

1 AN ACT to revise the law by combining multiple enactments
2 and making technical corrections.

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2013 General
7 Revisory Act.

8 (b) This Act is not intended to make any substantive change
9 in the law. It reconciles conflicts that have arisen from
10 multiple amendments and enactments and makes technical
11 corrections and revisions in the law.

12 This Act revises and, where appropriate, renumbers certain
13 Sections that have been added or amended by more than one
14 Public Act. In certain cases in which a repealed Act or Section
15 has been replaced with a successor law, this Act may
16 incorporate amendments to the repealed Act or Section into the
17 successor law. This Act also corrects errors, revises
18 cross-references, and deletes obsolete text.

19 (c) In this Act, the reference at the end of each amended
20 Section indicates the sources in the Session Laws of Illinois
21 that were used in the preparation of the text of that Section.
22 The text of the Section included in this Act is intended to
23 include the different versions of the Section found in the
24 Public Acts included in the list of sources, but may not

1 include other versions of the Section to be found in Public
2 Acts not included in the list of sources. The list of sources
3 is not a part of the text of the Section.

4 (d) Public Acts 97-626 through 97-1144 were considered in
5 the preparation of the combining revisories included in this
6 Act. Many of those combining revisories contain no striking or
7 underscoring because no additional changes are being made in
8 the material that is being combined.

9 Section 5. The Illinois Constitutional Amendment Act is
10 amended by changing Sections 1 and 2 as follows:

11 (5 ILCS 20/1) (from Ch. 1, par. 101)

12 Sec. 1. Amendments to the Constitution of this State may be
13 proposed by joint resolution in either house of the General
14 Assembly, and if the same shall be voted for by 3/5 of all the
15 members elected to each of the 2 houses in the manner provided
16 by Section 2 of Article XIV ~~14~~ of the Constitution, the
17 amendment or amendments proposed shall be submitted to the
18 electors of this State for adoption or rejection in the manner
19 hereinafter provided.

20 (Source: P.A. 77-2790; revised 10-10-12.)

21 (5 ILCS 20/2) (from Ch. 1, par. 103)

22 Sec. 2. The General Assembly in submitting an amendment to
23 the Constitution to the electors, or the proponents of an

1 amendment to Article IV of the Constitution submitted by
2 petition, shall prepare a brief explanation of such amendment,
3 a brief argument in favor of the same, and the form in which
4 such amendment will appear on the separate ballot as provided
5 by Section 16-6 of the Election Code ~~"An Act concerning~~
6 ~~elections", approved May 11, 1943,~~ as amended. The minority of
7 the General Assembly, or if there is no minority, anyone
8 designated by the General Assembly shall prepare a brief
9 argument against such amendment. In the case of an amendment to
10 Article IV of the Constitution initiated pursuant to Section 3
11 of Article XIV of the Constitution, the proponents shall be
12 those persons so designated at the time of the filing of the
13 petition as provided in Section 10-8 of the Election Code, and
14 the opponents shall be those members of the General Assembly
15 opposing such amendment, or if there are none, anyone
16 designated by the General Assembly and such opponents shall
17 prepare a brief argument against such amendment. The
18 proponent's explanation and argument in favor of and the
19 opponents argument against an amendment to Article IV initiated
20 by petition must be submitted to the Attorney General, who may
21 rewrite them for accuracy and fairness. The explanation, the
22 arguments for and against each constitutional amendment, and
23 the form in which the amendment will appear on the separate
24 ballot, and shall be filed in the office of the Secretary of State
25 with the proposed amendment. At least one + month before the
26 next election of members of the General Assembly, following the

1 passage of the proposed amendment, the Secretary of State shall
2 publish the amendment, in full in 8 point type, or the
3 equivalent thereto, in at least one secular newspaper of
4 general circulation in every county in this State in which a
5 newspaper is published. In counties in which 2 or more
6 newspapers are published, the Secretary of State shall cause
7 such amendment to be published in 2 newspapers. In counties
8 having a population of 500,000 or more, such amendment shall be
9 published in not less than 6 newspapers of general circulation.
10 After the first publication, the publication of such amendment
11 shall be repeated once each week for 2 consecutive weeks. In
12 selecting newspapers in which to publish such amendment the
13 Secretary of State shall have regard solely to the circulation
14 of such newspapers, selecting secular newspapers in every case
15 having the largest circulation. The proposed amendment shall
16 have a notice prefixed thereto in said publications, that at
17 such election the proposed amendment will be submitted to the
18 electors for adoption or rejection, and at the end of the
19 official publication, he shall also publish the form in which
20 the proposed amendment will appear on the separate ballot. The
21 Secretary of State shall fix the publication fees to be paid
22 newspapers for making such publication, but in no case shall
23 such publication fee exceed the amount charged by such
24 newspapers to private individuals for a like publication. In
25 addition to the notice hereby required to be published, the
26 Secretary of State shall also cause the existing form of the

1 constitutional provision proposed to be amended, the proposed
2 amendment, the explanation of the same, the arguments for and
3 against the same, and the form in which such amendment will
4 appear on the separate ballot, to be published in pamphlet form
5 in 8 point type or the equivalent thereto; and the Secretary of
6 State shall mail such pamphlet to every mailing address in the
7 State, addressed to the attention of the Postal Patron. He
8 shall also maintain a reasonable supply of such pamphlets so as
9 to make them available to any person requesting one.

10 (Source: P.A. 86-795; revised 10-10-12.)

11 Section 10. The Regulatory Sunset Act is amended by
12 changing Section 4.23 as follows:

13 (5 ILCS 80/4.23)

14 Sec. 4.23. Act ~~Section~~ repealed on ~~January 1, 2013~~ and
15 December 31, 2013. ~~(a) The following Section of an Act is~~
16 ~~repealed on January 1, 2013: (b) The following Act is Acts and~~
17 ~~Sections are~~ repealed on December 31, 2013:

18 The Medical Practice Act of 1987.

19 (Source: P.A. 96-1499, eff. 1-18-11; 97-706, eff. 6-25-12;
20 97-778, eff. 7-13-12; 97-804, eff. 1-1-13; 97-979, eff.
21 8-17-12; 97-1048, eff. 8-22-12; 97-1130, eff. 8-28-12;
22 97-1139, eff. 12-28-12; 97-1140, eff. 12-28-12; 97-1141, eff.
23 12-28-12.)

1 Section 15. The Illinois Administrative Procedure Act is
2 amended by changing Sections 1-5 and 5-45 as follows:

3 (5 ILCS 100/1-5) (from Ch. 127, par. 1001-5)

4 Sec. 1-5. Applicability.

5 (a) This Act applies to every agency as defined in this
6 Act. Beginning January 1, 1978, in case of conflict between the
7 provisions of this Act and the Act creating or conferring power
8 on an agency, this Act shall control. If, however, an agency
9 (or its predecessor in the case of an agency that has been
10 consolidated or reorganized) has existing procedures on July 1,
11 1977, specifically for contested cases or licensing, those
12 existing provisions control, except that this exception
13 respecting contested cases and licensing does not apply if the
14 Act creating or conferring power on the agency adopts by
15 express reference the provisions of this Act. Where the Act
16 creating or conferring power on an agency establishes
17 administrative procedures not covered by this Act, those
18 procedures shall remain in effect.

19 (b) The provisions of this Act do not apply to (i)
20 preliminary hearings, investigations, or practices where no
21 final determinations affecting State funding are made by the
22 State Board of Education, (ii) legal opinions issued under
23 Section 2-3.7 of the School Code, (iii) as to State colleges
24 and universities, their disciplinary and grievance
25 proceedings, academic irregularity and capricious grading

1 proceedings, and admission standards and procedures, and (iv)
2 the class specifications for positions and individual position
3 descriptions prepared and maintained under the Personnel Code.
4 Those class specifications shall, however, be made reasonably
5 available to the public for inspection and copying. The
6 provisions of this Act do not apply to hearings under Section
7 20 of the Uniform Disposition of Unclaimed Property Act.

8 (c) Section 5-35 of this Act relating to procedures for
9 rulemaking does not apply to the following:

10 (1) Rules adopted by the Pollution Control Board that,
11 in accordance with Section 7.2 of the Environmental
12 Protection Act, are identical in substance to federal
13 regulations or amendments to those regulations
14 implementing the following: Sections 3001, 3002, 3003,
15 3004, 3005, and 9003 of the Solid Waste Disposal Act;
16 Section 105 of the Comprehensive Environmental Response,
17 Compensation, and Liability Act of 1980; Sections 307(b),
18 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal
19 Water Pollution Control Act; Sections 1412(b), 1414(c),
20 1417(a), 1421, and 1445(a) of the Safe Drinking Water Act;
21 and Section 109 of the Clean Air Act.

22 (2) Rules adopted by the Pollution Control Board that
23 establish or amend standards for the emission of
24 hydrocarbons and carbon monoxide from gasoline powered
25 motor vehicles subject to inspection under the Vehicle
26 Emissions Inspection Law of 2005 or its predecessor laws.

1 (3) Procedural rules adopted by the Pollution Control
2 Board governing requests for exceptions under Section 14.2
3 of the Environmental Protection Act.

4 (4) The Pollution Control Board's grant, pursuant to an
5 adjudicatory determination, of an adjusted standard for
6 persons who can justify an adjustment consistent with
7 subsection (a) of Section 27 of the Environmental
8 Protection Act.

9 (5) Rules adopted by the Pollution Control Board that
10 are identical in substance to the regulations adopted by
11 the Office of the State Fire Marshal under clause (ii) of
12 paragraph (b) of subsection (3) of Section 2 of the
13 Gasoline Storage Act.

14 (d) Pay rates established under Section 8a of the Personnel
15 Code shall be amended or repealed pursuant to the process set
16 forth in Section 5-50 within 30 days after it becomes necessary
17 to do so due to a conflict between the rates and the terms of a
18 collective bargaining agreement covering the compensation of
19 an employee subject to that Code.

20 (e) Section 10-45 of this Act shall not apply to any
21 hearing, proceeding, or investigation conducted under Section
22 13-515 of the Public Utilities Act.

23 (f) Article 10 of this Act does not apply to any hearing,
24 proceeding, or investigation conducted by the State Council for
25 the State of Illinois created under Section 3-3-11.05 of the
26 Unified Code of Corrections or by the Interstate Commission for

1 Adult Offender Supervision created under the Interstate
2 Compact for Adult Offender Supervision or by the Interstate
3 Commission for Juveniles created under the Interstate Compact
4 for Juveniles.

5 (g) This Act is subject to the provisions of Article XXI of
6 the Public Utilities Act. To the extent that any provision of
7 this Act conflicts with the provisions of that Article XXI, the
8 provisions of that Article XXI control.

9 (Source: P.A. 97-95, eff. 7-12-11; 97-945, eff. 8-10-12;
10 97-1081, eff. 8-24-12; revised 9-20-12.)

11 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

12 Sec. 5-45. Emergency rulemaking.

13 (a) "Emergency" means the existence of any situation that
14 any agency finds reasonably constitutes a threat to the public
15 interest, safety, or welfare.

16 (b) If any agency finds that an emergency exists that
17 requires adoption of a rule upon fewer days than is required by
18 Section 5-40 and states in writing its reasons for that
19 finding, the agency may adopt an emergency rule without prior
20 notice or hearing upon filing a notice of emergency rulemaking
21 with the Secretary of State under Section 5-70. The notice
22 shall include the text of the emergency rule and shall be
23 published in the Illinois Register. Consent orders or other
24 court orders adopting settlements negotiated by an agency may
25 be adopted under this Section. Subject to applicable

1 constitutional or statutory provisions, an emergency rule
2 becomes effective immediately upon filing under Section 5-65 or
3 at a stated date less than 10 days thereafter. The agency's
4 finding and a statement of the specific reasons for the finding
5 shall be filed with the rule. The agency shall take reasonable
6 and appropriate measures to make emergency rules known to the
7 persons who may be affected by them.

8 (c) An emergency rule may be effective for a period of not
9 longer than 150 days, but the agency's authority to adopt an
10 identical rule under Section 5-40 is not precluded. No
11 emergency rule may be adopted more than once in any 24 month
12 period, except that this limitation on the number of emergency
13 rules that may be adopted in a 24 month period does not apply
14 to (i) emergency rules that make additions to and deletions
15 from the Drug Manual under Section 5-5.16 of the Illinois
16 Public Aid Code or the generic drug formulary under Section
17 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
18 emergency rules adopted by the Pollution Control Board before
19 July 1, 1997 to implement portions of the Livestock Management
20 Facilities Act, (iii) emergency rules adopted by the Illinois
21 Department of Public Health under subsections (a) through (i)
22 of Section 2 of the Department of Public Health Act when
23 necessary to protect the public's health, (iv) emergency rules
24 adopted pursuant to subsection (n) of this Section, (v)
25 emergency rules adopted pursuant to subsection (o) of this
26 Section, or (vi) emergency rules adopted pursuant to subsection

1 (c-5) of this Section. Two or more emergency rules having
2 substantially the same purpose and effect shall be deemed to be
3 a single rule for purposes of this Section.

4 (c-5) To facilitate the maintenance of the program of group
5 health benefits provided to annuitants, survivors, and retired
6 employees under the State Employees Group Insurance Act of
7 1971, rules to alter the contributions to be paid by the State,
8 annuitants, survivors, retired employees, or any combination
9 of those entities, for that program of group health benefits,
10 shall be adopted as emergency rules. The adoption of those
11 rules shall be considered an emergency and necessary for the
12 public interest, safety, and welfare.

13 (d) In order to provide for the expeditious and timely
14 implementation of the State's fiscal year 1999 budget,
15 emergency rules to implement any provision of Public Act 90-587
16 or 90-588 or any other budget initiative for fiscal year 1999
17 may be adopted in accordance with this Section by the agency
18 charged with administering that provision or initiative,
19 except that the 24-month limitation on the adoption of
20 emergency rules and the provisions of Sections 5-115 and 5-125
21 do not apply to rules adopted under this subsection (d). The
22 adoption of emergency rules authorized by this subsection (d)
23 shall be deemed to be necessary for the public interest,
24 safety, and welfare.

25 (e) In order to provide for the expeditious and timely
26 implementation of the State's fiscal year 2000 budget,

1 emergency rules to implement any provision of this amendatory
2 Act of the 91st General Assembly or any other budget initiative
3 for fiscal year 2000 may be adopted in accordance with this
4 Section by the agency charged with administering that provision
5 or initiative, except that the 24-month limitation on the
6 adoption of emergency rules and the provisions of Sections
7 5-115 and 5-125 do not apply to rules adopted under this
8 subsection (e). The adoption of emergency rules authorized by
9 this subsection (e) shall be deemed to be necessary for the
10 public interest, safety, and welfare.

11 (f) In order to provide for the expeditious and timely
12 implementation of the State's fiscal year 2001 budget,
13 emergency rules to implement any provision of this amendatory
14 Act of the 91st General Assembly or any other budget initiative
15 for fiscal year 2001 may be adopted in accordance with this
16 Section by the agency charged with administering that provision
17 or initiative, except that the 24-month limitation on the
18 adoption of emergency rules and the provisions of Sections
19 5-115 and 5-125 do not apply to rules adopted under this
20 subsection (f). The adoption of emergency rules authorized by
21 this subsection (f) shall be deemed to be necessary for the
22 public interest, safety, and welfare.

23 (g) In order to provide for the expeditious and timely
24 implementation of the State's fiscal year 2002 budget,
25 emergency rules to implement any provision of this amendatory
26 Act of the 92nd General Assembly or any other budget initiative

1 for fiscal year 2002 may be adopted in accordance with this
2 Section by the agency charged with administering that provision
3 or initiative, except that the 24-month limitation on the
4 adoption of emergency rules and the provisions of Sections
5 5-115 and 5-125 do not apply to rules adopted under this
6 subsection (g). The adoption of emergency rules authorized by
7 this subsection (g) shall be deemed to be necessary for the
8 public interest, safety, and welfare.

9 (h) In order to provide for the expeditious and timely
10 implementation of the State's fiscal year 2003 budget,
11 emergency rules to implement any provision of this amendatory
12 Act of the 92nd General Assembly or any other budget initiative
13 for fiscal year 2003 may be adopted in accordance with this
14 Section by the agency charged with administering that provision
15 or initiative, except that the 24-month limitation on the
16 adoption of emergency rules and the provisions of Sections
17 5-115 and 5-125 do not apply to rules adopted under this
18 subsection (h). The adoption of emergency rules authorized by
19 this subsection (h) shall be deemed to be necessary for the
20 public interest, safety, and welfare.

21 (i) In order to provide for the expeditious and timely
22 implementation of the State's fiscal year 2004 budget,
23 emergency rules to implement any provision of this amendatory
24 Act of the 93rd General Assembly or any other budget initiative
25 for fiscal year 2004 may be adopted in accordance with this
26 Section by the agency charged with administering that provision

1 or initiative, except that the 24-month limitation on the
2 adoption of emergency rules and the provisions of Sections
3 5-115 and 5-125 do not apply to rules adopted under this
4 subsection (i). The adoption of emergency rules authorized by
5 this subsection (i) shall be deemed to be necessary for the
6 public interest, safety, and welfare.

7 (j) In order to provide for the expeditious and timely
8 implementation of the provisions of the State's fiscal year
9 2005 budget as provided under the Fiscal Year 2005 Budget
10 Implementation (Human Services) Act, emergency rules to
11 implement any provision of the Fiscal Year 2005 Budget
12 Implementation (Human Services) Act may be adopted in
13 accordance with this Section by the agency charged with
14 administering that provision, except that the 24-month
15 limitation on the adoption of emergency rules and the
16 provisions of Sections 5-115 and 5-125 do not apply to rules
17 adopted under this subsection (j). The Department of Public Aid
18 may also adopt rules under this subsection (j) necessary to
19 administer the Illinois Public Aid Code and the Children's
20 Health Insurance Program Act. The adoption of emergency rules
21 authorized by this subsection (j) shall be deemed to be
22 necessary for the public interest, safety, and welfare.

