its wholly or partially owned subsidiaries, parent companies, or affiliates to satisfy this obligation;
- (3) the process the Agency and the CMGC will use to determine a lump sum or guaranteed maximum price for the construction work, which shall include a requirement that the Agency conduct an independent cost estimate for the construction work; and
- (4) grounds for termination of the CMGC contract, including the Agency's right to terminate the contract and not proceed with the construction phase of the project if the Agency and the CMGC are unable to negotiate a lump sum or guaranteed maximum price for the construction work.

(c) In addition to the provisions under subsection (b) of this Section, a CMGC contract may include any other provisions the Agency determines are necessary or appropriate, including, but not limited to, provisions regarding the following:

- (1) liability for damages and nonperformance;
 - (2) events of default and the rights and remedies available to the CMGC and the Agency in the event of a default or delay;
 - (3) the identification of any technical specifications that the CMGC must comply with when aiding the Agency with developing plans or performing construction work;
 - (4) required performance and payment security for the construction phase of the contract;
 - (5) the terms and conditions of indemnification and minimum insurance requirements;
- and
- (6) any other terms and conditions the Agency deems necessary.

(d) If the CMGC contract is terminated for any reason, the Agency may, in its sole discretion, re-advertise the CMGC contract under this Act or use any other authorized procurement method to complete the transportation facility or any portion of the transportation facility. Once the contract is terminated, the Agency may use any work product developed by the CMGC to complete the transportation facility.

Section 55. Funding; financing.

(a) The Agency may utilize any lawful source of funding and financing to compensate a DB and CMGC for work and services performed under a DB contract or CMGC contract, as applicable, and the Agency may combine federal, State, local, and private funds to finance a transportation facility.

(b) Subject to appropriation by the General Assembly of the required amounts, the Agency may obligate and make expenditures of funds as and when needed to satisfy its payment obligations under a DB contract or CMGC contract.

Section 56. Utilization requirements. DB and CMGC projects shall comply with Section 2-105 of the Illinois Human Rights Act and all applicable laws and rules that establish standards and procedures for the utilization of minority, disadvantaged, and female-owned businesses, including, but not limited to, the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

Section 60. Acquisition of property; related agreements. The Agency may exercise any and all powers of condemnation or eminent domain, including quick-take powers, to acquire lands or estates or interests in land for a transportation facility under this Act to the extent the Agency finds that the action serves the public purpose of this Act and deems the action appropriate in the exercise of its powers under this Act. In addition, the Agency and a DB or CMGC may enter into leases, licenses, easements, and other grants of property interests that the Agency determines are necessary to deliver a transportation facility under this Act.

Section 65. Federal requirements. In the procurement of DB contracts and CMGC contracts, the Agency shall, to the extent applicable, comply with federal law and regulations and take all necessary steps to adapt its rules, policies, and procedures to remain eligible for federal aid.

Section 70. Powers. The powers granted to the Agency under this Act, including the power to procure and enter into DB and CMGC contracts, shall be liberally construed to accomplish its purpose, are in addition to any existing powers of the Agency, and shall not affect or impair any other powers authorized under applicable law.

Section 75. Rulemaking.

(a) The Illinois Administrative Procedure Act applies to all administrative rules and procedures of the Agency under this Act, except that nothing in this Act shall be construed to render any prequalification or other responsibility criteria as a "license" or "licensing" under that Act.

(b) The Agency, in consultation with the chief procurement officer, may adopt rules to carry out the provisions of this Act.

Section 905. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by adding Section 2705-233 as follows:

(20 ILCS 2705/2705-233 new)

Sec. 2705-233. Design-build and construction manager-general contractor for the transportation infrastructure. The Department may exercise all powers granted to it under the Innovations for Transportation Infrastructure Act, including, but not limited to, the power to enter into all contracts or agreements necessary or incidental to the performance of its powers under that Act, and powers related to any transportation facility implemented under that Act.

Section 910. The Illinois Finance Authority Act is amended by adding Section 825-108 as follows:

(20 ILCS 3501/825-108 new)

Sec. 825-108. Transportation project financing. For the purpose of financing a transportation facility undertaken under the Innovations for Transportation Infrastructure Act, the Authority may apply for an allocation of tax-exempt bond financing authorization provided by subsection (m) of Section 142 of the United States Internal Revenue Code, as well as financing available under any other federal law or program.

