

1 AMENDMENT TO HOUSE BILL 3321

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3321 on page 1,  
3 line 5, by deleting "5-107,"; and

4 on page 3, line 7, by changing "and" to "such other  
5 mitigating or aggravating factors as the Commission may find  
6 to exist, and"; and

7 on page 3, line 23, by changing "interest" to "interest at  
8 the post-judgment rate set forth in Section 2-1303 of the  
9 Code of Civil Procedure"; and

10 on page 4 by deleting lines 32 and 33; and

11 on page 5 by deleting lines 1 through 16; and

12 on page 6, line 28, by changing "\$10,000" to "\$1,000"; and

13 on page 6, line 32, by changing "any" to "any person who  
14 willfully, in a return or report, withholds or fails to  
15 provide material information to which the Commission is  
16 entitled under this Act and which information is either  
17 required to be filed by statute, rule, regulation, order, or  
18 decision of the Commission or has been requested by the  
19 Commission, any"; and

20 on page 6, line 34, by changing "aids" to "willfully aids";

1 and

2 on page 7, line 20 by changing "otherwise provided in  
3 Sections" to "provided in this Section and in Sections  
4 13-101,"; and

5 on page 7 by replacing lines 26 and 27 with the following:

6 "provided, however, that if the same act or omission violates  
7 more than one provision of this Act, or of any order,  
8 decision, rule, regulation, direction, or requirement of the  
9 Commission, only one penalty or cumulative penalty may be  
10 imposed for such act or omission. In case of a continuing  
11 violation, each day's continuance thereof shall be a separate  
12 and distinct offense, provided, however, that the cumulative  
13 penalty for any continuing violation shall not exceed  
14 \$500,000, except in the case of a small utility, as defined  
15 in subsection (b) of Section 4-502 of this Act, in which case  
16 the cumulative penalty for any continuing violation shall not  
17 exceed \$35,000, and provided further that these limits shall  
18 not apply where the violation was intentional and either (i)  
19 created substantial risk to the safety of the utility's  
20 employees or customers or the public or (ii) was intended to  
21 cause economic benefits to accrue to the violator and-in-case  
22 of-a-continuing--violation--each--day's--continuance--thereof  
23 shall-be-a-separate-and-distinet-offense."; and

24 on page 8 by replacing lines 7 through 9 with the following:

25 "thereof, fails to seek timely review pursuant to Sections  
26 10-113 and 10-201 of this Act within-30-days--of--service--of  
27 the--order, the party shall, upon expiration of the statutory  
28 time limit 30-days, be"; and

29 on page 8 by replacing lines 11 through 16 with the  
30 following:

31 "No penalties shall accrue under this provision until 15  
32 days after the mailing of a notice to such party or parties

1 that they are in violation of or have failed to comply with  
2 the Act or order, decision, rule, regulation, direction, or  
3 requirement of the Commission or any part or provision  
4 thereof, except that this notice provision shall not apply  
5 when the violation was intentional."; and

6 on page 8, line 19, by deleting "of testimony"; and

7 on page 8 by replacing lines 23, 24, 25, and 26 with the  
8 following:

9 "facts or knowingly aids another in doing so or knowingly  
10 permits another to misrepresent facts through testimony or  
11 the offering or withholding of material information in any";  
12 and

13 on page 8, line 29, by deleting "or circumstances"; and

14 on page 8, line 33, by changing "\$5,000" to "\$1,000"; and

15 on page 9, line 2, by deleting "or circumstance"; and

16 on page 9, line 3, by changing "separate" to "separate and  
17 distinct"; and

18 on page 9, line 6, by changing "penalty" to "penalty, as set  
19 forth in Section 4-203,"; and

20 on page 9 by deleting lines 17 through 34; and

21 on page 10, line 4, by changing "(d)" to "(b)"; and

22 on page 10 by replacing lines 24 through 28 with the  
23 following:

24 "punishment for perjury committed in so testifying. The  
25 Commission or a commissioner or"; and

26 on page 10, line 30, by changing "in its entirety" to ", in  
27 whole or in part,".