23 (k) In order to provide for the expeditious and timely
24 implementation of the provisions of the State's fiscal year
25 2006 budget, emergency rules to implement any provision of this
26 amendatory Act of the 94th General Assembly or any other budget

1 initiative for fiscal year 2006 may be adopted in accordance
2 with this Section by the agency charged with administering that
3 provision or initiative, except that the 24-month limitation on
4 the adoption of emergency rules and the provisions of Sections
5 5-115 and 5-125 do not apply to rules adopted under this
6 subsection (k). The Department of Healthcare and Family
7 Services may also adopt rules under this subsection (k)
8 necessary to administer the Illinois Public Aid Code, the
9 Senior Citizens and Disabled Persons Property Tax Relief Act,
10 the Senior Citizens and Disabled Persons Prescription Drug
11 Discount Program Act (now the Illinois Prescription Drug
12 Discount Program Act), and the Children's Health Insurance
13 Program Act. The adoption of emergency rules authorized by this
14 subsection (k) shall be deemed to be necessary for the public
15 interest, safety, and welfare.

16 (1) In order to provide for the expeditious and timely
17 implementation of the provisions of the State's fiscal year
18 2007 budget, the Department of Healthcare and Family Services
19 may adopt emergency rules during fiscal year 2007, including
20 rules effective July 1, 2007, in accordance with this
21 subsection to the extent necessary to administer the
22 Department's responsibilities with respect to amendments to
23 the State plans and Illinois waivers approved by the federal
24 Centers for Medicare and Medicaid Services necessitated by the
25 requirements of Title XIX and Title XXI of the federal Social
26 Security Act. The adoption of emergency rules authorized by

1 this subsection (l) shall be deemed to be necessary for the
2 public interest, safety, and welfare.

3 (m) In order to provide for the expeditious and timely
4 implementation of the provisions of the State's fiscal year
5 2008 budget, the Department of Healthcare and Family Services
6 may adopt emergency rules during fiscal year 2008, including
7 rules effective July 1, 2008, in accordance with this
8 subsection to the extent necessary to administer the
9 Department's responsibilities with respect to amendments to
10 the State plans and Illinois waivers approved by the federal
11 Centers for Medicare and Medicaid Services necessitated by the
12 requirements of Title XIX and Title XXI of the federal Social
13 Security Act. The adoption of emergency rules authorized by
14 this subsection (m) shall be deemed to be necessary for the
15 public interest, safety, and welfare.

16 (n) In order to provide for the expeditious and timely
17 implementation of the provisions of the State's fiscal year
18 2010 budget, emergency rules to implement any provision of this
19 amendatory Act of the 96th General Assembly or any other budget
20 initiative authorized by the 96th General Assembly for fiscal
21 year 2010 may be adopted in accordance with this Section by the
22 agency charged with administering that provision or
23 initiative. The adoption of emergency rules authorized by this
24 subsection (n) shall be deemed to be necessary for the public
25 interest, safety, and welfare. The rulemaking authority
26 granted in this subsection (n) shall apply only to rules

1 promulgated during Fiscal Year 2010.

2 (o) In order to provide for the expeditious and timely
3 implementation of the provisions of the State's fiscal year
4 2011 budget, emergency rules to implement any provision of this
5 amendatory Act of the 96th General Assembly or any other budget
6 initiative authorized by the 96th General Assembly for fiscal
7 year 2011 may be adopted in accordance with this Section by the
8 agency charged with administering that provision or
9 initiative. The adoption of emergency rules authorized by this
10 subsection (o) is deemed to be necessary for the public
11 interest, safety, and welfare. The rulemaking authority
12 granted in this subsection (o) applies only to rules
13 promulgated on or after the effective date of this amendatory
14 Act of the 96th General Assembly through June 30, 2011.

15 (p) In order to provide for the expeditious and timely
16 implementation of the provisions of Public Act 97-689 ~~this~~
17 ~~amendatory Act of the 97th General Assembly~~, emergency rules to
18 implement any provision of Public Act 97-689 ~~this amendatory~~
19 ~~Act of the 97th General Assembly~~ may be adopted in accordance
20 with this subsection (p) by the agency charged with
21 administering that provision or initiative. The 150-day
22 limitation of the effective period of emergency rules does not
23 apply to rules adopted under this subsection (p), and the
24 effective period may continue through June 30, 2013. The
25 24-month limitation on the adoption of emergency rules does not
26 apply to rules adopted under this subsection (p). The adoption

1 of emergency rules authorized by this subsection (p) is deemed
2 to be necessary for the public interest, safety, and welfare.

3 (Source: P.A. 96-45, eff. 7-15-09; 96-958, eff. 7-1-10;
4 96-1500, eff. 1-18-11; 97-689, eff. 6-14-12; 97-695, eff.
5 7-1-12; revised 7-10-12.)

6 Section 20. The Freedom of Information Act is amended by
7 changing Section 7 as follows:

8 (5 ILCS 140/7) (from Ch. 116, par. 207)

9 Sec. 7. Exemptions.

10 (1) When a request is made to inspect or copy a public
11 record that contains information that is exempt from disclosure
12 under this Section, but also contains information that is not
13 exempt from disclosure, the public body may elect to redact the
14 information that is exempt. The public body shall make the
15 remaining information available for inspection and copying.
16 Subject to this requirement, the following shall be exempt from
17 inspection and copying:

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

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

24 (b-5) Files, documents, and other data or databases

1 maintained by one or more law enforcement agencies and
2 specifically designed to provide information to one or more
3 law enforcement agencies regarding the physical or mental
4 status of one or more individual subjects.

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

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

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

26 (ii) interfere with active administrative

1 enforcement proceedings conducted by the public body
2 that is the recipient of the request;

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

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

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

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

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

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

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

13 (e-5) Records requested by persons committed to the
14 Department of Corrections if those materials are available
15 in the library of the correctional facility where the
16 inmate is confined.

17 (e-6) Records requested by persons committed to the
18 Department of Corrections if those materials include
19 records from staff members' personnel files, staff
20 rosters, or other staffing assignment information.

21 (e-7) Records requested by persons committed to the
22 Department of Corrections if those materials are available
23 through an administrative request to the Department of
24 Corrections.

25 (f) Preliminary drafts, notes, recommendations,
26 memoranda and other records in which opinions are

1 expressed, or policies or actions are formulated, except
2 that a specific record or relevant portion of a record
3 shall not be exempt when the record is publicly cited and
4 identified by the head of the public body. The exemption
5 provided in this paragraph (f) extends to all those records
6 of officers and agencies of the General Assembly that
7 pertain to the preparation of legislative documents.

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

17 The information included under this exemption includes
18 all trade secrets and commercial or financial information
19 obtained by a public body, including a public pension fund,
20 from a private equity fund or a privately held company
21 within the investment portfolio of a private equity fund as
22 a result of either investing or evaluating a potential
23 investment of public funds in a private equity fund. The
24 exemption contained in this item does not apply to the
25 aggregate financial performance information of a private
26 equity fund, nor to the identity of the fund's managers or

1 general partners. The exemption contained in this item does
2 not apply to the identity of a privately held company
3 within the investment portfolio of a private equity fund,
4 unless the disclosure of the identity of a privately held
5 company may cause competitive harm.

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

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

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

1 legal rights of the general public.

2 (j) The following information pertaining to
3 educational matters:

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

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

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

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

17 (k) Architects' plans, engineers' technical
18 submissions, and other construction related technical
19 documents for projects not constructed or developed in
20 whole or in part with public funds and the same for
21 projects constructed or developed with public funds,
22 including but not limited to power generating and
23 distribution stations and other transmission and
24 distribution facilities, water treatment facilities,
25 airport facilities, sport stadiums, convention centers,
26 and all government owned, operated, or occupied buildings,

1 but only to the extent that disclosure would compromise
2 security.

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

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

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

19 (o) Administrative or technical information associated
20 with automated data processing operations, including but
21 not limited to software, operating protocols, computer
22 program abstracts, file layouts, source listings, object
23 modules, load modules, user guides, documentation
24 pertaining to all logical and physical design of
25 computerized systems, employee manuals, and any other
26 information that, if disclosed, would jeopardize the

1 security of the system or its data or the security of
2 materials exempt under this Section.

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

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

10 (r) The records, documents, and information relating
11 to real estate purchase negotiations until those
12 negotiations have been completed or otherwise terminated.
13 With regard to a parcel involved in a pending or actually
14 and reasonably contemplated eminent domain proceeding
15 under the Eminent Domain Act, records, documents and
16 information relating to that parcel shall be exempt except
17 as may be allowed under discovery rules adopted by the
18 Illinois Supreme Court. The records, documents and
19 information relating to a real estate sale shall be exempt
20 until a sale is consummated.

21 (s) Any and all proprietary information and records
22 related to the operation of an intergovernmental risk
23 management association or self-insurance pool or jointly
24 self-administered health and accident cooperative or pool.
25 Insurance or self insurance (including any
26 intergovernmental risk management association or self

1 insurance pool) claims, loss or risk management
2 information, records, data, advice or communications.

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

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

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

1 tactical operations.

2 (w) (Blank).

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

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

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

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

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

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

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

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

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

21 (gg) Confidential information described in Section
22 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

23 (1.5) Any information exempt from disclosure under the
24 Judicial Privacy Act shall be redacted from public records
25 prior to disclosure under this Act.

26 (2) A public record that is not in the possession of a

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

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

11 (Source: P.A. 96-261, eff. 1-1-10; 96-328, eff. 8-11-09;
12 96-542, eff. 1-1-10; 96-558, eff. 1-1-10; 96-736, eff. 7-1-10;
13 96-863, eff. 3-1-10; 96-1378, eff. 7-29-10; 97-333, eff.
14 8-12-11; 97-385, eff. 8-15-11; 97-452, eff. 8-19-11; 97-783,
15 eff. 7-13-12; 97-813, eff. 7-13-12; 97-847, eff. 9-22-12;
16 97-1065, eff. 8-24-12; 97-1129, eff. 8-28-12; revised
17 9-20-12.)

18 Section 25. The Election Code is amended by changing
19 Sections 7-43, 10-10.5, and 17-21 as follows:

20 (10 ILCS 5/7-43) (from Ch. 46, par. 7-43)

21 Sec. 7-43. Every person having resided in this State 6
22 months and in the precinct 30 days next preceding any primary
23 therein who shall be a citizen of the United States of the age
24 of 18 or more years, shall be entitled to vote at such primary.

1 The following regulations shall be applicable to
2 primaries:

3 No person shall be entitled to vote at a primary:

4 (a) Unless he declares his party affiliations as
5 required by this Article.

6 (b) ~~(Blank)~~.

7 (c) ~~(Blank)~~.

8 (c.5) If that person has participated in the town
9 political party caucus, under Section 45-50 of the
10 Township Code, of another political party by signing an
11 affidavit of voters attending the caucus within 45 days
12 before the first day of the calendar month in which the
13 primary is held.

14 (d) ~~(Blank)~~.

15 ~~(e)~~ In cities, villages and incorporated towns having a
16 board of election commissioners only voters registered as
17 provided by Article 6 of this Act shall be entitled to vote
18 at such primary.

19 ~~(f)~~ No person shall be entitled to vote at a primary
20 unless he is registered under the provisions of Articles 4,
21 5 or 6 of this Act, when his registration is required by
22 any of said Articles to entitle him to vote at the election
23 with reference to which the primary is held.

24 A person (i) who filed a statement of candidacy for a
25 partisan office as a qualified primary voter of an established
26 political party or (ii) who voted the ballot of an established

1 political party at a general primary election may not file a
2 statement of candidacy as a candidate of a different
3 established political party or as an independent candidate for
4 a partisan office to be filled at the general election
5 immediately following the general primary for which the person
6 filed the statement or voted the ballot. A person may file a
7 statement of candidacy for a partisan office as a qualified
8 primary voter of an established political party regardless of
9 any prior filing of candidacy for a partisan office or voting
10 the ballot of an established political party at any prior
11 election.

12 (Source: P.A. 97-681, eff. 3-30-12; revised 8-3-12.)

13 (10 ILCS 5/10-10.5)

14 Sec. 10-10.5. Removal of judicial officer's address
15 information from the certificate of nomination or nomination
16 papers.

17 (a) Upon expiration of the period for filing an objection
18 to a judicial candidate's certificate of nomination or
19 nomination papers, a judicial officer who is a judicial
20 candidate may file a written request with the State Board of
21 Elections for redaction of the judicial officer's home address
22 information from his or her certificate of nomination or
23 nomination papers. After receipt of the judicial officer's
24 written request, the State Board of Elections shall redact or
25 cause redaction of the judicial officer's home address from his

1 or her certificate of nomination or nomination papers within 5
2 business days.

3 (b) Prior to expiration of the period for filing an
4 objection to a judicial candidate's certificate of nomination
5 or nomination papers, the home address information from the
6 certificate of nomination or nomination papers of a judicial
7 officer who is a judicial candidate is available for public
8 inspection. After redaction of a judicial officer's home
9 address information under paragraph (a) of this Section, the
10 home address information is only available for an in camera
11 inspection by the court reviewing an objection to the judicial
12 officer's ~~officers's~~ certificate of nomination or nomination
13 papers.

14 (c) For the purposes of this Section, "home address" has
15 the meaning as defined in Section 1-10 of the Judicial Privacy
16 Act.

17 (Source: P.A. 97-847, eff. 9-22-12; revised 8-3-12.)

18 (10 ILCS 5/17-21) (from Ch. 46, par. 17-21)

19 Sec. 17-21. When the votes shall have been examined and
20 counted, the judges shall set down on a sheet or return form to
21 be supplied to them, the name of every person voted for,
22 written or printed at full length, the office for which such
23 person received such votes, and the number he did receive and
24 such additional information as is necessary to complete, as
25 nearly as circumstances will admit, the following form, to-wit:

1 TALLY SHEET AND CERTIFICATE OF
2 RESULTS

3 We do hereby certify that at the election held in the
4 precinct hereinafter (general or special) specified on (insert
5 date) ~~the day of, in the year of our Lord, one~~
6 ~~thousand nine hundred and,~~ a total of voters
7 requested and received ballots and we do further certify:

8 Number of blank ballots delivered to us

9 Number of absentee ballots delivered to us

10 Total number of ballots delivered to us

11 Number of blank and spoiled ballots returned.

12 (1) Total number of ballots cast (in box)....

13 Defective and Objected To ballots sealed in envelope

14 (2) Total number of ballots cast (in box)

15 Line (2) equals line (1)

16 We further certify that each of the candidates for
17 representative in the General Assembly received the number of
18 votes ascribed to him on the separate tally sheet.

19 We further certify that each candidate received the number
20 of votes set forth opposite his name or in the box containing
21 his name on the tally sheet contained in the page or pages
22 immediately following our signatures.

23 The undersigned actually served as judges and counted the
24 ballots at the election on the day of in the
25 precinct of the (1) *township of, or (2) *City of, or
26 (3) *.... ward in the city of and the polls were opened at

1 6:00 A.M. and closed at 7:00 P.M. Certified by us.

2 *Fill in either (1), (2) or (3)

3 A B,(Address)

4 C D,(Address)

5 E F,(Address)

6 G H,(Address)

7 I J,(Address)

8 Each tally sheet shall be in substantially one of the
9 following forms:

10 -----

		Candidate's				
Name of	Candidates	Total				
office	Names	Vote	5	10	15	20

United	John Smith	77			11	
States						
Senator						

18 -----

19 -----

		Names of candidates						
Name of	and total vote							
office	for each				5	10	15	20

24 For United John Smith

25 States

1 Senator

2 Total Vote.....

3 -----

4 (Source: P.A. 89-700, eff. 1-17-97; revised 10-17-12.)

5 Section 30. The Illinois Identification Card Act is amended
6 by changing Sections 4, 5, and 11 as follows:

7 (15 ILCS 335/4) (from Ch. 124, par. 24)

8 Sec. 4. Identification Card.

9 (a) The Secretary of State shall issue a standard Illinois
10 Identification Card to any natural person who is a resident of
11 the State of Illinois who applies for such card, or renewal
12 thereof, or who applies for a standard Illinois Identification
13 Card upon release as a committed person on parole, mandatory
14 supervised release, final discharge, or pardon from the
15 Department of Corrections by submitting an identification card
16 issued by the Department of Corrections under Section 3-14-1 of
17 the Unified Code of Corrections, together with the prescribed
18 fees. No identification card shall be issued to any person who
19 holds a valid foreign state identification card, license, or
20 permit unless the person first surrenders to the Secretary of
21 State the valid foreign state identification card, license, or
22 permit. The card shall be prepared and supplied by the
23 Secretary of State and shall include a photograph and signature
24 or mark of the applicant. However, the Secretary of State may

1 provide by rule for the issuance of Illinois Identification
2 Cards without photographs if the applicant has a bona fide
3 religious objection to being photographed or to the display of
4 his or her photograph. The Illinois Identification Card may be
5 used for identification purposes in any lawful situation only
6 by the person to whom it was issued. As used in this Act,
7 "photograph" means any color photograph or digitally produced
8 and captured image of an applicant for an identification card.
9 As used in this Act, "signature" means the name of a person as
10 written by that person and captured in a manner acceptable to
11 the Secretary of State.

12 (a-5) If an applicant for an identification card has a
13 current driver's license or instruction permit issued by the
14 Secretary of State, the Secretary may require the applicant to
15 utilize the same residence address and name on the
16 identification card, driver's license, and instruction permit
17 records maintained by the Secretary. The Secretary may
18 promulgate rules to implement this provision.

19 (a-10) If the applicant is a judicial officer as defined in
20 Section 1-10 of the Judicial Privacy Act, the applicant may
21 elect to have his or her office or work address listed on the
22 card instead of the applicant's residence or mailing address.
23 The Secretary may promulgate rules to implement this provision.

24 (b) The Secretary of State shall issue a special Illinois
25 Identification Card, which shall be known as an Illinois Person
26 with a Disability Identification Card, to any natural person

1 who is a resident of the State of Illinois, who is a person
2 with a disability as defined in Section 4A of this Act, who
3 applies for such card, or renewal thereof. No Illinois Person
4 with a Disability Identification Card shall be issued to any
5 person who holds a valid foreign state identification card,
6 license, or permit unless the person first surrenders to the
7 Secretary of State the valid foreign state identification card,
8 license, or permit. The Secretary of State shall charge no fee
9 to issue such card. The card shall be prepared and supplied by
10 the Secretary of State, and shall include a photograph and
11 signature or mark of the applicant, a designation indicating
12 that the card is an Illinois Person with a Disability
13 Identification Card, and shall include a comprehensible
14 designation of the type and classification of the applicant's
15 disability as set out in Section 4A of this Act. However, the
16 Secretary of State may provide by rule for the issuance of
17 Illinois ~~Disabled~~ Person with a Disability Identification
18 Cards without photographs if the applicant has a bona fide
19 religious objection to being photographed or to the display of
20 his or her photograph. If the applicant so requests, the card
21 shall include a description of the applicant's disability and
22 any information about the applicant's disability or medical
23 history which the Secretary determines would be helpful to the
24 applicant in securing emergency medical care. If a mark is used
25 in lieu of a signature, such mark shall be affixed to the card
26 in the presence of two witnesses who attest to the authenticity

1 of the mark. The Illinois Person with a Disability
2 Identification Card may be used for identification purposes in
3 any lawful situation by the person to whom it was issued.