Section 915. The Illinois Procurement Code is amended by adding Section 1-10.5 as follows:

(30 ILCS 500/1-10.5 new)

Sec. 1-10.5. Alternative Technical Concepts. Notwithstanding subsection (b) of Section 1-10 of this Code, the Department of Transportation and the Illinois State Toll Highway Authority may allow bidders and proposers to submit Alternative Technical Concepts in their bids and proposals, provided the

Department or Authority determines that the Alternative Technical Concepts provide an equal or better solution than the underlying technical requirements applicable to the work. The Department and the Authority shall only use the Alternative Technical Concepts process for up to 3 projects. If the Department or Authority allow bidders or proposers for a particular contract to submit Alternative Technical Concepts, the Department or Authority shall describe the process for Alternative Technical Concepts submission and evaluation in the procurement documents for that contract, including the potential use of confidential meetings and the exchange of confidential information with bidders and proposers to review and discuss potential or proposed Alternative Technical Concepts.

Section 920. The Architectural, Engineering, and Land Surveying Qualifications Based Selection Act is amended by adding Section 85 as follows:

(30 ILCS 535/85 new)

Sec. 85. Design-build and construction manager-general contractor contracts. This Act shall not apply to the procurement of or contracting for transportation facilities using design-build contracts and construction manager-general contractor contracts under the Innovations for Transportation Infrastructure Act.

Section 925. The Employment of Illinois Workers on Public Works Act is amended by adding Section 2.8 as follows:

(30 ILCS 570/2.8 new)

Sec. 2.8. Design build and construction manager-general contractor contracts. This Act applies to any construction work undertaken under design build contracts and construction manager-general contractor contracts entered into under the Innovations for Transportation Infrastructure Act.

Section 930. The Business Enterprise for Minorities, Females, and Persons with Disabilities Act is amended by adding Section 2.8 as follows:

(30 ILCS 575/2.8 new)

Sec. 2.8. Design build and construction manager-general contractor contracts. This Act applies to any construction work undertaken under design build contracts and construction manager-general contractor contracts entered into under the Innovations for Transportation Infrastructure Act.

Section 931. The Toll Highway Act is amended by adding Section 11.2 as follows:

(605 ILCS 10/11.2 new)

Sec. 11.2. Design-build and construction manager - general contractor contracts. The Authority may exercise all powers granted to it under the Innovations for Transportation Infrastructure Act, including, but not limited to, the power to enter into all contracts or agreements necessary to perform its powers under that Act, and any powers related to a transportation facility implemented under that Act.

Section 935. The Eminent Domain Act is amended by adding Section 15-5-48 as follows:

(735 ILCS 30/15-5-48 new)

Sec. 15-5-48. Eminent domain powers in new Acts. The following provisions of law may include express grants of the power to acquire property by condemnation or eminent domain:

The Innovations for Transportation Infrastructure Act; for the purposes of constructing a transportation facility under the Act.

Section 940. The Prevailing Wage Act is amended by changing Section 2 as follows:

(820 ILCS 130/2) (from Ch. 48, par. 39s-2)

Sec. 2. This Act applies to the wages of laborers, mechanics and other workers employed in any public works, as hereinafter defined, by any public body and to anyone under contracts for public works. This includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

As used in this Act, unless the context indicates otherwise:

"Public works" means all fixed works constructed or demolished by any public body, or paid for wholly or in part out of public funds. "Public works" as defined herein includes all projects financed in whole or in part with bonds, grants, loans, or other funds made available by or through the State or any of its political subdivisions, including but not limited to: bonds issued under the Industrial Project Revenue Bond Act (Article 11, Division 74 of the Illinois Municipal Code), the Industrial Building Revenue Bond Act, the Illinois Finance Authority Act, the Illinois Sports Facilities Authority Act, or the Build Illinois Bond Act; loans or other funds made available pursuant to the Build Illinois Act; loans or other funds made available