4 The Illinois Person with a Disability Identification Card
5 may be used as adequate documentation of disability in lieu of
6 a physician's determination of disability, a determination of
7 disability from a physician assistant who has been delegated
8 the authority to make this determination by his or her
9 supervising physician, a determination of disability from an
10 advanced practice nurse who has a written collaborative
11 agreement with a collaborating physician that authorizes the
12 advanced practice nurse to make this determination, or any
13 other documentation of disability whenever any State law
14 requires that a disabled person provide such documentation of
15 disability, however an Illinois Person with a Disability
16 Identification Card shall not qualify the cardholder to
17 participate in any program or to receive any benefit which is
18 not available to all persons with like disabilities.
19 Notwithstanding any other provisions of law, an Illinois Person
20 with a Disability Identification Card, or evidence that the
21 Secretary of State has issued an Illinois Person with a
22 Disability Identification Card, shall not be used by any person
23 other than the person named on such card to prove that the
24 person named on such card is a disabled person or for any other
25 purpose unless the card is used for the benefit of the person
26 named on such card, and the person named on such card consents

1 to such use at the time the card is so used.

2 An optometrist's determination of a visual disability
3 under Section 4A of this Act is acceptable as documentation for
4 the purpose of issuing an Illinois Person with a Disability
5 Identification Card.

6 When medical information is contained on an Illinois Person
7 with a Disability Identification Card, the Office of the
8 Secretary of State shall not be liable for any actions taken
9 based upon that medical information.

10 (c) The Secretary of State shall provide that each original
11 or renewal Illinois Identification Card or Illinois Person with
12 a Disability Identification Card issued to a person under the
13 age of 21~~7~~ shall be of a distinct nature from those Illinois
14 Identification Cards or Illinois Person with a Disability
15 Identification Cards issued to individuals 21 years of age or
16 older. The color designated for Illinois Identification Cards
17 or Illinois Person with a Disability Identification Cards for
18 persons under the age of 21 shall be at the discretion of the
19 Secretary of State.

20 (c-1) Each original or renewal Illinois Identification
21 Card or Illinois Person with a Disability Identification Card
22 issued to a person under the age of 21 shall display the date
23 upon which the person becomes 18 years of age and the date upon
24 which the person becomes 21 years of age.

25 (c-3) The General Assembly recognizes the need to identify
26 military veterans living in this State for the purpose of

1 ensuring that they receive all of the services and benefits to
2 which they are legally entitled, including healthcare,
3 education assistance, and job placement. To assist the State in
4 identifying these veterans and delivering these vital services
5 and benefits, the Secretary of State is authorized to issue
6 Illinois Identification Cards and Illinois ~~Disabled~~ Person
7 with a Disability Identification Cards with the word "veteran"
8 appearing on the face of the cards. This authorization is
9 predicated on the unique status of veterans. The Secretary may
10 not issue any other identification card which identifies an
11 occupation, status, affiliation, hobby, or other unique
12 characteristics of the identification card holder which is
13 unrelated to the purpose of the identification card.

14 (c-5) Beginning on or before July 1, 2015, the Secretary of
15 State shall designate a space on each original or renewal
16 identification card where, at the request of the applicant, the
17 word "veteran" shall be placed. The veteran designation shall
18 be available to a person identified as a veteran under
19 subsection (b) of Section 5 of this Act who was discharged or
20 separated under honorable conditions.

21 (d) The Secretary of State may issue a Senior Citizen
22 discount card, to any natural person who is a resident of the
23 State of Illinois who is 60 years of age or older and who
24 applies for such a card or renewal thereof. The Secretary of
25 State shall charge no fee to issue such card. The card shall be
26 issued in every county and applications shall be made available

1 at, but not limited to, nutrition sites, senior citizen centers
2 and Area Agencies on Aging. The applicant, upon receipt of such
3 card and prior to its use for any purpose, shall have affixed
4 thereon in the space provided therefor his signature or mark.

5 (e) The Secretary of State, in his or her discretion, may
6 designate on each Illinois Identification Card or Illinois
7 Person with a Disability Identification Card a space where the
8 card holder may place a sticker or decal, issued by the
9 Secretary of State, of uniform size as the Secretary may
10 specify, that shall indicate in appropriate language that the
11 card holder has renewed his or her Illinois Identification Card
12 or Illinois Person with a Disability Identification Card.

13 (Source: P.A. 96-146, eff. 1-1-10; 96-328, eff. 8-11-09;
14 96-1231, eff. 7-23-10; 97-371, eff. 1-1-12; 97-739, eff.
15 1-1-13; 97-847, eff. 1-1-13; 97-1064, eff. 1-1-13; revised
16 9-5-12.)

17 (15 ILCS 335/5) (from Ch. 124, par. 25)

18 Sec. 5. Applications.

19 (a) Any natural person who is a resident of the State of
20 Illinois~~r~~ may file an application for an identification card,l
21 or for the renewal thereof, in a manner prescribed by the
22 Secretary. Each original application shall be completed by the
23 applicant in full and shall set forth the legal name, residence
24 address and zip code, social security number, birth date, sex
25 and a brief description of the applicant. The applicant shall

1 be photographed, unless the Secretary of State has provided by
2 rule for the issuance of identification cards without
3 photographs and the applicant is deemed eligible for an
4 identification card without a photograph under the terms and
5 conditions imposed by the Secretary of State, and he or she
6 shall also submit any other information as the Secretary may
7 deem necessary or such documentation as the Secretary may
8 require to determine the identity of the applicant. In addition
9 to the residence address, the Secretary may allow the applicant
10 to provide a mailing address. If the applicant is a judicial
11 officer as defined in Section 1-10 of the Judicial Privacy Act,
12 the applicant may elect to have his or her office or work
13 address in lieu of the applicant's residence or mailing
14 address. An applicant for an Illinois Person with a Disability
15 Identification Card must also submit with each original or
16 renewal application, on forms prescribed by the Secretary, such
17 documentation as the Secretary may require, establishing that
18 the applicant is a "person with a disability" as defined in
19 Section 4A of this Act, and setting forth the applicant's type
20 and class of disability as set forth in Section 4A of this Act.

21 (b) Beginning on or before July 1, 2015, for each original
22 or renewal identification card application under this Act, the
23 Secretary shall inquire as to whether the applicant is a
24 veteran for purposes of issuing an identification card with a
25 veteran designation under subsection (c-5) of Section 4 of this
26 Act. The acceptable forms of proof shall include, but are not

1 limited to, Department of Defense form DD-214. The Secretary
2 shall determine by rule what other forms of proof of a person's
3 status as a veteran are acceptable.

4 The Illinois Department of Veterans' Affairs shall confirm
5 the status of the applicant as an honorably discharged veteran
6 before the Secretary may issue the identification card.

7 For purposes of this subsection (b):

8 "Active duty" means active duty under an executive order of
9 the President of the United States, an Act of the Congress of
10 the United States, or an order of the Governor.

11 "Armed forces" means any of the Armed Forces of the United
12 States, including a member of any reserve component or National
13 Guard unit called to active duty.

14 "Veteran" means a person who has served on active duty in
15 the armed forces and was discharged or separated under
16 honorable conditions.

17 (Source: P.A. 96-1231, eff. 7-23-10; 97-371, eff. 1-1-12;
18 97-739, eff. 1-1-13; 97-847, eff. 1-1-13; 97-1064, eff. 1-1-13;
19 revised 9-5-12.)

20 (15 ILCS 335/11) (from Ch. 124, par. 31)

21 Sec. 11. The Secretary may make a search of his records and
22 furnish information as to whether a person has a current
23 Standard Illinois Identification Card or an Illinois Person
24 with a Disability Identification Card then on file, upon
25 receipt of a written application therefor accompanied with the

1 prescribed fee. However, the Secretary may not disclose medical
2 information concerning an individual to any person, public
3 agency, private agency, corporation or governmental body
4 unless the individual has submitted a written request for the
5 information or unless the individual has given prior written
6 consent for the release of the information to a specific person
7 or entity. This exception shall not apply to: (1) offices and
8 employees of the Secretary who have a need to know the medical
9 information in performance of their official duties, or (2)
10 orders of a court of competent jurisdiction. When medical
11 information is disclosed by the Secretary in accordance with
12 the provisions of this Section, no liability shall rest with
13 the Office of the Secretary of State as the information is
14 released for informational purposes only.

15 The Secretary may release personally identifying
16 information or highly restricted personal information only to:

17 (1) officers and employees of the Secretary who have a
18 need to know that information;

19 (2) other governmental agencies for use in their
20 official governmental functions;

21 (3) law enforcement agencies that need the information
22 for a criminal or civil investigation; or

23 (4) any entity that the Secretary has authorized, by
24 rule, to receive this information.

25 The Secretary may not disclose an individual's social
26 security number or any associated information obtained from the

1 Social Security Administration without the written request or
2 consent of the individual except: (i) to officers and employees
3 of the Secretary who have a need to know the social security
4 number in the performance of their official duties; (ii) to law
5 enforcement officials for a lawful civil or criminal law
6 enforcement investigation if the head of the law enforcement
7 agency has made a written request to the Secretary specifying
8 the law enforcement investigation for which the social security
9 number is being sought; (iii) under a lawful court order signed
10 by a judge; or (iv) to the Illinois Department of Veterans'
11 Affairs for the purpose of confirming veteran status.

12 (Source: P.A. 97-739, eff. 1-1-13; 97-1064, eff. 1-1-13;
13 revised 9-5-12.)

14 Section 35. The State Comptroller Act is amended by
15 changing Sections 9.03 and 10.05 as follows:

16 (15 ILCS 405/9.03) (from Ch. 15, par. 209.03)

17 Sec. 9.03. Direct deposit of State payments.

18 (a) The Comptroller, with the approval of the State
19 Treasurer, may provide by rule or regulation for the direct
20 deposit of any payment lawfully payable from the State Treasury
21 and in accordance with federal banking regulations including
22 but not limited to payments to (i) persons paid from personal
23 services, (ii) persons receiving benefit payments from the
24 Comptroller under the State pension systems, (iii) individuals

1 who receive assistance under Articles III, IV, and VI of the
2 Illinois Public Aid Code, (iv) providers of services under the
3 Mental Health and Developmental Disabilities Administrative
4 Act, (v) providers of community-based mental health services,
5 and (vi) providers of services under programs administered by
6 the State Board of Education, in the accounts of those persons
7 or entities maintained at a bank, savings and loan association,
8 or credit union, where authorized by the payee. The Comptroller
9 also may deposit public aid payments for individuals who
10 receive assistance under Articles III, IV, VI, and X of the
11 Illinois Public Aid Code directly into an electronic benefits
12 transfer account in a financial institution approved by the
13 State Treasurer as prescribed by the Illinois Department of
14 Human Services and in accordance with the rules and regulations
15 of that Department and the rules and regulations adopted by the
16 Comptroller and the State Treasurer. The Comptroller, with the
17 approval of the State Treasurer, may provide by rule for the
18 electronic direct deposit of payments to public agencies and
19 any other payee of the State. The electronic direct deposits
20 may be made to the designated account in those financial
21 institutions specified in this Section for the direct deposit
22 of payments. Within 6 months after the effective date of this
23 amendatory Act of 1994, the Comptroller shall establish a pilot
24 program for the electronic direct deposit of payments to local
25 school districts, municipalities, and units of local
26 government. The payments may be made without the use of the

1 voucher-warrant system, provided that documentation of
2 approval by the Treasurer of each group of payments made by
3 direct deposit shall be retained by the Comptroller. The form
4 and method of the Treasurer's approval shall be established by
5 the rules or regulations adopted by the Comptroller under this
6 Section.

7 (b) Except as provided in subsection (b-5), all State
8 payments for an employee's payroll or an employee's expense
9 reimbursement must be made through direct deposit. It is the
10 responsibility of the paying State agency to ensure compliance
11 with this mandate. If a State agency pays an employee's payroll
12 or an employee's expense reimbursement without using direct
13 deposit, the Comptroller may charge that employee a processing
14 fee of \$2.50 per paper warrant. The processing fee may be
15 withheld from the employee's payment or reimbursement. The
16 amount collected from the fee shall be deposited into the
17 Comptroller's Administrative Fund.

18 (b-5) If an employee wants his or her ~~their~~ payments
19 deposited into a secure check account, the employee must submit
20 a direct deposit form to the paying State agency for his or her
21 ~~their~~ payroll or to the Comptroller for his or her ~~their~~
22 expense reimbursements. Upon acceptance of the direct deposit
23 form, the Comptroller shall disburse those funds to the secure
24 check account. For the purposes of this Section, "secure check
25 account" means an account established with a financial
26 institution for the employee that allows the dispensing of the

1 funds in the account through a third party who dispenses to the
2 employee a paper check.

3 (c) All State payments to a vendor that exceed the
4 allowable limit of paper warrants in a fiscal year, by the same
5 agency, must be made through direct deposit. It is the
6 responsibility of the paying State agency to ensure compliance
7 with this mandate. If a State agency pays a vendor more times
8 than the allowable limit in a single fiscal year without using
9 direct deposit, the Comptroller may charge the vendor a
10 processing fee of \$2.50 per paper warrant. The processing fee
11 may be withheld from the vendor's payment. The amount collected
12 from the processing fee shall be deposited into the
13 Comptroller's Administrative Fund. The Office of the
14 Comptroller shall define "allowable limit" in the
15 Comptroller's Statewide Accounting Management System (SAMS)
16 manual, except that the allowable limit shall not be less than
17 30 paper warrants. The Office of the Comptroller shall also
18 provide reasonable notice to all State agencies of the
19 allowable limit of paper warrants.

20 (d) State employees covered by provisions in collective
21 bargaining agreements that do not require direct deposit of
22 paychecks are exempt from this mandate. No later than 60 days
23 after the effective date of this amendatory Act of the 97th
24 General Assembly, all State agencies must provide to the Office
25 of the Comptroller a list of employees that are exempt under
26 this subsection (d) from the direct deposit mandate. In

1 addition, a State employee or vendor may file a hardship
2 petition with the Office of the Comptroller requesting an
3 exemption from the direct deposit mandate under this Section. A
4 hardship petition shall be made available for download on the
5 Comptroller's official Internet website.

6 (e) Notwithstanding any provision of law to the contrary,
7 the direct deposit of State payments under this Section for an
8 employee's payroll, an employee's expense reimbursement, or a
9 State vendor's payment does not authorize the State to
10 automatically withdraw funds from those accounts.

11 (f) For the purposes of this Section, "vendor" means a
12 non-governmental entity with a taxpayer identification number
13 issued by the Social Security Administration or Internal
14 Revenue Service that receives payments through the
15 Comptroller's commercial system. The term does not include
16 State agencies.

17 (g) The requirements of this Section do not apply to the
18 legislative or judicial branches of State government.

19 (Source: P.A. 97-348, eff. 8-12-11; 97-993, eff. 9-16-12;
20 revised 10-10-12.)

21 (15 ILCS 405/10.05) (from Ch. 15, par. 210.05)

22 Sec. 10.05. Deductions from warrants; statement of reason
23 for deduction. Whenever any person shall be entitled to a
24 warrant or other payment from the treasury or other funds held
25 by the State Treasurer, on any account, against whom there

1 shall be any then due and payable account or claim in favor of
2 the State, the United States upon certification by the
3 Secretary of the Treasury of the United States, or his or her
4 delegate, pursuant to a reciprocal offset agreement under
5 subsection (i-1) of Section 10 of the Illinois State Collection
6 Act of 1986, or a unit of local government, a school district,
7 a public institution of higher education, as defined in Section
8 1 of the Board of Higher Education Act, or the clerk of a
9 circuit court, upon certification by that entity, the
10 Comptroller, upon notification thereof, shall ascertain the
11 amount due and payable to the State, the United States, the
12 unit of local government, the school district, the public
13 institution of higher education, or the clerk of the circuit
14 court, as aforesaid, and draw a warrant on the treasury or on
15 other funds held by the State Treasurer, stating the amount for
16 which the party was entitled to a warrant or other payment, the
17 amount deducted therefrom, and on what account, and directing
18 the payment of the balance; which warrant or payment as so
19 drawn shall be entered on the books of the Treasurer, and such
20 balance only shall be paid. The Comptroller may deduct any one
21 or more of the following: (i) the entire amount due and payable
22 to the State or a portion of the amount due and payable to the
23 State in accordance with the request of the notifying agency;
24 (ii) the entire amount due and payable to the United States or
25 a portion of the amount due and payable to the United States in
26 accordance with a reciprocal offset agreement under subsection

1 (i-1) of Section 10 of the Illinois State Collection Act of
2 1986; or (iii) the entire amount due and payable to the unit of
3 local government, school district, public institution of
4 higher education, or clerk of the circuit court, or a portion
5 of the amount due and payable to that entity, in accordance
6 with an intergovernmental agreement authorized under this
7 Section and Section 10.05d. No request from a notifying agency,
8 the Secretary of the Treasury of the United States, a unit of
9 local government, a school district, a public institution of
10 higher education, or the clerk of a circuit court for an amount
11 to be deducted under this Section from a wage or salary
12 payment, or from a contractual payment to an individual for
13 personal services, shall exceed 25% of the net amount of such
14 payment. "Net amount" means that part of the earnings of an
15 individual remaining after deduction of any amounts required by
16 law to be withheld. For purposes of this provision, wage,
17 salary or other payments for personal services shall not
18 include final compensation payments for the value of accrued
19 vacation, overtime or sick leave. Whenever the Comptroller
20 draws a warrant or makes a payment involving a deduction
21 ordered under this Section, the Comptroller shall notify the
22 payee and the State agency that submitted the voucher of the
23 reason for the deduction and he or she shall retain a record of
24 such statement in his or her records. As used in this Section,
25 an "account or claim in favor of the State" includes all
26 amounts owing to "State agencies" as defined in Section 7 of

1 this Act. However, the Comptroller shall not be required to
2 accept accounts or claims owing to funds not held by the State
3 Treasurer, where such accounts or claims do not exceed \$50, nor
4 shall the Comptroller deduct from funds held by the State
5 Treasurer under the Senior Citizens and Disabled Persons
6 Property Tax Relief Act or for payments to institutions from
7 the Illinois Prepaid Tuition Trust Fund (unless the Trust Fund
8 moneys are used for child support). The Comptroller shall not
9 deduct from payments to be disbursed from the Child Support
10 Enforcement Trust Fund as provided for under Section 12-10.2 of
11 the Illinois Public Aid Code, except for payments representing
12 interest on child support obligations under Section 10-16.5 of
13 that Code. The Comptroller and the Department of Revenue shall
14 enter into an interagency agreement to establish
15 responsibilities, duties, and procedures relating to
16 deductions from lottery prizes awarded under Section 20.1 of
17 the Illinois Lottery Law. The Comptroller may enter into an
18 intergovernmental agreement with the Department of Revenue and
19 the Secretary of the Treasury of the United States, or his or
20 her delegate, to establish responsibilities, duties, and
21 procedures relating to reciprocal offset of delinquent State
22 and federal obligations pursuant to subsection (i-1) of Section
23 10 of the Illinois State Collection Act of 1986. The
24 Comptroller may enter into intergovernmental agreements with
25 any unit of local government, school district, public
26 institution of higher education, or clerk of a circuit court to

1 establish responsibilities, duties, and procedures to provide
2 for the offset, by the Comptroller, of obligations owed to
3 those entities.

4 For the purposes of this Section, "clerk of a circuit
5 court" means the clerk of a circuit court in any county in the
6 State.

7 (Source: P.A. 97-269, eff. 12-16-11 (see Section 15 of P.A.
8 97-632 for the effective date of changes made by P.A. 97-269);
9 97-632, eff. 12-16-11; 97-689, eff. 6-14-12; 97-884, eff.
10 8-2-12; 97-970, eff. 8-16-12; revised 8-23-12.)

11 Section 40. The Civil Administrative Code of Illinois is
12 amended by changing Section 5-565 and by setting forth and
13 renumbering multiple versions of Section 5-715 as follows:

14 (20 ILCS 5/5-565) (was 20 ILCS 5/6.06)

15 Sec. 5-565. In the Department of Public Health.

16 (a) The General Assembly declares it to be the public
17 policy of this State that all citizens of Illinois are entitled
18 to lead healthy lives. Governmental public health has a
19 specific responsibility to ensure that a public health system
20 is in place to allow the public health mission to be achieved.
21 The public health system is the collection of public, private,
22 and voluntary entities as well as individuals and informal
23 associations that contribute to the public's health within the
24 State. To develop a public health system requires certain core

1 functions to be performed by government. The State Board of
2 Health is to assume the leadership role in advising the
3 Director in meeting the following functions:

- 4 (1) Needs assessment.
- 5 (2) Statewide health objectives.
- 6 (3) Policy development.
- 7 (4) Assurance of access to necessary services.

8 There shall be a State Board of Health composed of 20
9 persons, all of whom shall be appointed by the Governor, with
10 the advice and consent of the Senate for those appointed by the
11 Governor on and after June 30, 1998, and one of whom shall be a
12 senior citizen age 60 or over. Five members shall be physicians
13 licensed to practice medicine in all its branches, one
14 representing a medical school faculty, one who is board
15 certified in preventive medicine, and one who is engaged in
16 private practice. One member shall be a chiropractic physician.
17 One member shall be a dentist; one an environmental health
18 practitioner; one a local public health administrator; one a
19 local board of health member; one a registered nurse; one a
20 physical therapist; one an optometrist; one a veterinarian; one
21 a public health academician; one a health care industry
22 representative; one a representative of the business
23 community; one a representative of the non-profit public
24 interest community; and 2 shall be citizens at large.

25 The terms of Board of Health members shall be 3 years,
26 except that members shall continue to serve on the Board of

1 Health until a replacement is appointed. Upon the effective
2 date of this amendatory Act of the 93rd General Assembly, in
3 the appointment of the Board of Health members appointed to
4 vacancies or positions with terms expiring on or before
5 December 31, 2004, the Governor shall appoint up to 6 members
6 to serve for terms of 3 years; up to 6 members to serve for
7 terms of 2 years; and up to 5 members to serve for a term of one
8 year, so that the term of no more than 6 members expire in the
9 same year. All members shall be legal residents of the State of
10 Illinois. The duties of the Board shall include, but not be
11 limited to, the following:

12 (1) To advise the Department of ways to encourage
13 public understanding and support of the Department's
14 programs.

15 (2) To evaluate all boards, councils, committees,
16 authorities, and bodies advisory to, or an adjunct of, the
17 Department of Public Health or its Director for the purpose
18 of recommending to the Director one or more of the
19 following:

20 (i) The elimination of bodies whose activities are
21 not consistent with goals and objectives of the
22 Department.

23 (ii) The consolidation of bodies whose activities
24 encompass compatible programmatic subjects.

25 (iii) The restructuring of the relationship
26 between the various bodies and their integration

1 within the organizational structure of the Department.

2 (iv) The establishment of new bodies deemed
3 essential to the functioning of the Department.

4 (3) To serve as an advisory group to the Director for
5 public health emergencies and control of health hazards.

6 (4) To advise the Director regarding public health
7 policy, and to make health policy recommendations
8 regarding priorities to the Governor through the Director.

9 (5) To present public health issues to the Director and
10 to make recommendations for the resolution of those issues.

11 (6) To recommend studies to delineate public health
12 problems.

13 (7) To make recommendations to the Governor through the
14 Director regarding the coordination of State public health
15 activities with other State and local public health
16 agencies and organizations.

17 (8) To report on or before February 1 of each year on
18 the health of the residents of Illinois to the Governor,
19 the General Assembly, and the public.

20 (9) To review the final draft of all proposed
21 administrative rules, other than emergency or preemptory
22 rules and those rules that another advisory body must
23 approve or review within a statutorily defined time period,
24 of the Department after September 19, 1991 (the effective
25 date of Public Act 87-633). The Board shall review the
26 proposed rules within 90 days of submission by the

1 Department. The Department shall take into consideration
2 any comments and recommendations of the Board regarding the
3 proposed rules prior to submission to the Secretary of
4 State for initial publication. If the Department disagrees
5 with the recommendations of the Board, it shall submit a
6 written response outlining the reasons for not accepting
7 the recommendations.

8 In the case of proposed administrative rules or
9 amendments to administrative rules regarding immunization
10 of children against preventable communicable diseases
11 designated by the Director under the Communicable Disease
12 Prevention Act, after the Immunization Advisory Committee
13 has made its recommendations, the Board shall conduct 3
14 public hearings, geographically distributed throughout the
15 State. At the conclusion of the hearings, the State Board
16 of Health shall issue a report, including its
17 recommendations, to the Director. The Director shall take
18 into consideration any comments or recommendations made by
19 the Board based on these hearings.

20 (10) To deliver to the Governor for presentation to the
21 General Assembly a State Health Improvement Plan. The first
22 3 such plans shall be delivered to the Governor on January
23 1, 2006, January 1, 2009, and January 1, 2016 and then
24 every 5 years thereafter.

25 The Plan shall recommend priorities and strategies to
26 improve the public health system and the health status of

1 Illinois residents, taking into consideration national
2 health objectives and system standards as frameworks for
3 assessment.

4 The Plan shall also take into consideration priorities
5 and strategies developed at the community level through the
6 Illinois Project for Local Assessment of Needs (IPLAN) and
7 any regional health improvement plans that may be
8 developed. The Plan shall focus on prevention as a key
9 strategy for long-term health improvement in Illinois.

10 The Plan shall examine and make recommendations on the
11 contributions and strategies of the public and private
12 sectors for improving health status and the public health
13 system in the State. In addition to recommendations on
14 health status improvement priorities and strategies for
15 the population of the State as a whole, the Plan shall make
16 recommendations regarding priorities and strategies for
17 reducing and eliminating health disparities in Illinois;
18 including racial, ethnic, gender, age, socio-economic and
19 geographic disparities.

20 The Director of the Illinois Department of Public
21 Health shall appoint a Planning Team that includes a range
22 of public, private, and voluntary sector stakeholders and
23 participants in the public health system. This Team shall
24 include: the directors of State agencies with public health
25 responsibilities (or their designees), including but not
26 limited to the Illinois Departments of Public Health and

1 Department of Human Services, representatives of local
2 health departments, representatives of local community
3 health partnerships, and individuals with expertise who
4 represent an array of organizations and constituencies
5 engaged in public health improvement and prevention.

6 The State Board of Health shall hold at least 3 public
7 hearings addressing drafts of the Plan in representative
8 geographic areas of the State. Members of the Planning Team
9 shall receive no compensation for their services, but may
10 be reimbursed for their necessary expenses.

11 Upon the delivery of each State Health Improvement
12 Plan, the Governor shall appoint a SHIP Implementation
13 Coordination Council that includes a range of public,
14 private, and voluntary sector stakeholders and
15 participants in the public health system. The Council shall
16 include the directors of State agencies and entities with
17 public health system responsibilities (or their
18 designees), including but not limited to the Department of
19 Public Health, Department of Human Services, Department of
20 Healthcare and Family Services, Environmental Protection
21 Agency, Illinois State Board of Education, Department on
22 Aging, Illinois Violence Prevention Authority, Department
23 of Agriculture, Department of Insurance, Department of
24 Financial and Professional Regulation, Department of
25 Transportation, and Department of Commerce and Economic
26 Opportunity and the Chair of the State Board of Health. The

1 Council shall include representatives of local health
2 departments and individuals with expertise who represent
3 an array of organizations and constituencies engaged in
4 public health improvement and prevention, including
5 non-profit public interest groups, health issue groups,
6 faith community groups, health care providers, businesses
7 and employers, academic institutions, and community-based
8 organizations. The Governor shall endeavor to make the
9 membership of the Council representative of the racial,
10 ethnic, gender, socio-economic, and geographic diversity
11 of the State. The Governor shall designate one State agency
12 representative and one other non-governmental member as
13 co-chairs of the Council. The Governor shall designate a
14 member of the Governor's office to serve as liaison to the
15 Council and one or more State agencies to provide or
16 arrange for support to the Council. The members of the SHIP
17 Implementation Coordination Council for each State Health
18 Improvement Plan shall serve until the delivery of the
19 subsequent State Health Improvement Plan, whereupon a new
20 Council shall be appointed. Members of the SHIP Planning
21 Team may serve on the SHIP Implementation Coordination
22 Council if so appointed by the Governor.

23 The SHIP Implementation Coordination Council shall
24 coordinate the efforts and engagement of the public,
25 private, and voluntary sector stakeholders and
26 participants in the public health system to implement each

1 SHIP. The Council shall serve as a forum for collaborative
2 action; coordinate existing and new initiatives; develop
3 detailed implementation steps, with mechanisms for action;
4 implement specific projects; identify public and private
5 funding sources at the local, State and federal level;
6 promote public awareness of the SHIP; advocate for the
7 implementation of the SHIP; and develop an annual report to
8 the Governor, General Assembly, and public regarding the
9 status of implementation of the SHIP. The Council shall
10 not, however, have the authority to direct any public or
11 private entity to take specific action to implement the
12 SHIP.

13 (11) Upon the request of the Governor, to recommend to
14 the Governor candidates for Director of Public Health when
15 vacancies occur in the position.

16 (12) To adopt bylaws for the conduct of its own
17 business, including the authority to establish ad hoc
18 committees to address specific public health programs
19 requiring resolution.

20 (13) To review and comment upon the Comprehensive
21 Health Plan submitted by the Center for Comprehensive
22 Health Planning as provided under Section 2310-217 of the
23 Department of Public Health Powers and Duties Law of the
24 Civil Administrative Code of Illinois.

25 Upon appointment, the Board shall elect a chairperson from
26 among its members.

1 Members of the Board shall receive compensation for their
2 services at the rate of \$150 per day, not to exceed \$10,000 per
3 year, as designated by the Director for each day required for
4 transacting the business of the Board and shall be reimbursed
5 for necessary expenses incurred in the performance of their
6 duties. The Board shall meet from time to time at the call of
7 the Department, at the call of the chairperson, or upon the
8 request of 3 of its members, but shall not meet less than 4
9 times per year.

10 (b) (Blank).

11 (c) An Advisory Board on Necropsy Service to Coroners,
12 which shall counsel and advise with the Director on the
13 administration of the Autopsy Act. The Advisory Board shall
14 consist of 11 members, including a senior citizen age 60 or
15 over, appointed by the Governor, one of whom shall be
16 designated as chairman by a majority of the members of the
17 Board. In the appointment of the first Board the Governor shall
18 appoint 3 members to serve for terms of 1 year, 3 for terms of 2
19 years, and 3 for terms of 3 years. The members first appointed
20 under Public Act 83-1538 shall serve for a term of 3 years. All
21 members appointed thereafter shall be appointed for terms of 3
22 years, except that when an appointment is made to fill a
23 vacancy, the appointment shall be for the remaining term of the
24 position vacant. The members of the Board shall be citizens of
25 the State of Illinois. In the appointment of members of the
26 Advisory Board the Governor shall appoint 3 members who shall

1 be persons licensed to practice medicine and surgery in the
2 State of Illinois, at least 2 of whom shall have received
3 post-graduate training in the field of pathology; 3 members who
4 are duly elected coroners in this State; and 5 members who
5 shall have interest and abilities in the field of forensic
6 medicine but who shall be neither persons licensed to practice
7 any branch of medicine in this State nor coroners. In the
8 appointment of medical and coroner members of the Board, the
9 Governor shall invite nominations from recognized medical and
10 coroners organizations in this State respectively. Board
11 members, while serving on business of the Board, shall receive
12 actual necessary travel and subsistence expenses while so
13 serving away from their places of residence.

14 (Source: P.A. 96-31, eff. 6-30-09; 96-455, eff. 8-14-09;
15 96-1000, eff. 7-2-10; 96-1153, eff. 7-21-10; 97-734, eff.
16 1-1-13; 97-810, eff. 1-1-13; revised 7-23-12.)

17 (20 ILCS 5/5-715)

18 Sec. 5-715. Expedited licensure for service members and
19 spouses.

20 (a) In this Section, "service member" means any person who,
21 at the time of application under this Section, is an active
22 duty member of the United States Armed Forces or any reserve
23 component of the United States Armed Forces or the National
24 Guard of any state, commonwealth, or territory of the United
25 States or the District of Columbia or whose active duty service

1 concluded within the preceding 2 years before application.

2 (b) Each director of a department that issues an
3 occupational or professional license is authorized to and shall
4 issue an expedited temporary occupational or professional
5 license to a service member who meets the requirements under
6 this Section. The temporary occupational or professional
7 license shall be valid for 6 months after the date of issuance
8 or until a license is granted or a notice to deny a license is
9 issued in accordance with rules adopted by the department
10 issuing the license, whichever occurs first. No temporary
11 occupational or professional license shall be renewed. The
12 service member shall apply to the department on forms provided
13 by the department. An application must include proof that:

14 (1) the applicant is a service member;

15 (2) the applicant holds a valid license in good
16 standing for the occupation or profession issued by another
17 state, commonwealth, possession, or territory of the
18 United States, the District of Columbia, or any foreign
19 jurisdiction and the requirements for licensure in the
20 other jurisdiction are determined by the department to be
21 substantially equivalent to the standards for licensure of
22 this State;

23 (3) the applicant is assigned to a duty station in this
24 State or has established legal residence in this State;

25 (4) a complete set of the applicant's fingerprints has
26 been submitted to the Department of State Police for

1 statewide and national criminal history checks, if
2 applicable to the requirements of the department issuing
3 the license; the applicant shall pay the fee to the
4 Department of State Police or to the fingerprint vendor for
5 electronic fingerprint processing; no temporary
6 occupational or professional license shall be issued to an
7 applicant if the statewide or national criminal history
8 check discloses information that would cause the denial of
9 an application for licensure under any applicable
10 occupational or professional licensing Act;

11 (5) the applicant is not ineligible for licensure
12 pursuant to Section 2105-165 of the Civil Administrative
13 Code of Illinois;

14 (6) the applicant has submitted an application for full
15 licensure; and

16 (7) the applicant has paid the required fee; fees shall
17 not be refundable.

18 (c) Each director of a department that issues an
19 occupational or professional license is authorized to and shall
20 issue an expedited temporary occupational or professional
21 license to the spouse of a service member who meets the
22 requirements under this Section. The temporary occupational or
23 professional license shall be valid for 6 months after the date
24 of issuance or until a license is granted or a notice to deny a
25 license is issued in accordance with rules adopted by the
26 department issuing the license, whichever occurs first. No

1 temporary occupational or professional license shall be
2 renewed. The spouse of a service member shall apply to the
3 department on forms provided by the department. An application
4 must include proof that:

5 (1) the applicant is the spouse of a service member;

6 (2) the applicant holds a valid license in good
7 standing for the occupation or profession issued by another
8 state, commonwealth, possession, or territory of the
9 United States, the District of Columbia, or any foreign
10 jurisdiction and the requirements for licensure in the
11 other jurisdiction are determined by the department to be
12 substantially equivalent to the standards for licensure of
13 this State;

14 (3) the applicant's spouse is assigned to a duty
15 station in this State or has established legal residence in
16 this State;

17 (4) a complete set of the applicant's fingerprints has
18 been submitted to the Department of State Police for
19 statewide and national criminal history checks, if
20 applicable to the requirements of the department issuing
21 the license; the applicant shall pay the fee to the
22 Department of State Police or to the fingerprint vendor for
23 electronic fingerprint processing; no temporary
24 occupational or professional license shall be issued to an
25 applicant if the statewide or national criminal history
26 check discloses information that would cause the denial of

1 an application for licensure under any applicable
2 occupational or professional licensing Act;

3 (5) the applicant is not ineligible for licensure
4 pursuant to Section 2105-165 of the Civil Administrative
5 Code of Illinois;

6 (6) the applicant has submitted an application for full
7 licensure; and

8 (7) the applicant has paid the required fee; fees shall
9 not be refundable.

10 (d) All relevant experience of a service member in the
11 discharge of official duties, including full-time and
12 part-time experience, shall be credited in the calculation of
13 any years of practice in an occupation or profession as may be
14 required under any applicable occupational or professional
15 licensing Act. All relevant training provided by the military
16 and completed by a service member shall be credited to that
17 service member as meeting any training or education requirement
18 under any applicable occupational or professional licensing
19 Act, provided that the training or education is determined by
20 the department to be substantially equivalent to that required
21 under any applicable Act and is not otherwise contrary to any
22 other licensure requirement.

23 (e) A department may adopt any rules necessary for the
24 implementation and administration of this Section and shall by
25 rule provide for fees for the administration of this Section.