pursuant to the Riverfront Development Fund under Section 10-15 of the River Edge Redevelopment Zone Act; or funds from the Fund for Illinois' Future under Section 6z-47 of the State Finance Act, funds for school construction under Section 5 of the General Obligation Bond Act, funds authorized under Section 3 of the School Construction Bond Act, funds for school infrastructure under Section 6z-45 of the State Finance Act, and funds for transportation purposes under Section 4 of the General Obligation Bond Act. "Public works" also includes (i) all projects financed in whole or in part with funds from the Department of Commerce and Economic Opportunity under the Illinois Renewable Fuels Development Program Act for which there is no project labor agreement; (ii) all work performed pursuant to a public private agreement under the Public Private Agreements for the Illiana Expressway Act or the Public-Private Agreements for the South Suburban Airport Act; ~~and~~ (iii) all projects undertaken under a public-private agreement under the Public-Private Partnerships for Transportation Act ; and (iv) all transportation facilities undertaken under a design-build contract or a construction manager-general contractor contract under the Innovations for Transportation Infrastructure Act. "Public works" also includes all projects at leased facility property used for airport purposes under Section 35 of the Local Government Facility Lease Act. "Public works" also includes the construction of a new wind power facility by a business designated as a High Impact Business under Section 5.5(a)(3)(E) of the Illinois Enterprise Zone Act. "Public works" does not include work done directly by any public utility company, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes any corrective action performed pursuant to Title XVI of the Environmental Protection Act for which payment from the Underground Storage Tank Fund is requested. "Public works" does not include projects undertaken by the owner at an owner-occupied single-family residence or at an owner-occupied unit of a multi-family residence. "Public works" does not include work performed for soil and water conservation purposes on agricultural lands, whether or not done under public supervision or paid for wholly or in part out of public funds, done directly by an owner or person who has legal control of those lands.

"Construction" means all work on public works involving laborers, workers or mechanics. This includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

"Locality" means the county where the physical work upon public works is performed, except (1) that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work and (2) that, with respect to contracts for highway work with the Department of Transportation of this State, "locality" may at the discretion of the Secretary of the Department of Transportation be construed to include two or more adjacent counties from which workers may be accessible for work on such construction.

"Public body" means the State or any officer, board or commission of the State or any political subdivision or department thereof, or any institution supported in whole or in part by public funds, and includes every county, city, town, village, township, school district, irrigation, utility, reclamation improvement or other district and every other political subdivision, district or municipality of the state whether such political subdivision, municipality or district operates under a special charter or not.

The terms "general prevailing rate of hourly wages", "general prevailing rate of wages" or "prevailing rate of wages" when used in this Act mean the hourly cash wages plus annualized fringe benefits for training and apprenticeship programs approved by the U.S. Department of Labor, Bureau of Apprenticeship and Training, health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character on public works.

(Source: P.A. 97-502, eff. 8-23-11; 98-109, eff. 7-25-13; 98-482, eff. 1-1-14; 98-740, eff. 7-16-14; 98-756, eff. 7-16-14.)

Section 997. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 999. Effective date. This Act takes effect upon becoming law."

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

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

[April 22, 2016]

Senator Radogno moved that **Senate Resolution No. 1715**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Radogno moved that Senate Resolution No. 1715 be adopted.

The motion prevailed.

And the resolution was adopted.

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a House Joint Resolution Constitutional Amendment of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 36

HC0036 Engrossed

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to add Section 11 to Article IX of the Illinois Constitution as follows:

ARTICLE IX REVENUE

SECTION 11. TRANSPORTATION FUNDS

(a) No moneys, including bond proceeds, derived from taxes, fees, excises, or license taxes relating to registration, title, or operation or use of vehicles, or related to the use of highways, roads, streets, bridges, mass transit, intercity passenger rail, ports, airports, or to fuels used for propelling vehicles, or derived from taxes, fees, excises, or license taxes relating to any other transportation infrastructure or transportation operation, shall be expended for purposes other than as provided in subsections (b) and (c).

(b) Transportation funds may be expended for the following: the costs of administering laws related to vehicles and transportation, including statutory refunds and adjustments provided in those laws; payment of highway obligations; costs for construction, reconstruction, maintenance, repair, and betterment of highways, roads, streets, bridges, mass transit, intercity passenger rail, ports, airports, or other forms of transportation; and other statutory highway purposes. Transportation funds may also be expended for the State or local share of highway funds to match federal aid highway funds, and expenses of grade separation of highways and railroad crossings, including protection of at-grade highways and railroad crossings, and, with respect to local governments, other transportation purposes as authorized by law.

(c) The costs of administering laws related to vehicles and transportation shall be limited to direct program expenses related to the following: the enforcement of traffic, railroad, and motor carrier laws; the safety of highways, roads, streets, bridges, mass transit, intercity passenger rail, ports, or airports; and the construction, reconstruction, improvement, repair, maintenance, operation, and administration of highways, under any related provisions of law or any purpose related or incident to, including grade separation of highways and railroad crossings. The limitations to the costs of administering laws related to vehicles and transportation under this subsection (c) shall also include direct program expenses related to workers' compensation claims for death or injury of employees of the State's transportation agency; the acquisition of land and the erection of buildings for highway purposes, including the acquisition of highway rights-of-way or for investigations to determine the reasonable anticipated future highway needs; and the making of surveys, plans, specifications, and estimates for the construction and maintenance of flight strips and highways. The expenses related to the construction and maintenance of flight strips and highways under this subsection (c) are for the purpose of providing access to military and naval reservations, defense-industries, defense-industry sites, and sources of raw materials, including the

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replacement of existing highways and highway connections shut off from general use at military and naval reservations, defense-industries, and defense-industry sites, or the purchase of rights-of-way.