26 (Source: P.A. 97-710, eff. 1-1-13.)

1 (20 ILCS 5/5-716)

2 Sec. 5-716 ~~5-715~~. Deadline extensions for service members.

3 (a) In this Section:

4 "Military service" means any full-time training or duty, no
5 matter how described under federal or State law, for which a
6 service member is ordered to report by the President, Governor
7 of a state, commonwealth, or territory of the United States, or
8 other appropriate military authority.

9 "Service member" means a resident of Illinois who is a
10 member of any component of the U.S. Armed Forces or the
11 National Guard of any state, the District of Columbia, a
12 commonwealth, or a territory of the United States.

13 (b) Each director of a department is authorized to extend
14 any deadline established by that director or department for a
15 service member who has entered military service in excess of 29
16 consecutive days. The director may extend the deadline for a
17 period not more than twice the length of the service member's
18 required military service.

19 (Source: P.A. 97-913, eff. 1-1-13; revised 9-10-12.)

20 Section 45. The Alcoholism and Other Drug Abuse and
21 Dependency Act is amended by changing Section 50-10 as follows:

22 (20 ILCS 301/50-10)

23 Sec. 50-10. Alcoholism ~~Alcohol~~ and Substance Abuse Fund.

1 Monies received from the federal government, except monies
2 received under the Block Grant for the Prevention and Treatment
3 of Alcoholism and Substance Abuse, and other gifts or grants
4 made by any person to the fund shall be deposited into the
5 Alcoholism ~~Alcohol~~ and Substance Abuse Fund which is hereby
6 created as a special fund in the State treasury. Monies in this
7 fund shall be appropriated to the Department and expended for
8 the purposes and activities specified by the person,
9 organization or federal agency making the gift or grant.

10 (Source: P.A. 88-80; revised 10-17-12.)

11 Section 50. The Children and Family Services Act is amended
12 by changing Section 7.4 as follows:

13 (20 ILCS 505/7.4)

14 Sec. 7.4. Development and preservation of sibling
15 relationships for children in care; placement of siblings;
16 contact among siblings placed apart.

17 (a) Purpose and policy. The General Assembly recognizes
18 that sibling relationships are unique and essential for a
19 person, but even more so for children who are removed from the
20 care of their families and placed in the State child welfare
21 system. When family separation occurs through State
22 intervention, every effort must be made to preserve, support
23 and nurture sibling relationships when doing so is in the best
24 interest of each sibling. It is in the interests of foster

1 children who are part of a sibling group to enjoy contact with
2 one another, as long as the contact is in each child's best
3 interest. This is true both while the siblings are in State
4 care and after one or all of the siblings leave State care
5 through adoption, guardianship, or aging out.

6 (b) Definitions. For purposes of this Section:

7 (1) Whenever a best interest determination is required
8 by this Section, the Department shall consider the factors
9 set out in subsection (4.05) ~~4.05~~ of Section 1-3 of ~~or~~ the
10 Juvenile Court Act of 1987 and the Department's rules
11 regarding Sibling Placement, 89 111. Admin. Code 301.70 and
12 Sibling Visitation, 89 111. Admin. Code 301.220, and the
13 Department's rules regarding Placement Selection
14 Criteria, ~~89~~ 111. Admin. Code 301.60.

15 (2) "Adopted child" means a child who, immediately
16 preceding the adoption, was in the custody or guardianship
17 of the Illinois Department of Children and Family Services
18 under Article II of the Juvenile Court Act of 1987.

19 (3) "Adoptive parent" means a person who has become a
20 parent through the legal process of adoption.

21 (4) "Child" means a person in the temporary custody or
22 guardianship of the Department who is under the age of 21.

23 (5) "Child placed in private guardianship" means a
24 child who, immediately preceding the guardianship, was in
25 the custody or guardianship of the Illinois Department of
26 Children and Family Services under Article II of the

1 Juvenile Court Act.

2 (6) "Contact" may include, but is not limited to
3 visits, telephone calls, letters, sharing of photographs
4 or information, e-mails, video conferencing, and other
5 form of communication or contact.

6 (7) "Legal guardian" means a person who has become the
7 legal guardian of a child who, immediately prior to the
8 guardianship, was in the custody or guardianship of the
9 Illinois Department of Children and Family Services under
10 Article II of the Juvenile Court Act of 1987.

11 (8) "Parent" means the child's mother or father who is
12 named as the respondent in proceedings conducted under
13 Article II of the Juvenile Court Act of 1987.

14 (9) "Post Permanency Sibling Contact" means contact
15 between siblings following the entry of a Judgment Order
16 for Adoption under Section 14 of the Adoption Act regarding
17 at least one sibling or an Order for Guardianship
18 appointing a private guardian under Section 2-27 or the
19 Juvenile Court Act of 1987, regarding at least one sibling.
20 Post Permanency Sibling Contact may include, but is not
21 limited to, visits, telephone calls, letters, sharing of
22 photographs or information, emails, video conferencing,
23 and other form of communication or connection agreed to by
24 the parties to a Post Permanency Sibling Contact Agreement.

25 (10) "Post Permanency Sibling Contact Agreement" means
26 a written agreement between the adoptive parent or parents,

1 the child, and the child's sibling regarding post
2 permanency contact between the adopted child and the
3 child's sibling, or a written agreement between the legal
4 guardians, the child, and the child's sibling regarding
5 post permanency contact between the child placed in
6 guardianship and the child's sibling. The Post Permanency
7 Sibling Contact Agreement may specify the nature and
8 frequency of contact between the adopted child or child
9 placed in guardianship and the child's sibling following
10 the entry of the Judgment Order for Adoption or Order for
11 Private Guardianship. The Post Permanency Sibling Contact
12 Agreement may be supported by services as specified in this
13 Section. The Post Permanency Sibling Contact Agreement is
14 voluntary on the part of the parties to the Post Permanency
15 Sibling Contact Agreement and is not a requirement for
16 finalization of the child's adoption or guardianship. The
17 Post Permanency Sibling Contract Agreement shall not be
18 enforceable in any court of law or administrative forum and
19 no cause of action shall be brought to enforce the
20 Agreement. When entered into, the Post Permanency Sibling
21 Contact Agreement shall be placed in the child's Post
22 Adoption or Guardianship case record and in the case file
23 of a sibling who is a party to the agreement and who
24 remains in the Department's custody or guardianship.

25 (11) "Sibling Contact Support Plan" means a written
26 document that sets forth the plan for future contact

1 between siblings who are in the Department's care and
2 custody and residing separately. The goal of the Support
3 Plan is to develop or preserve and nurture the siblings'
4 relationships. The Support Plan shall set forth the role of
5 the foster parents, caregivers, and others in implementing
6 the Support Plan. The Support Plan must meet the minimum
7 standards regarding frequency of in-person visits provided
8 for in Department rule.

9 (12) "Siblings" means children who share at least one
10 parent in common. This definition of siblings applies
11 solely for purposes of placement and contact under this
12 Section. For purposes of this Section, children who share
13 at least one parent in common continue to be siblings after
14 their parent's parental rights are terminated, if parental
15 rights were terminated while a petition under Article II of
16 the Juvenile Court Act of 1987 was pending. For purposes of
17 this Section, children who share at least one parent in
18 common continue to be siblings after a sibling is adopted
19 or placed in private guardianship when the adopted child or
20 child placed in private guardianship was in the
21 Department's custody or guardianship under Article II of
22 the Juvenile Court Act of 1987 immediately prior to the
23 adoption or private guardianship. For children who have
24 been in the guardianship of the Department under Article II
25 of the Juvenile Court Act of 1987, have been adopted, and
26 are subsequently returned to the temporary custody or

1 guardianship of the Department under Article II of the
2 Juvenile Court Act of 1987, "siblings" includes a person
3 who would have been considered a sibling prior to the
4 adoption and siblings through adoption.

5 (c) No later than January 1, 2013, the Department shall
6 promulgate rules addressing the development and preservation
7 of sibling relationships. The rules shall address, at a
8 minimum:

9 (1) Recruitment, licensing, and support of foster
10 parents willing and capable of either fostering sibling
11 groups or supporting and being actively involved in
12 planning and executing sibling contact for siblings placed
13 apart. The rules shall address training for foster parents,
14 licensing workers, placement workers, and others as deemed
15 necessary.

16 (2) Placement selection for children who are separated
17 from their siblings and how to best promote placements of
18 children with foster parents or programs that can meet the
19 children's ~~childrens'~~ needs, including the need to develop
20 and maintain contact with siblings.

21 (3) State-supported guidance to siblings who have aged
22 out of state care regarding positive engagement with
23 siblings.

24 (4) Implementation of Post Permanency Sibling Contact
25 Agreements for children exiting State care, including
26 services offered by the Department to encourage and assist

1 parties in developing agreements, services offered by the
2 Department post permanency ~~post permanency~~ to support
3 parties in implementing and maintaining agreements, and
4 including services offered by the Department post
5 permanency ~~post permanency~~ to assist parties in amending
6 agreements as necessary to meet the needs of the children.

7 (5) Services offered by the Department for children who
8 exited foster care prior to the availability of Post
9 Permanency ~~Post Permanency~~ Sibling Contact Agreements, to
10 invite willing parties to participate in a facilitated
11 discussion, including, but not limited to, a mediation or
12 joint team decision-making meeting, to explore sibling
13 contact.

14 (d) The Department shall develop a form to be provided to
15 youth entering care and exiting care explaining their rights
16 and responsibilities related to sibling visitation while in
17 care and post permanency.

18 (e) Whenever a child enters care or requires a new
19 placement, the Department shall consider the development and
20 preservation of sibling relationships.

21 (1) This subsection applies when a child entering care
22 or requiring a change of placement has siblings who are in
23 the custody or guardianship of the Department. When a child
24 enters care or requires a new placement, the Department
25 shall examine its files and other available resources and
26 determine whether a sibling of that child is in the custody

1 or guardianship of the Department. If the Department
2 determines that a sibling is in its custody or
3 guardianship, the Department shall then determine whether
4 it is in the best interests of each of the siblings for the
5 child needing placement to be placed with the sibling. If
6 the Department determines that it is in the best interest
7 of each sibling to be placed together, and the sibling's
8 foster parent is able and willing to care for the child
9 needing placement, the Department shall place the child
10 needing placement with the sibling. A determination that it
11 is not in a child's best interest to be placed with a
12 sibling shall be made in accordance with Department rules,
13 and documented in the file of each sibling.

14 (2) This subsection applies when a child who is
15 entering care has siblings who have been adopted or placed
16 in private guardianship. When a child enters care, the
17 Department shall examine its files and other available
18 resources, including consulting with the child's parents,
19 to determine whether a sibling of the child was adopted or
20 placed in private guardianship from State care. The
21 Department shall determine, in consultation with the
22 child's parents, whether it would be in the child's best
23 interests to explore placement with the adopted sibling or
24 sibling in guardianship. Unless the parent objects, if the
25 Department determines it is in the child's best interest to
26 explore the placement, the Department shall contact the

1 adoptive parents ~~parent~~ or guardians ~~guardian~~ of the
2 sibling, determine whether they are willing to be
3 considered as placement resources for the child, and, if
4 so, determine whether it is in the best interests of the
5 child to be placed in the home with the sibling. If the
6 Department determines that it is in the child's best
7 interests to be placed in the home with the sibling, and
8 the sibling's adoptive parents or guardians are willing and
9 capable, the Department shall make the placement. A
10 determination that it is not in a child's best interest to
11 be placed with a sibling shall be made in accordance with
12 Department rule, and documented in the child's file.

13 (3) This subsection applies when a child in Department
14 custody or guardianship requires a change of placement, and
15 the child has siblings who have been adopted or placed in
16 private guardianship. When a child in care requires a new
17 placement, the Department may consider placing the child
18 with the adoptive parent or guardian of a sibling under the
19 same procedures and standards set forth in paragraph (2) of
20 this subsection.

21 (4) When the Department determines it is not in the
22 best interest of one or more siblings to be placed together
23 the Department shall ensure that the child requiring
24 placement is placed in a home or program where the
25 caregiver is willing and able to be actively involved in
26 supporting the sibling relationship to the extent doing so

1 is in the child's best interest.

2 (f) When siblings in care are placed in separate
3 placements, the Department shall develop a Sibling Contact
4 Support Plan. The Department shall convene a meeting to develop
5 the Support Plan. The meeting shall include, at a minimum, the
6 case managers for the siblings, the foster parents or other
7 care providers if a child is in a non-foster home placement and
8 the child, when developmentally and clinically appropriate.
9 The Department shall make all reasonable efforts to promote the
10 participation of the foster parents. Parents whose parental
11 rights are intact shall be invited to the meeting. Others, such
12 as therapists and mentors, shall be invited as appropriate. The
13 Support Plan shall set forth future contact and visits between
14 the siblings to develop or preserve, and nurture the siblings'
15 relationships. The Support Plan shall set forth the role of the
16 foster parents and caregivers and others in implementing the
17 Support Plan. The Support Plan must meet the minimum standards
18 regarding frequency of in-person visits provided for in
19 Department rule. The Support Plan will be incorporated in the
20 child's service plan and reviewed at each administrative case
21 review. The Support Plan should be modified if one of the
22 children moves to a new placement, or as necessary to meet the
23 needs of the children. The Sibling Contact Support Plan for a
24 child in care may include siblings who are not in the care of
25 the Department, with the consent and participation of that
26 child's parent or guardian.

1 (g) By January 1, 2013, the Department shall develop a
2 registry so that placement information regarding adopted
3 siblings and siblings in private guardianship is readily
4 available to Department and private agency caseworkers
5 responsible for placing children in the Department's care. When
6 a child is adopted or placed in private guardianship from
7 foster care the Department shall inform the adoptive parents or
8 guardians that they may be contacted in the future regarding
9 placement of or contact with ~~7~~ siblings subsequently requiring
10 placement.

11 (h) When a child is in need of an adoptive placement, the
12 Department shall examine its files and other available
13 resources and attempt to determine whether a sibling of the
14 child has been adopted or placed in private guardianship after
15 being in the Department's custody or guardianship. If the
16 Department determines that a sibling of the child has been
17 adopted or placed in private guardianship, the Department shall
18 make a good faith effort to locate the adoptive parents or
19 guardians of the sibling and inform them of the availability of
20 the child for adoption. The Department may determine not to
21 inform the adoptive parents or guardians ~~guardian~~ of a sibling
22 of a child that the child is available for adoption only for a
23 reason permitted under criteria adopted by the Department by
24 rule, and documented in the child's case file. If a child
25 available for adoption has a sibling who has been adopted or
26 placed in guardianship, and the adoptive parents or guardians

1 of that sibling apply to adopt the child, the Department shall
2 consider them as adoptive applicants for the adoption of the
3 child. The Department's final decision as to whether it will
4 consent to the adoptive parents or guardians of a sibling being
5 the adoptive parents of the child shall be based upon the
6 welfare and best interest of the child. In arriving at its
7 decision, the Department shall consider all relevant factors,
8 including but not limited to:

9 (1) the wishes of the child;

10 (2) the interaction and interrelationship of the child
11 with the applicant to adopt the child;

12 (3) the child's need for stability and continuity of
13 relationship with parent figures;

14 (4) the child's adjustment to his or her present home,
15 school, and community;

16 (5) the mental and physical health of all individuals
17 involved;

18 (6) the family ties between the child and the child's
19 relatives, including siblings;

20 (7) the background, age, and living arrangements of the
21 applicant to adopt the child;

22 (8) a criminal background report of the applicant to
23 adopt the child.

24 If placement of the child available for adoption with the
25 adopted sibling or sibling in private guardianship is not
26 feasible, but it is in the child's best interest to develop a

1 relationship with his or her sibling, the Department shall
2 invite the adoptive parents, guardian, or guardians for a
3 mediation or joint team decision-making meeting to facilitate a
4 discussion regarding future sibling contact.

5 (i) Post Permanency Sibling Contact Agreement. When a child
6 in the Department's care has a permanency goal of adoption or
7 private guardianship, and the Department is preparing to
8 finalize the adoption or guardianship, the Department shall
9 convene a meeting with the pre-adoptive parent or prospective
10 guardian and the case manager for the child being adopted or
11 placed in guardianship and the foster parents and case managers
12 for the child's siblings, and others as applicable. The
13 children should participate as is developmentally appropriate.
14 Others, such as therapists and mentors, may participate as
15 appropriate. At the meeting the Department shall encourage the
16 parties to discuss sibling contact post permanency. The
17 Department may assist the parties in drafting a Post Permanency
18 Sibling Contact Agreement.

19 (1) Parties to the ~~Agreement for~~ Post Permanency
20 Sibling Contact Agreement shall include:

21 (A) The adoptive parent or parents or guardian.

22 (B) The child's sibling or siblings, parents or
23 guardians.

24 (C) The child.

25 (2) Consent of child 14 and over. The written consent
26 of a child age 14 and over to the terms and conditions of

1 the Post Permanency Sibling Contact Agreement and
2 subsequent modifications is required.

3 (3) In developing this Agreement, the Department shall
4 encourage the parties to consider the following factors:

5 (A) the physical and emotional safety and welfare
6 of the child;

7 (B) the child's wishes;

8 (C) the interaction and interrelationship of the
9 child with the child's sibling or siblings who would be
10 visiting or communicating with the child, including:

11 (i) the quality of the relationship between
12 the child and the sibling or siblings, and

13 (ii) the benefits and potential harms to the
14 child in allowing the relationship or
15 relationships to continue or in ending them;

16 (D) the child's sense of attachments to the birth
17 sibling or siblings and adoptive family, including:

18 (i) the child's sense of being valued;

19 (ii) the child's sense of familiarity; and

20 (iii) continuity of affection for the child;

21 and

22 (E) other factors relevant to the best interest of
23 the child.

24 (4) In considering the factors in paragraph (3) of this
25 subsection, the Department shall encourage the parties to
26 recognize the importance to a child of developing a

1 relationship with siblings including siblings with whom
2 the child does not yet have a relationship; and the value
3 of preserving family ties between the child and the child's
4 siblings, including:

5 (A) the child's need for stability and continuity
6 of relationships with siblings, and

7 (B) the importance of sibling contact in the
8 development of the child's identity.

9 (5) Modification or termination of Post Permanency
10 Sibling Contact Agreement. The parties to the agreement may
11 modify or terminate the Post Permanency Sibling Contact
12 Agreement. If the parties cannot agree to modification or
13 termination, they may request the assistance of the
14 Department of Children and Family Services or another
15 agency identified and agreed upon by the parties to the
16 Post Permanency Sibling Contact Agreement. Any and all
17 terms may be modified by agreement of the parties. Post
18 Permanency Sibling Contact Agreements may also be modified
19 to include contact with siblings whose whereabouts were
20 unknown or who had not yet been born when the Judgment
21 Order for Adoption or Order for Private Guardianship was
22 entered.

23 (6) Adoptions and private guardianships finalized
24 prior to the effective date of amendatory Act. Nothing in
25 this Section prohibits the parties from entering into a
26 Post Permanency Sibling Contact Agreement if the adoption

1 or private guardianship was finalized prior to the
2 effective date of this Section. If the Agreement is
3 completed and signed by the parties, the Department shall
4 include the Post Permanency Sibling Contact Agreement in
5 the child's Post Adoption or Private Guardianship case
6 record and in the case file of siblings who are parties to
7 the agreement who are in the Department's custody or
8 guardianship.

9 (Source: P.A. 97-1076, eff. 8-24-12; revised 10-10-12.)

10 Section 55. The Department of Commerce and Economic
11 Opportunity Law of the Civil Administrative Code of Illinois is
12 amended by changing Sections 605-332 and 605-1015 as follows:

13 (20 ILCS 605/605-332)

14 Sec. 605-332. Financial assistance to energy generation
15 facilities.

16 (a) As used in this Section:

17 "New electric generating facility" means a
18 newly-constructed electric generation plant or a newly
19 constructed generation capacity expansion at an existing
20 facility, including the transmission lines and associated
21 equipment that transfers electricity from points of supply to
22 points of delivery, and for which foundation construction
23 commenced not sooner than July 1, 2001, which is designed to
24 provide baseload electric generation operating on a continuous

1 basis throughout the year and:

2 (1) has an aggregate rated generating capacity of at
3 least 400 megawatts for all new units at one site, uses
4 coal or gases derived from coal as its primary fuel source,
5 and supports the creation of at least 150 new Illinois coal
6 mining jobs; or

7 (2) is funded through a federal Department of Energy
8 grant before December 31, 2010 and supports the creation of
9 Illinois coal-mining jobs; or

10 (3) uses coal gasification or integrated
11 gasification-combined cycle units that generate
12 electricity or chemicals, or both, and supports the
13 creation of Illinois coal-mining jobs.

14 "New gasification facility" means a newly constructed coal
15 gasification facility that generates chemical feedstocks or
16 transportation fuels derived from coal (which may include, but
17 are not limited to, methane, methanol, and nitrogen
18 fertilizer), that supports the creation or retention of
19 Illinois coal-mining jobs, and that qualifies for financial
20 assistance from the Department before December 31, 2010. A new
21 gasification facility does not include a pilot project located
22 within Jefferson County or within a county adjacent to
23 Jefferson County for synthetic natural gas from coal.

24 "New facility" means a new electric generating facility or
25 a new gasification facility. A new facility does not include a
26 pilot project located within Jefferson County or within a

1 county adjacent to Jefferson County for synthetic natural gas
2 from coal.

3 "Eligible business" means an entity that proposes to
4 construct a new facility and that has applied to the Department
5 to receive financial assistance pursuant to this Section. With
6 respect to use and occupation taxes, wherever there is a
7 reference to taxes, that reference means only those taxes paid
8 on Illinois-mined coal used in a new facility.

9 "Department" means the Illinois Department of Commerce and
10 Economic Opportunity.

11 (b) The Department is authorized to provide financial
12 assistance to eligible businesses for new facilities from funds
13 appropriated by the General Assembly as further provided in
14 this Section.

15 An eligible business seeking qualification for financial
16 assistance for a new facility, for purposes of this Section
17 only, shall apply to the Department in the manner specified by
18 the Department. Any projections provided by an eligible
19 business as part of the application shall be independently
20 verified in a manner as set forth by the Department. An
21 application shall include, but not be limited to:

22 (1) the projected or actual completion date of the new
23 facility for which financial assistance is sought;

24 (2) copies of documentation deemed acceptable by the
25 Department establishing either (i) the total State
26 occupation and use taxes paid on Illinois-mined coal used

1 at the new facility for a minimum of 4 preceding calendar
2 quarters or (ii) the projected amount of State occupation
3 and use taxes paid on Illinois-mined coal used at the new
4 facility in 4 calendar year quarters after completion of
5 the new facility. Bond proceeds subject to this Section
6 shall not be allocated to an eligible business until the
7 eligible business has demonstrated the revenue stream
8 sufficient to service the debt on the bonds; and

9 (3) the actual or projected amount of capital
10 investment by the eligible business in the new facility.

11 The Department shall determine the maximum amount of
12 financial assistance for eligible businesses in accordance
13 with this paragraph. The Department shall not provide financial
14 assistance from general obligation bond funds to any eligible
15 business unless it receives a written certification from the
16 Director of the Bureau of the Budget (now Governor's Office of
17 Management and Budget) that 80% of the State occupation and use
18 tax receipts for a minimum of the preceding 4 calendar quarters
19 for all eligible businesses or as included in projections on
20 approved applications by eligible businesses equal or exceed
21 110% of the maximum annual debt service required with respect
22 to general obligation bonds issued for that purpose. The
23 Department may provide financial assistance not to exceed the
24 amount of State general obligation debt calculated as above,
25 the amount of actual or projected capital investment in the
26 facility, or \$100,000,000, whichever is less. Financial

1 assistance received pursuant to this Section may be used for
2 capital facilities consisting of buildings, structures,
3 durable equipment, and land at the new facility. Subject to the
4 provisions of the agreement covering the financial assistance,
5 a portion of the financial assistance may be required to be
6 repaid to the State if certain conditions for the governmental
7 purpose of the assistance were not met.

8 An eligible business shall file a monthly report with the
9 Illinois Department of Revenue stating the amount of
10 Illinois-mined coal purchased during the previous month for use
11 in the new facility, the purchase price of that coal, the
12 amount of State occupation and use taxes paid on that purchase
13 to the seller of the Illinois-mined coal, and such other
14 information as that Department may reasonably require. In sales
15 of Illinois-mined coal between related parties, the purchase
16 price of the coal must have been determined in an arm's-length
17 ~~arms-length~~ transaction. The report shall be filed with the
18 Illinois Department of Revenue on or before the 20th day of
19 each month on a form provided by that Department. However, no
20 report need be filed by an eligible business in a month when it
21 made no reportable purchases of coal in the previous month. The
22 Illinois Department of Revenue shall provide a summary of such
23 reports to the Governor's Office of Management and Budget.

24 Upon granting financial assistance to an eligible
25 business, the Department shall certify the name of the eligible
26 business to the Illinois Department of Revenue. Beginning with

1 the receipt of the first report of State occupation and use
2 taxes paid by an eligible business and continuing for a 25-year
3 period, the Illinois Department of Revenue shall each month pay
4 into the Energy Infrastructure Fund 80% of the net revenue
5 realized from the 6.25% general rate on the selling price of
6 Illinois-mined coal that was sold to an eligible business.

7 (Source: P.A. 94-65, eff. 6-21-05; 94-1030, eff. 7-14-06;
8 95-18, eff. 7-30-07; revised 10-10-12.)

9 (20 ILCS 605/605-1015)

10 Sec. 605-1015. Farmers' markets held in convention
11 centers. To encourage convention center boards and other public
12 or private entities that operate convention centers throughout
13 the State to provide convention center space at a reduced rate
14 or without charge to local farmers' markets to use the space to
15 hold the market when inclement weather prevents holding the
16 market at its regular outdoor location. For purposes of this
17 Section, "farmers' market" has the meaning set forth in the
18 Farmers' Market Technology Improvement Program Act.

19 (Source: P.A. 97-1015, eff. 1-1-13; revised 10-10-12.)

20 Section 60. The Business Assistance and Regulatory Reform
21 Act is amended by changing Section 10 as follows:

22 (20 ILCS 608/10)

23 Sec. 10. Executive Office. There is created an Office of

1 Business Permits and Regulatory Assistance (hereinafter
2 referred to as "office") within the Department of Commerce and
3 Community Affairs (now Department of Commerce and Economic
4 ~~Community~~ Opportunity) which shall consolidate existing
5 programs throughout State government, provide assistance to
6 businesses with fewer than 500 employees in meeting State
7 requirements for doing business and perform other functions
8 specified in this Act. By March 1, 1994, the office shall
9 complete and file with the Governor and the General Assembly a
10 plan for the implementation of this Act. Thereafter, the office
11 shall carry out the provisions of this Act, subject to funding
12 through appropriation.

13 (Source: P.A. 94-793, eff. 5-19-06; revised 10-10-12.)

14 Section 65. The Economic Development Area Tax Increment
15 Allocation Act is amended by changing Section 7 as follows:

16 (20 ILCS 620/7) (from Ch. 67 1/2, par. 1007)

17 Sec. 7. Creation of special tax allocation fund. If a
18 municipality has adopted tax increment allocation financing
19 for an economic development project area by ordinance, the
20 county clerk has thereafter certified the "total initial
21 equalized assessed value" of the taxable real property within
22 such economic development project area in the manner provided
23 in Section 6 of this Act, and the Department has approved and
24 certified the economic development project area, each year

1 after the date of the certification by the county clerk of the
2 "total initial equalized assessed value" until economic
3 development project costs and all municipal obligations
4 financing economic development project costs have been paid,
5 the ad valorem taxes, if any, arising from the levies upon the
6 taxable real property in the economic development project area
7 by taxing districts and tax rates determined in the manner
8 provided in subsection (b) of Section 6 of this Act shall be
9 divided as follows:

10 (1) That portion of the taxes levied upon each taxable lot,
11 block, tract or parcel of real property which is attributable
12 to the lower of the current equalized assessed value or the
13 initial equalized assessed value of each such taxable lot,
14 block, tract, or parcel of real property existing at the time
15 tax increment allocation financing was adopted, shall be
16 allocated to and when collected shall be paid by the county
17 collector to the respective affected taxing districts in the
18 manner required by law in the absence of the adoption of tax
19 increment allocation financing.

20 (2) That portion, if any, of those taxes which is
21 attributable to the increase in the current equalized assessed
22 valuation of each taxable lot, block, tract, or parcel of real
23 property in the economic development project area, over and
24 above the initial equalized assessed value of each property
25 existing at the time tax increment allocation financing was
26 adopted, shall be allocated to and when collected shall be paid

1 to the municipal treasurer, who shall deposit those taxes into
2 a special fund called the special tax allocation fund of the
3 municipality for the purpose of paying economic development
4 project costs and obligations incurred in the payment thereof.

5 The municipality, by an ordinance adopting tax increment
6 allocation financing, may pledge the funds in and to be
7 deposited in the special tax allocation fund for the payment of
8 obligations issued under this Act and for the payment of
9 economic development project costs. No part of the current
10 equalized assessed valuation of each property in the economic
11 development project area attributable to any increase above the
12 total initial equalized assessed value, of such properties
13 shall be used in calculating the general State school aid
14 formula, provided for in Section 18-8 of the School Code, until
15 such time as all economic development projects costs have been
16 paid as provided for in this Section.

17 When the economic development project costs, including
18 without limitation all municipal obligations financing
19 economic development project costs incurred under this Act,
20 have been paid, all surplus funds then remaining in the special
21 tax allocation fund shall be distributed by being paid by the
22 municipal treasurer to the county collector, who shall
23 immediately thereafter pay those funds to the taxing districts
24 having taxable property in the economic development project
25 area in the same manner and proportion as the most recent
26 distribution by the county collector to those taxing districts

1 of real property taxes from real property in the economic
2 development project area.

3 Upon the payment of all economic development project costs,
4 retirement of obligations and the distribution of any excess
5 monies pursuant to this Section the municipality shall adopt an
6 ordinance dissolving the special tax allocation fund for the
7 economic development project area, terminating the economic
8 development project area, and terminating the use of tax
9 increment allocation financing for the economic development
10 project area. Thereafter the rates of the taxing districts
11 shall be extended and taxes levied, collected and distributed
12 in the manner applicable in the absence of the adoption of tax
13 increment allocation financing.

14 Nothing in this Section shall be construed as relieving
15 property in economic development project areas from being
16 assessed as provided in the Property Tax Code, or as relieving
17 owners of that property from paying a uniform rate of taxes, as
18 required by Section 4 of Article IX ~~9~~ of the Illinois
19 Constitution.

20 (Source: P.A. 88-670, eff. 12-2-94; revised 10-10-12.)

21 Section 70. The Illinois Enterprise Zone Act is amended by
22 changing Section 3 as follows:

23 (20 ILCS 655/3) (from Ch. 67 1/2, par. 603)

24 Sec. 3. Definitions ~~Definition~~. As used in this Act, the

1 following words shall have the meanings ascribed to them,
2 unless the context otherwise requires:

3 (a) "Department" means the Department of Commerce and
4 Economic Opportunity.

5 (b) "Enterprise Zone" means an area of the State certified
6 by the Department as an Enterprise Zone pursuant to this Act.

7 (c) "Depressed Area" means an area in which pervasive
8 poverty, unemployment and economic distress exist.

9 (d) "Designated Zone Organization" means an association or
10 entity: (1) the members of which are substantially all
11 residents of the Enterprise Zone; (2) the board of directors of
12 which is elected by the members of the organization; (3) which
13 satisfies the criteria set forth in Section 501(c) (3) or
14 501(c) (4) of the Internal Revenue Code; and (4) which exists
15 primarily for the purpose of performing within such area or
16 zone for the benefit of the residents and businesses thereof
17 any of the functions set forth in Section 8 of this Act.

18 (e) "Agency" means each officer, board, commission and
19 agency created by the Constitution, in the executive branch of
20 State government, other than the State Board of Elections; each
21 officer, department, board, commission, agency, institution,
22 authority, university, body politic and corporate of the State;
23 and each administrative unit or corporate outgrowth of the
24 State government which is created by or pursuant to statute,
25 other than units of local government and their officers, school
26 districts and boards of election commissioners; each

1 administrative unit or corporate outgrowth of the above and as
2 may be created by executive order of the Governor. No entity
3 shall be considered an "agency" for the purposes of this Act
4 unless authorized by law to make rules or regulations.

5 (f) "Rule" means each agency statement of general
6 applicability that implements, applies, interprets or
7 prescribes law or policy, but does not include (i) statements
8 concerning only the internal management of an agency and not
9 affecting private rights or procedures available to persons or
10 entities outside the agency, (ii) intra-agency memoranda, or
11 (iii) the prescription of standardized forms.

12 (g) "Board" means the Enterprise Zone Board created in
13 Section 5.2.1.

14 (h) "Local labor market area" means an economically
15 integrated area within which individuals can reside and find
16 employment within a reasonable distance or can readily change
17 jobs without changing their place of residence.

18 (i) "Full-time equivalent job" means a job in which the new
19 employee works for the recipient or for a corporation under
20 contract to the recipient at a rate of at least 35 hours per
21 week. A recipient who employs labor or services at a specific
22 site or facility under contract with another may declare one
23 full-time, permanent job for every 1,820 man hours worked per
24 year under that contract. Vacations, paid holidays, and sick
25 time are included in this computation. Overtime is not
26 considered a part of regular hours.

1 (j) "Full-time retained job" means any employee defined as
2 having a full-time or full-time equivalent job preserved at a
3 specific facility or site, the continuance of which is
4 threatened by a specific and demonstrable threat, which shall
5 be specified in the application for development assistance. A
6 recipient who employs labor or services at a specific site or
7 facility under contract with another may declare one retained
8 employee per year for every 1,750 man hours worked per year
9 under that contract, even if different individuals perform
10 on-site labor or services.

11 (Source: P.A. 97-905, eff. 8-7-12; revised 10-10-12.)

12 Section 75. The Corporate Accountability for Tax
13 Expenditures Act is amended by changing Section 25 as follows:

14 (20 ILCS 715/25)

15 Sec. 25. Recapture.

16 (a) All development assistance agreements shall contain,
17 at a minimum, the following recapture provisions:

18 (1) The recipient must (i) make the level of capital
19 investment in the economic development project specified
20 in the development assistance agreement; (ii) create or
21 retain, or both, the requisite number of jobs, paying not
22 less than specified wages for the created and retained
23 jobs, within and for the duration of the time period
24 specified in the legislation authorizing, or the

1 administrative rules implementing, the development
2 assistance programs and the development assistance
3 agreement.

4 (2) If the recipient fails to create or retain the
5 requisite number of jobs within and for the time period
6 specified, in the legislation authorizing, or the
7 administrative rules implementing, the development
8 assistance programs and the development assistance
9 agreement, the recipient shall be deemed to no longer
10 qualify for the State economic assistance and the
11 applicable recapture provisions shall take effect.

12 (3) If the recipient receives State economic
13 assistance in the form of a High Impact Business
14 designation pursuant to Section 5.5 of the Illinois
15 Enterprise Zone Act and the business receives the benefit
16 of the exemption authorized under Section 51 of the
17 Retailers' Occupation Tax Act (for the sale of building
18 materials incorporated into a High Impact Business
19 location) and the recipient fails to create or retain the
20 requisite number of jobs, as determined by the legislation
21 authorizing the development assistance programs or the
22 administrative rules implementing such legislation, or
23 both, within the requisite period of time, the recipient
24 shall be required to pay to the State the full amount of
25 the State tax exemption that it received as a result of the
26 High Impact Business designation.

1 (4) If the recipient receives a grant or loan pursuant
2 to the Large Business Development Program, the Business
3 Development Public Infrastructure Program, or the
4 Industrial Training Program and the recipient fails to
5 create or retain the requisite number of jobs for the
6 requisite time period, as provided in the legislation
7 authorizing the development assistance programs or the
8 administrative rules implementing such legislation, or
9 both, or in the development assistance agreement, the
10 recipient shall be required to repay to the State a pro
11 rata amount of the grant; that amount shall reflect the
12 percentage of the deficiency between the requisite number
13 of jobs to be created or retained by the recipient and the
14 actual number of such jobs in existence as of the date the
15 Department determines the recipient is in breach of the job
16 creation or retention covenants contained in the
17 development assistance agreement. If the recipient of
18 development assistance under the Large Business
19 Development Program, the Business Development Public
20 Infrastructure Program, or the Industrial Training Program
21 ceases operations at the specific project site, during the
22 5-year period commencing on the date of assistance, the
23 recipient shall be required to repay the entire amount of
24 the grant or to accelerate repayment of the loan back to
25 the State.