(d) None of the revenues described in subsection (a) of this Section shall, by transfer, offset, or otherwise, be diverted to any purpose other than those described in subsections (b) and (c) of this Section.

(e) If the General Assembly appropriates funds for a mode of transportation not described in this Section, the General Assembly must provide for a dedicated source of funding.

(f) Federal funds may be spent for any purposes authorized by federal law.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.

Passed the House, April 22, 2016.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution Constitutional Amendment No. 36 was referred to the Committee on Assignments.

A message from the House by

Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a House Joint Resolution Constitutional Amendment of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 5

HC0005

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Article V of the Illinois Constitution by changing Sections 1, 2, 3, 6, and 7 and by repealing Sections 4 and 14 as follows:

ARTICLE V THE EXECUTIVE

SECTION 1. OFFICERS

The Executive Branch shall include a Governor, ~~Lieutenant Governor~~, Attorney General, Secretary of State, Comptroller and Treasurer elected by the electors of the State. They shall keep the public records and maintain a residence at the seat of government during their terms of office.

(Source: Illinois Constitution.)

SECTION 2. TERMS

These elected officers of the Executive Branch shall hold office for four years beginning on the second Monday of January after their election and, ~~except in the case of the Lieutenant Governor~~, until their successors are qualified. They shall be elected at the general election in 1978 and every four years thereafter.

(Source: Illinois Constitution.)

SECTION 3. ELIGIBILITY

To be eligible to hold the office of Governor, ~~Lieutenant Governor~~, Attorney General, Secretary of State, Comptroller or Treasurer, a person must be a United States citizen, at least 25 years old, and a resident of this State for the three years preceding his or her election.

(Source: Illinois Constitution.)

SECTION 4. JOINT ELECTION (REPEALED)

~~In the general election for Governor and Lieutenant Governor, one vote shall be cast jointly for the candidates nominated by the same political party or petition. The General Assembly may provide by law for the joint nomination of candidates for Governor and Lieutenant Governor.~~

(Source: Illinois Constitution.)

[April 22, 2016]

SECTION 6. GUBERNATORIAL SUCCESSION

(a) In the event of a vacancy, the order of succession to the office of Governor or to the position of Acting Governor shall be ~~the Lieutenant Governor~~, the elected Attorney General, the elected Secretary of State, and then as provided by law.

(b) If the Governor is unable to serve because of death, conviction on impeachment, failure to qualify, resignation or other disability, the office of Governor shall be filled by the officer next in line of succession for the remainder of the term or until the disability is removed.

(c) Whenever the Governor determines that he may be seriously impeded in the exercise of his or her powers, he or she shall so notify the Secretary of State and the officer next in line of succession. The latter shall thereafter become Acting Governor with the duties and powers of Governor. When the Governor is prepared to resume office, he or she shall do so by notifying the Secretary of State and the Acting Governor.

(d) The General Assembly by law shall specify by whom and by what procedures the ability of the Governor to serve or to resume office may be questioned and determined. The Supreme Court shall have original and exclusive jurisdiction to review such a law and any such determination and, in the absence of such a law, shall make the determination under such rules as it may adopt.

(Source: Illinois Constitution.)

SECTION 7. VACANCIES IN OTHER ELECTIVE OFFICES

If the Attorney General, Secretary of State, Comptroller or Treasurer fails to qualify or if his or her office becomes vacant, the Governor shall fill the office by appointment. The appointee shall hold office until the elected officer qualifies or until a successor is elected and qualified as may be provided by law and shall not be subject to removal by the Governor. ~~If the Lieutenant Governor fails to qualify or if his office becomes vacant, it shall remain vacant until the end of the term.~~

(Source: Illinois Constitution.)

SECTION 14. LIEUTENANT GOVERNOR - DUTIES ~~(REPEALED)~~

~~The Lieutenant Governor shall perform the duties and exercise the powers in the Executive Branch that may be delegated to him by the Governor and that may be prescribed by law.~~

(Source: Illinois Constitution.)

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act and applies beginning with the term of office otherwise commencing in 2019.