26 (5) If the recipient receives a tax credit under the

1 Economic Development for a Growing Economy tax credit
2 program, the development assistance agreement must provide
3 that (i) if the number of new or retained employees falls
4 below the requisite number set forth in the development
5 assistance agreement, the allowance of the credit shall be
6 automatically suspended until the number of new and
7 retained employees equals or exceeds the requisite number
8 in the development assistance agreement; (ii) if the
9 recipient discontinues operations at the specific project
10 site during the 5-year period after the beginning of the
11 first tax year for which the Department issues a tax credit
12 certificate, the recipient shall forfeit all credits taken
13 by the recipient during such 5-year period; and (iii) in
14 the event of a revocation or suspension of the credit, the
15 Department shall contact the Director of Revenue to
16 initiate proceedings against the recipient to recover
17 wrongfully exempted Illinois State income taxes and the
18 recipient shall promptly repay to the Department of Revenue
19 any wrongfully exempted Illinois State income taxes. The
20 forfeited amount of credits shall be deemed assessed on the
21 date the Department contacts the Department of Revenue and
22 the recipient shall promptly repay to the Department of
23 Revenue any wrongfully exempted Illinois State income
24 taxes.

25 (b) The Director may elect to waive enforcement of any
26 contractual provision arising out of the development

1 assistance agreement required by this Act based on a finding
2 that the waiver is necessary to avert an imminent and
3 demonstrable hardship to the recipient that may result in such
4 recipient's insolvency or discharge of workers. If a waiver is
5 granted, the recipient must agree to a contractual
6 modification, including recapture provisions, to the
7 development assistance agreement. The existence of any waiver
8 granted pursuant to this subsection (b) ~~(e)~~, the date of the
9 granting of such waiver, and a brief summary of the reasons
10 supporting the granting of such waiver shall be disclosed
11 consistent with the provisions of Section 25 of this Act.

12 (b-5) The Department shall post, on its website, (i) the
13 identity of each recipient from whom amounts were recaptured
14 under this Section on or after the effective date of this
15 amendatory Act of the 97th General Assembly, (ii) the date of
16 the recapture, (iii) a summary of the reasons supporting the
17 recapture, and (iv) the amount recaptured from those
18 recipients.

19 (c) Beginning June 1, 2004, the Department shall annually
20 compile a report on the outcomes and effectiveness of recapture
21 provisions by program, including but not limited to: (i) the
22 total number of companies that receive development assistance
23 as defined in this Act; (ii) the total number of recipients in
24 violation of development agreements with the Department; (iii)
25 the total number of completed recapture efforts; (iv) the total
26 number of recapture efforts initiated; and (v) the number of

1 waivers granted. This report shall be disclosed consistent with
2 the provisions of Section 20 of this Act.

3 (d) For the purposes of this Act, recapture provisions do
4 not include the Illinois Department of Transportation Economic
5 Development Program, any grants under the Industrial Training
6 Program that are not given as an incentive to a recipient
7 business organization, or any successor programs as described
8 in the term "development assistance" in Section 5 of this Act.

9 (Source: P.A. 97-2, eff. 5-6-11; 97-721, eff. 6-29-12; revised
10 10-10-12.)

11 Section 80. The Department of Human Services Act is amended
12 by changing Section 10-8 as follows:

13 (20 ILCS 1305/10-8)

14 Sec. 10-8. The Autism Research Checkoff Fund; grants;
15 scientific review committee. The Autism Research Checkoff Fund
16 is created as a special fund in the State treasury. From
17 appropriations to the Department from the Fund, the Department
18 must make grants to public or private entities in Illinois for
19 the purpose of funding research concerning the disorder of
20 autism. For purposes of this Section, the term "research"
21 includes, without limitation, expenditures to develop and
22 advance the understanding, techniques, and modalities
23 effective in the detection, prevention, screening, and
24 treatment of autism and may include clinical trials. No more

1 than 20% of the grant funds may be used for institutional
2 overhead costs, indirect costs, other organizational levies,
3 or costs of community-based support services.

4 Moneys received for the purposes of this Section,
5 including, without limitation, income tax checkoff receipts
6 and gifts, grants, and awards from any public or private
7 entity, must be deposited into the Fund. Any interest earned on
8 moneys in the Fund must be deposited into the Fund.

9 Each year, grantees of the grants provided under this
10 Section must submit a written report to the Department that
11 sets forth the types of research that is conducted with the
12 grant moneys and the status of that research.

13 The Department shall promulgate rules for the creation of a
14 scientific review committee to review and assess applications
15 for the grants authorized under this Section. The Committee
16 shall serve without compensation.

17 (Source: P.A. 94-442, eff. 8-4-05; 95-331, eff. 8-21-07;
18 revised 10-17-12.)

19 Section 85. The Department of Labor Law of the Civil
20 Administrative Code of Illinois is amended by changing Section
21 1505-210 as follows:

22 (20 ILCS 1505/1505-210)

23 Sec. 1505-210. Funds. The Department has the authority to
24 apply for, accept, receive, expend, and administer on behalf of

1 the State any grants, gifts, bequests, loans, indirect cost
2 reimbursements, funds, or anything else of value made available
3 to the Department from any source for assistance with outreach
4 activities related to the Department's enforcement efforts and
5 staffing assistance for boards and commissions under the
6 purview ~~preview~~ of the Department. Any federal funds received
7 by the Department pursuant to this Section shall be deposited
8 in a trust fund with the State Treasurer and held and disbursed
9 by him or her in accordance with the Treasurer as Custodian of
10 Funds Act, provided that such moneys shall be used only for the
11 purposes for which they are contributed and any balance
12 remaining shall be returned to the contributor. The Department
13 is authorized to promulgate such rules and enter into such
14 contracts as it may deem necessary in carrying out the
15 provisions of this Section.

16 (Source: P.A. 97-745, eff. 7-6-12; revised 8-3-12.)

17 Section 90. The Illinois Lottery Law is amended by changing
18 Sections 9.1 and 27 as follows:

19 (20 ILCS 1605/9.1)

20 Sec. 9.1. Private manager and management agreement.

21 (a) As used in this Section:

22 "Offeror" means a person or group of persons that responds
23 to a request for qualifications under this Section.

24 "Request for qualifications" means all materials and

1 documents prepared by the Department to solicit the following
2 from offerors:

3 (1) Statements of qualifications.

4 (2) Proposals to enter into a management agreement,
5 including the identity of any prospective vendor or vendors
6 that the offeror intends to initially engage to assist the
7 offeror in performing its obligations under the management
8 agreement.

9 "Final offer" means the last proposal submitted by an
10 offeror in response to the request for qualifications,
11 including the identity of any prospective vendor or vendors
12 that the offeror intends to initially engage to assist the
13 offeror in performing its obligations under the management
14 agreement.

15 "Final offeror" means the offeror ultimately selected by
16 the Governor to be the private manager for the Lottery under
17 subsection (h) of this Section.

18 (b) By September 15, 2010, the Governor shall select a
19 private manager for the total management of the Lottery with
20 integrated functions, such as lottery game design, supply of
21 goods and services, and advertising and as specified in this
22 Section.

23 (c) Pursuant to the terms of this subsection, the
24 Department shall endeavor to expeditiously terminate the
25 existing contracts in support of the Lottery in effect on the
26 effective date of this amendatory Act of the 96th General

1 Assembly in connection with the selection of the private
2 manager. As part of its obligation to terminate these contracts
3 and select the private manager, the Department shall establish
4 a mutually agreeable timetable to transfer the functions of
5 existing contractors to the private manager so that existing
6 Lottery operations are not materially diminished or impaired
7 during the transition. To that end, the Department shall do the
8 following:

9 (1) where such contracts contain a provision
10 authorizing termination upon notice, the Department shall
11 provide notice of termination to occur upon the mutually
12 agreed timetable for transfer of functions;

13 (2) upon the expiration of any initial term or renewal
14 term of the current Lottery contracts, the Department shall
15 not renew such contract for a term extending beyond the
16 mutually agreed timetable for transfer of functions; or

17 (3) in the event any current contract provides for
18 termination of that contract upon the implementation of a
19 contract with the private manager, the Department shall
20 perform all necessary actions to terminate the contract on
21 the date that coincides with the mutually agreed timetable
22 for transfer of functions.

23 If the contracts to support the current operation of the
24 Lottery in effect on the effective date of this amendatory Act
25 of the 96th General Assembly are not subject to termination as
26 provided for in this subsection (c), then the Department may

1 include a provision in the contract with the private manager
2 specifying a mutually agreeable methodology for incorporation.

3 (c-5) The Department shall include provisions in the
4 management agreement whereby the private manager shall, for a
5 fee, and pursuant to a contract negotiated with the Department
6 (the "Employee Use Contract"), utilize the services of current
7 Department employees to assist in the administration and
8 operation of the Lottery. The Department shall be the employer
9 of all such bargaining unit employees assigned to perform such
10 work for the private manager, and such employees shall be State
11 employees, as defined by the Personnel Code. Department
12 employees shall operate under the same employment policies,
13 rules, regulations, and procedures, as other employees of the
14 Department. In addition, neither historical representation
15 rights under the Illinois Public Labor Relations Act, nor
16 existing collective bargaining agreements, shall be disturbed
17 by the management agreement with the private manager for the
18 management of the Lottery.

19 (d) The management agreement with the private manager shall
20 include all of the following:

21 (1) A term not to exceed 10 years, including any
22 renewals.

23 (2) A provision specifying that the Department:

24 (A) shall exercise actual control over all
25 significant business decisions;

26 (A-5) has the authority to direct or countermand

1 operating decisions by the private manager at any time;

2 (B) has ready access at any time to information
3 regarding Lottery operations;

4 (C) has the right to demand and receive information
5 from the private manager concerning any aspect of the
6 Lottery operations at any time; and

7 (D) retains ownership of all trade names,
8 trademarks, and intellectual property associated with
9 the Lottery.

10 (3) A provision imposing an affirmative duty on the
11 private manager to provide the Department with material
12 information and with any information the private manager
13 reasonably believes the Department would want to know to
14 enable the Department to conduct the Lottery.

15 (4) A provision requiring the private manager to
16 provide the Department with advance notice of any operating
17 decision that bears significantly on the public interest,
18 including, but not limited to, decisions on the kinds of
19 games to be offered to the public and decisions affecting
20 the relative risk and reward of the games being offered, so
21 the Department has a reasonable opportunity to evaluate and
22 countermand that decision.

23 (5) A provision providing for compensation of the
24 private manager that may consist of, among other things, a
25 fee for services and a performance based bonus as
26 consideration for managing the Lottery, including terms

1 that may provide the private manager with an increase in
2 compensation if Lottery revenues grow by a specified
3 percentage in a given year.

4 (6) (Blank).

5 (7) A provision requiring the deposit of all Lottery
6 proceeds to be deposited into the State Lottery Fund except
7 as otherwise provided in Section 20 of this Act.

8 (8) A provision requiring the private manager to locate
9 its principal office within the State.

10 (8-5) A provision encouraging that at least 20% of the
11 cost of contracts entered into for goods and services by
12 the private manager in connection with its management of
13 the Lottery, other than contracts with sales agents or
14 technical advisors, be awarded to businesses that are a
15 minority owned business, a female owned business, or a
16 business owned by a person with disability, as those terms
17 are defined in the Business Enterprise for Minorities,
18 Females, and Persons with Disabilities Act.

19 (9) A requirement that so long as the private manager
20 complies with all the conditions of the agreement under the
21 oversight of the Department, the private manager shall have
22 the following duties and obligations with respect to the
23 management of the Lottery:

24 (A) The right to use equipment and other assets
25 used in the operation of the Lottery.

26 (B) The rights and obligations under contracts

1 with retailers and vendors.

2 (C) The implementation of a comprehensive security
3 program by the private manager.

4 (D) The implementation of a comprehensive system
5 of internal audits.

6 (E) The implementation of a program by the private
7 manager to curb compulsive gambling by persons playing
8 the Lottery.

9 (F) A system for determining (i) the type of
10 Lottery games, (ii) the method of selecting winning
11 tickets, (iii) the manner of payment of prizes to
12 holders of winning tickets, (iv) the frequency of
13 drawings of winning tickets, (v) the method to be used
14 in selling tickets, (vi) a system for verifying the
15 validity of tickets claimed to be winning tickets,
16 (vii) the basis upon which retailer commissions are
17 established by the manager, and (viii) minimum
18 payouts.

19 (10) A requirement that advertising and promotion must
20 be consistent with Section 7.8a of this Act.

21 (11) A requirement that the private manager market the
22 Lottery to those residents who are new, infrequent, or
23 lapsed players of the Lottery, especially those who are
24 most likely to make regular purchases on the Internet as
25 permitted by law.

26 (12) A code of ethics for the private manager's

1 officers and employees.

2 (13) A requirement that the Department monitor and
3 oversee the private manager's practices and take action
4 that the Department considers appropriate to ensure that
5 the private manager is in compliance with the terms of the
6 management agreement, while allowing the manager, unless
7 specifically prohibited by law or the management
8 agreement, to negotiate and sign its own contracts with
9 vendors.

10 (14) A provision requiring the private manager to
11 periodically file, at least on an annual basis, appropriate
12 financial statements in a form and manner acceptable to the
13 Department.

14 (15) Cash reserves requirements.

15 (16) Procedural requirements for obtaining the prior
16 approval of the Department when a management agreement or
17 an interest in a management agreement is sold, assigned,
18 transferred, or pledged as collateral to secure financing.

19 (17) Grounds for the termination of the management
20 agreement by the Department or the private manager.

21 (18) Procedures for amendment of the agreement.

22 (19) A provision requiring the private manager to
23 engage in an open and competitive bidding process for any
24 procurement having a cost in excess of \$50,000 that is not
25 a part of the private manager's final offer. The process
26 shall favor the selection of a vendor deemed to have

1 submitted a proposal that provides the Lottery with the
2 best overall value. The process shall not be subject to the
3 provisions of the Illinois Procurement Code, unless
4 specifically required by the management agreement.

5 (20) The transition of rights and obligations,
6 including any associated equipment or other assets used in
7 the operation of the Lottery, from the manager to any
8 successor manager of the lottery, including the
9 Department, following the termination of or foreclosure
10 upon the management agreement.

11 (21) Right of use of copyrights, trademarks, and
12 service marks held by the Department in the name of the
13 State. The agreement must provide that any use of them by
14 the manager shall only be for the purpose of fulfilling its
15 obligations under the management agreement during the term
16 of the agreement.

17 (22) The disclosure of any information requested by the
18 Department to enable it to comply with the reporting
19 requirements and information requests provided for under
20 subsection (p) of this Section.

21 (e) Notwithstanding any other law to the contrary, the
22 Department shall select a private manager through a competitive
23 request for qualifications process consistent with Section
24 20-35 of the Illinois Procurement Code, which shall take into
25 account:

26 (1) the offeror's ability to market the Lottery to

1 those residents who are new, infrequent, or lapsed players
2 of the Lottery, especially those who are most likely to
3 make regular purchases on the Internet;

4 (2) the offeror's ability to address the State's
5 concern with the social effects of gambling on those who
6 can least afford to do so;

7 (3) the offeror's ability to provide the most
8 successful management of the Lottery for the benefit of the
9 people of the State based on current and past business
10 practices or plans of the offeror; and

11 (4) the offeror's poor or inadequate past performance
12 in servicing, equipping, operating or managing a lottery on
13 behalf of Illinois, another State or foreign government and
14 attracting persons who are not currently regular players of
15 a lottery.

16 (f) The Department may retain the services of an advisor or
17 advisors with significant experience in financial services or
18 the management, operation, and procurement of goods, services,
19 and equipment for a government-run lottery to assist in the
20 preparation of the terms of the request for qualifications and
21 selection of the private manager. Any prospective advisor
22 seeking to provide services under this subsection (f) shall
23 disclose any material business or financial relationship
24 during the past 3 years with any potential offeror, or with a
25 contractor or subcontractor presently providing goods,
26 services, or equipment to the Department to support the

1 Lottery. The Department shall evaluate the material business or
2 financial relationship of each prospective advisor. The
3 Department shall not select any prospective advisor with a
4 substantial business or financial relationship that the
5 Department deems to impair the objectivity of the services to
6 be provided by the prospective advisor. During the course of
7 the advisor's engagement by the Department, and for a period of
8 one year thereafter, the advisor shall not enter into any
9 business or financial relationship with any offeror or any
10 vendor identified to assist an offeror in performing its
11 obligations under the management agreement. Any advisor
12 retained by the Department shall be disqualified from being an
13 offeror. The Department shall not include terms in the request
14 for qualifications that provide a material advantage whether
15 directly or indirectly to any potential offeror, or any
16 contractor or subcontractor presently providing goods,
17 services, or equipment to the Department to support the
18 Lottery, including terms contained in previous responses to
19 requests for proposals or qualifications submitted to
20 Illinois, another State or foreign government when those terms
21 are uniquely associated with a particular potential offeror,
22 contractor, or subcontractor. The request for proposals
23 offered by the Department on December 22, 2008 as
24 "LOT08GAMESYS" and reference number "22016176" is declared
25 void.

26 (g) The Department shall select at least 2 offerors as

1 finalists to potentially serve as the private manager no later
2 than August 9, 2010. Upon making preliminary selections, the
3 Department shall schedule a public hearing on the finalists'
4 proposals and provide public notice of the hearing at least 7
5 calendar days before the hearing. The notice must include all
6 of the following:

7 (1) The date, time, and place of the hearing.

8 (2) The subject matter of the hearing.

9 (3) A brief description of the management agreement to
10 be awarded.

11 (4) The identity of the offerors that have been
12 selected as finalists to serve as the private manager.

13 (5) The address and telephone number of the Department.

14 (h) At the public hearing, the Department shall (i) provide
15 sufficient time for each finalist to present and explain its
16 proposal to the Department and the Governor or the Governor's
17 designee, including an opportunity to respond to questions
18 posed by the Department, Governor, or designee and (ii) allow
19 the public and non-selected offerors to comment on the
20 presentations. The Governor or a designee shall attend the
21 public hearing. After the public hearing, the Department shall
22 have 14 calendar days to recommend to the Governor whether a
23 management agreement should be entered into with a particular
24 finalist. After reviewing the Department's recommendation, the
25 Governor may accept or reject the Department's recommendation,
26 and shall select a final offeror as the private manager by

1 publication of a notice in the Illinois Procurement Bulletin on
2 or before September 15, 2010. The Governor shall include in the
3 notice a detailed explanation and the reasons why the final
4 offeror is superior to other offerors and will provide
5 management services in a manner that best achieves the
6 objectives of this Section. The Governor shall also sign the
7 management agreement with the private manager.