Passed the House, April 22, 2016.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution Constitutional Amendment No. 5 was referred to the Committee on Assignments.

RESOLUTIONS CONSENT CALENDAR**SENATE RESOLUTION NO. 1758**

Offered by Senator Morrison and all Senators:
Mourns the death of Charles Blank of Deerfield.

SENATE RESOLUTION NO. 1762

Offered by Senator McCann and all Senators:
Mourns the death of Ronald L. "Ron" Tendick of Jacksonville.

SENATE RESOLUTION NO. 1763

Offered by Senator McCann and all Senators:
Mourns the death of Linda Sue McGuire of rural Carrollton.

SENATE RESOLUTION NO. 1764

Offered by Senator McCann and all Senators:
Mourns the death of Lori A. Olendzki of Jacksonville.

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SENATE RESOLUTION NO. 1765

Offered by Senator Barickman and all Senators:
Mourns the death of W. Charles Witte of Bloomington.

SENATE RESOLUTION NO. 1766

Offered by Senator Link and all Senators:
Mourns the death of David L. Holleb.

SENATE RESOLUTION NO. 1767

Offered by Senator Van Pelt and all Senators:
Mourns the death of Richard Powell, Jr.

SENATE RESOLUTION NO. 1768

Offered by Senator Haine and all Senators:
Mourns the death of James Robert Benson.

SENATE RESOLUTION NO. 1769

Offered by Senator Lightford and all Senators:
Mourns the death of Richard Powell, Jr.

SENATE RESOLUTION NO. 1771

Offered by Senator Haine and all Senators:
Mourns the death of Zachary Scott Hunter.

SENATE RESOLUTION NO. 1773

Offered by Senator Anderson and all Senators:
Mourns the death of Victor L. Brown, Jr., of Rock Island.

SENATE RESOLUTION NO. 1774

Offered by Senator Anderson and all Senators:
Mourns the death of Robert J. Ford, Sr., of Moline.

SENATE RESOLUTION NO. 1775

Offered by Senator McGuire and all Senators:
Mourns the death of Larry D. Molck.

SENATE RESOLUTION NO. 1776

Offered by Senator McGuire and all Senators:
Mourns the death of Gerald A. Smith of Joliet.

SENATE RESOLUTION NO. 1777

Offered by Senator Haine and all Senators:
Mourns the death of William Harold Burney "Billie" Rigdon of Hartford.

SENATE RESOLUTION NO. 1778

Offered by Senator Link and all Senators:
Mourns the death of Loretta Marie Hebior of Gurnee.

SENATE RESOLUTION NO. 1779

Offered by Senator Clayborne and all Senators:
Mourns the death of John Smith Clayborne, Jr., of East St. Louis.

SENATE RESOLUTION NO. 1780

Offered by Senator Haine and all Senators:
Mourns the death of Donald Edward "Dody" Hayes.

The Chair moved the adoption of the Resolutions Consent Calendar.
The motion prevailed, and the resolutions were adopted.

READING BILL OF THE SENATE A SECOND TIME

On motion of Senator Hutchinson, **Senate Bill No. 3284** having been printed, was taken up, read by title a second time.

Senator Hutchinson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3284

AMENDMENT NO. 1. Amend Senate Bill 3284 on page 1, line 15, after "government", by inserting "only"; and

on page 1, by replacing line 18 with "county: (i) the unit of local government has no system of administrative adjudication; and (iii) the violation occurred within the boundaries".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 146

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two Houses adjourn on Friday, April 22, 2016, the House of Representatives stands adjourned until Tuesday, May 03, 2016 at 12:00 o'clock noon or until the call of the Speaker; and the Senate stands adjourned until Tuesday, May 03, 2016, or until the call of the President.

Adopted by the House, April 22, 2016.

TIMOTHY D. MAPES, Clerk of the House

By unanimous consent, on motion of Senator Lightford, the foregoing message reporting House Joint Resolution No. 146 was taken up for immediate consideration.

Senator Lightford moved that the Senate concur with the House in the adoption of the resolution.

The motion prevailed.

And the Senate concurred with the House in the adoption of the resolution.

Ordered that the Secretary inform the House of Representatives thereof.

A message from the House by

Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 49

Concurred in by the House, April 22, 2016.

TIMOTHY D. MAPES, Clerk of the House

[April 22, 2016]

At the hour of 12:18 o'clock p.m., pursuant to **House Joint Resolution No. 146**, the Chair announced the Senate stand adjourned until Tuesday, May 3, 2016, at 12:00 o'clock noon, or until the call of the President.