8 (i) Any action to contest the private manager selected by
9 the Governor under this Section must be brought within 7
10 calendar days after the publication of the notice of the
11 designation of the private manager as provided in subsection
12 (h) of this Section.

13 (j) The Lottery shall remain, for so long as a private
14 manager manages the Lottery in accordance with provisions of
15 this Act, a Lottery conducted by the State, and the State shall
16 not be authorized to sell or transfer the Lottery to a third
17 party.

18 (k) Any tangible personal property used exclusively in
19 connection with the lottery that is owned by the Department and
20 leased to the private manager shall be owned by the Department
21 in the name of the State and shall be considered to be public
22 property devoted to an essential public and governmental
23 function.

24 (l) The Department may exercise any of its powers under
25 this Section or any other law as necessary or desirable for the
26 execution of the Department's powers under this Section.

1 (m) Neither this Section nor any management agreement
2 entered into under this Section prohibits the General Assembly
3 from authorizing forms of gambling that are not in direct
4 competition with the Lottery.

5 (n) The private manager shall be subject to a complete
6 investigation in the third, seventh, and tenth years of the
7 agreement (if the agreement is for a 10-year term) by the
8 Department in cooperation with the Auditor General to determine
9 whether the private manager has complied with this Section and
10 the management agreement. The private manager shall bear the
11 cost of an investigation or reinvestigation of the private
12 manager under this subsection.

13 (o) The powers conferred by this Section are in addition
14 and supplemental to the powers conferred by any other law. If
15 any other law or rule is inconsistent with this Section,
16 including, but not limited to, provisions of the Illinois
17 Procurement Code, then this Section controls as to any
18 management agreement entered into under this Section. This
19 Section and any rules adopted under this Section contain full
20 and complete authority for a management agreement between the
21 Department and a private manager. No law, procedure,
22 proceeding, publication, notice, consent, approval, order, or
23 act by the Department or any other officer, Department, agency,
24 or instrumentality of the State or any political subdivision is
25 required for the Department to enter into a management
26 agreement under this Section. This Section contains full and

1 complete authority for the Department to approve any contracts
2 entered into by a private manager with a vendor providing
3 goods, services, or both goods and services to the private
4 manager under the terms of the management agreement, including
5 subcontractors of such vendors.

6 Upon receipt of a written request from the Chief
7 Procurement Officer, the Department shall provide to the Chief
8 Procurement Officer a complete and un-redacted copy of the
9 management agreement or any contract that is subject to the
10 Department's approval authority under this subsection (o). The
11 Department shall provide a copy of the agreement or contract to
12 the Chief Procurement Officer in the time specified by the
13 Chief Procurement Officer in his or her written request, but no
14 later than 5 business days after the request is received by the
15 Department. The Chief Procurement Officer must retain any
16 portions of the management agreement or of any contract
17 designated by the Department as confidential, proprietary, or
18 trade secret information in complete confidence pursuant to
19 subsection (g) of Section 7 of the Freedom of Information Act.
20 The Department shall also provide the Chief Procurement Officer
21 with reasonable advance written notice of any contract that is
22 pending Department approval.

23 Notwithstanding any other provision of this Section to the
24 contrary, the Chief Procurement Officer shall adopt
25 administrative rules, including emergency rules, to establish
26 a procurement process to select a successor private manager if

1 a private management agreement has been terminated. The
2 selection process shall at a minimum take into account the
3 criteria set forth in items (1) through (4) of subsection (e)
4 of this Section and may include provisions consistent with
5 subsections (f), (g), (h), and (i) of this Section. The Chief
6 Procurement Officer shall also implement and administer the
7 adopted selection process upon the termination of a private
8 management agreement. The Department, after the Chief
9 Procurement Officer certifies that the procurement process has
10 been followed in accordance with the rules adopted under this
11 subsection (o), shall select a final offeror as the private
12 manager and sign the management agreement with the private
13 manager.

14 Except as provided in Sections 21.2, 21.5, 21.6, 21.7, and
15 21.8, the Department shall distribute all proceeds of lottery
16 tickets and shares sold in the following priority and manner:

17 (1) The payment of prizes and retailer bonuses.

18 (2) The payment of costs incurred in the operation and
19 administration of the Lottery, including the payment of
20 sums due to the private manager under the management
21 agreement with the Department.

22 (3) On the last day of each month or as soon thereafter
23 as possible, the State Comptroller shall direct and the
24 State Treasurer shall transfer from the State Lottery Fund
25 to the Common School Fund an amount that is equal to the
26 proceeds transferred in the corresponding month of fiscal

1 year 2009, as adjusted for inflation, to the Common School
2 Fund.

3 (4) On or before the last day of each fiscal year,
4 deposit any remaining proceeds, subject to payments under
5 items (1), (2), and (3) into the Capital Projects Fund each
6 fiscal year.

7 (p) The Department shall be subject to the following
8 reporting and information request requirements:

9 (1) the Department shall submit written quarterly
10 reports to the Governor and the General Assembly on the
11 activities and actions of the private manager selected
12 under this Section;

13 (2) upon request of the Chief Procurement Officer, the
14 Department shall promptly produce information related to
15 the procurement activities of the Department and the
16 private manager requested by the Chief Procurement
17 Officer; the Chief Procurement Officer must retain
18 confidential, proprietary, or trade secret information
19 designated by the Department in complete confidence
20 pursuant to subsection (g) of Section 7 of the Freedom of
21 Information Act; and

22 (3) at least 30 days prior to the beginning of the
23 Department's fiscal year, the Department shall prepare an
24 annual written report on the activities of the private
25 manager selected under this Section and deliver that report
26 to the Governor and General Assembly.

1 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-840,
2 eff. 12-23-09; 97-464, eff. 8-19-11; revised 10-17-12.)

3 (20 ILCS 1605/27) (from Ch. 120, par. 1177)

4 Sec. 27. (a) The State Treasurer may, with the consent of
5 the Superintendent, contract with any person or corporation,
6 including, without limitation, a bank, banking house, trust
7 company or investment banking firm, to perform such financial
8 functions, activities or services in connection with operation
9 of the lottery as the State Treasurer and the Superintendent
10 may prescribe.

11 (b) All proceeds from investments made pursuant to
12 contracts executed by the State Treasurer, with the consent of
13 the Superintendent, to perform financial functions, activities
14 or services in connection with operation of the lottery, shall
15 be deposited and held by the State Treasurer as ex-officio
16 custodian thereof, separate and apart from all public money or
17 funds of this State in a special trust fund outside the State
18 treasury. Such trust fund shall be known as the "Deferred
19 Lottery Prize Winners Trust Fund", and shall be administered by
20 the Superintendent.

21 The Superintendent shall, at such times and in such amounts
22 as shall be necessary, prepare and send to the State
23 Comptroller vouchers requesting payment from the Deferred
24 Lottery Prize Winners Trust Fund to deferred prize winners, in
25 a manner that will insure the timely payment of such amounts

1 owed.

2 This Act shall constitute an irrevocable appropriation of
3 all amounts necessary for that purpose, and the irrevocable and
4 continuing authority for and direction to the Superintendent
5 and the State Treasurer to make the necessary payments out of
6 such trust fund for that purpose.

7 (c) Moneys invested pursuant to subsection (a) of this
8 Section may be invested only in bonds, notes, certificates of
9 indebtedness, treasury bills, or other securities constituting
10 direct obligations of the United States of America and all
11 securities or obligations the prompt payment of principal and
12 interest of which is guaranteed by a pledge of the full faith
13 and credit of the United States of America. Interest earnings
14 on moneys in the Deferred Lottery Prize Winners Trust Fund
15 shall remain in such fund and be used to pay the winners of
16 lottery prizes deferred as to payment until such obligations
17 are discharged. Proceeds from bonds purchased and interest
18 accumulated as a result of a grand prize multi-state game
19 ticket that goes unclaimed will be transferred after the
20 termination of the relevant claim period directly from the
21 lottery's Deferred Lottery Prize Winners Trust Fund to each
22 respective multi-state partner state according to its
23 contribution ratio.

24 (c-5) If a deferred lottery prize is not claimed within the
25 claim period established by game rule, then the securities or
26 other instruments purchased to fund the prize shall be

1 liquidated and the liquidated amount shall be transferred to
2 the State Lottery Fund for disposition pursuant to Section 19
3 of this Act.

4 (c-10) The Superintendent may use a portion of the moneys
5 in the Deferred Lottery Prize Winners Trust Fund to purchase
6 bonds to pay a lifetime prize if the prize duration exceeds the
7 length of available securities. If the winner of a lifetime
8 prize exceeds his or her life expectancy as determined using
9 actuarial assumptions and the securities or moneys set aside to
10 pay the prize have been exhausted, moneys in the State Lottery
11 Fund shall be used to make payments to the winner for the
12 duration of the winner's life.

13 (c-15) From time to time, the Superintendent may request
14 that the State Comptroller transfer any excess moneys in the
15 Deferred Lottery Prize Winners Trust Fund to the State Lottery
16 Fund.

17 (d) This amendatory Act of 1985 shall be construed
18 liberally to effect the purposes of the Illinois Lottery Law.

19 (Source: P.A. 97-464, eff. 10-15-11; revised 10-17-12.)

20 Section 100. The Department of State Police Law of the
21 Civil Administrative Code of Illinois is amended by changing
22 Section 2605-590 as follows:

23 (20 ILCS 2605/2605-590)

24 Sec. 2605-590. Drug Traffic Prevention Fund. Moneys

1 deposited into the Drug Traffic Prevention Fund pursuant to
2 subsection (e) of Section 5-9-1.1 and subsection (c) of Section
3 5-9-1.1-5 ~~5-9-1.5~~ of the Unified Code of Corrections shall be
4 appropriated to and administered by the Department of State
5 Police for funding of drug task forces and Metropolitan
6 Enforcement Groups in accordance with the Intergovernmental
7 Drug Laws Enforcement Act.

8 (Source: P.A. 96-1234, eff. 7-23-10; revised 10-17-12.)

9 Section 105. The Criminal Identification Act is amended by
10 changing Section 13 as follows:

11 (20 ILCS 2630/13)

12 Sec. 13. Retention and release of sealed records.

13 (a) The Department of State Police shall retain records
14 sealed under subsection (c) ~~or~~ (e-5) of Section 5.2 or
15 impounded under subparagraph (B) of paragraph (9) of subsection
16 (d) of Section 5.2 and shall release them only as authorized by
17 this Act. Felony records sealed under subsection (c) ~~or~~ (e-5)
18 of Section 5.2 or impounded under subparagraph (B) of paragraph
19 (9) of subsection (d) of Section 5.2 shall be used and
20 disseminated by the Department only as otherwise specifically
21 required or authorized by a federal or State law, rule, or
22 regulation that requires inquiry into and release of criminal
23 records, including, but not limited to, subsection (A) of
24 Section 3 of this Act. However, all requests for records that

1 have been expunged, sealed, and impounded and the use of those
2 records are subject to the provisions of Section 2-103 of the
3 Illinois Human Rights Act. Upon conviction for any offense, the
4 Department of Corrections shall have access to all sealed
5 records of the Department pertaining to that individual.

6 (b) Notwithstanding the foregoing, all sealed or impounded
7 records are subject to inspection and use by the court and
8 inspection and use by law enforcement agencies and State's
9 Attorneys or other prosecutors in carrying out the duties of
10 their offices.

11 (c) The sealed or impounded records maintained under
12 subsection (a) are exempt from disclosure under the Freedom of
13 Information Act.

14 (d) The Department of State Police shall commence the
15 sealing of records of felony arrests and felony convictions
16 pursuant to the provisions of subsection (c) of Section 5.2 of
17 this Act no later than one year from the date that funds have
18 been made available for purposes of establishing the
19 technologies necessary to implement the changes made by this
20 amendatory Act of the 93rd General Assembly.

21 (Source: P.A. 96-409, eff. 1-1-10; 96-1401, eff. 7-29-10;
22 97-1026, eff. 1-1-13; 97-1120, eff. 1-1-13; revised 9-20-12.)

23 Section 110. The Illinois State Agency Historic Resources
24 Preservation Act is amended by changing Section 3 as follows:

1 (20 ILCS 3420/3) (from Ch. 127, par. 133c23)

2 Sec. 3. Definitions.

3 (a) "Director" means the Director of Historic Preservation
4 who shall serve as the State Historic Preservation Officer.

5 (b) "Agency" shall have the same meaning as in Section 1-20
6 of the Illinois Administrative Procedure Act, and shall
7 specifically include all agencies and entities made subject to
8 such Act by any State statute.

9 (c) "Historic resource" means any property which is either
10 publicly or privately held and which:

11 (1) is listed in the National Register of Historic
12 Places (hereafter "National Register");

13 (2) has been formally determined by the Director to be
14 eligible for listing in the National Register as defined in
15 Section 106 of Title 16 of the United States Code;

16 (3) has been nominated by the Director and the Illinois
17 Historic Sites Advisory Council for listing in the National
18 Register; ~~or~~

19 (4) meets one or more criteria for listing in the
20 National Register, as determined by the Director; or ~~or~~

21 (5) (blank).

22 (d) "Adverse effect" means:

23 (1) destruction or alteration of all or part of an
24 historic resource;

25 (2) isolation or alteration of the surrounding
26 environment of an historic resource;

1 (3) introduction of visual, audible, or atmospheric
2 elements which are out of character with an historic
3 resource or which alter its setting;

4 (4) neglect or improper utilization of an historic
5 resource which results in its deterioration or
6 destruction; or

7 (5) transfer or sale of an historic resource to any
8 public or private entity without the inclusion of adequate
9 conditions or restrictions regarding preservation,
10 maintenance, or use.

11 (e) "Comment" means the written finding by the Director of
12 the effect of a State undertaking on an historic resource.

13 (f) "Undertaking" means any project, activity, or program
14 that can result in changes in the character or use of historic
15 property, if any historic property is located in the area of
16 potential effects. The project, activity or program shall be
17 under the direct or indirect jurisdiction of a State agency or
18 licensed or assisted by a State agency. An undertaking
19 includes, but is not limited to, action which is:

20 (1) directly undertaken by a State agency;

21 (2) supported in whole or in part through State
22 contracts, grants, subsidies, loan guarantees, or any
23 other form of direct or indirect funding assistance; or

24 (3) carried out pursuant to a State lease, permit,
25 license, certificate, approval, or other form of
26 entitlement or permission.

1 (g) "Committee" means the Historic Preservation Mediation
2 Committee.

3 (h) "Feasible" means capable of being accomplished in a
4 successful manner within a reasonable period of time, taking
5 into account economic, environmental, social, and
6 technological factors.

7 (i) "Private undertaking" means any undertaking that does
8 not receive public funding or is not on public lands.

9 (j) "High probability area" means any occurrence of Cahokia
10 Alluvium, Carmi Member of the Equality Formation, Grayslake
11 Peat, Parkland Sand, Peyton Colluvium, the Batavia Member of
12 the Henry Formation, or the Mackinaw Member, as mapped by
13 Lineback et al. (1979) at a scale of 1-500,000 within permanent
14 stream floodplains and including:

15 (1) 500 yards of the adjoining bluffline crest of the
16 Fox, Illinois, Kankakee, Kaskaskia, Mississippi, Ohio,
17 Rock and Wabash Rivers and 300 yards of the adjoining
18 bluffline crest of all other rivers or

19 (2) a 500 yard wide area along the shore of Lake
20 Michigan abutting the high water mark.

21 (Source: P.A. 97-785, eff. 7-13-12; revised 9-20-12.)

22 Section 115. The Illinois Finance Authority Act is amended
23 by changing Section 825-80 as follows:

24 (20 ILCS 3501/825-80)

1 Sec. 825-80. Fire truck revolving loan program.

2 (a) This Section is a continuation and re-enactment of the
3 fire truck revolving loan program enacted as Section 3-27 of
4 the Rural Bond Bank Act by Public Act 93-35, effective June 24,
5 2003, and repealed by Public Act 93-205, effective January 1,
6 2004. Under the Rural Bond Bank Act, the program was
7 administered by the Rural Bond Bank and the State Fire Marshal.

8 (a-5) For purposes of this Section, "brush truck" means a
9 pickup chassis with or equipped with a flatbed or a pickup box.
10 The truck must be rated by the manufacturer as between
11 three-fourths of a ton and one ton and outfitted with a fire or
12 rescue apparatus.

13 (b) The Authority and the State Fire Marshal may jointly
14 administer a fire truck revolving loan program. The program
15 shall, in instances where sufficient loan funds exist to permit
16 applications to be accepted, provide zero-interest and
17 low-interest loans for the purchase of fire trucks by a fire
18 department, a fire protection district, or a township fire
19 department. For the purchase of brush trucks by a fire
20 department, a fire protection district, or a township fire
21 department, the program shall provide loans at a 2% rate of
22 simple interest per year for a brush truck if both the chassis
23 and the apparatus are built outside of Illinois, a 1% rate of
24 simple interest per year for a brush truck if either the
25 chassis or the apparatus is built in Illinois, or a 0% rate of
26 interest for a brush truck if both the chassis and the

1 apparatus are built in Illinois. The Authority shall make loans
2 based on need, as determined by the State Fire Marshal.

3 (c) The loan funds, subject to appropriation, shall be paid
4 out of the Fire Truck Revolving Loan Fund, a special fund in
5 the State Treasury. The Fund shall consist of any moneys
6 transferred or appropriated into the Fund, as well as all
7 repayments of loans made under the program and any balance
8 existing in the Fund on the effective date of this Section. The
9 Fund shall be used for loans to fire departments and fire
10 protection districts to purchase fire trucks and brush trucks
11 and for no other purpose. All interest earned on moneys in the
12 Fund shall be deposited into the Fund. As soon as practical
13 after January 1, 2013 (the effective date of Public Act 97-901)
14 ~~this amendatory Act of the 97th General Assembly~~, all moneys in
15 the Fire Truck Revolving Loan Fund shall be paid by the State
16 Fire Marshal to the Authority, and, on and after that ~~the~~
17 ~~effective date of this amendatory Act of the 97th General~~
18 ~~Assembly~~, all future moneys deposited into the Fire Truck
19 Revolving Loan Fund under this Section shall be paid by the
20 State Fire Marshal to the Authority under the continuing
21 appropriation provision of subsection (c-1) of this Section;
22 provided that the Authority and the State Fire Marshal enter
23 into an intergovernmental agreement to use the moneys
24 transferred to the Authority from the Fund solely for the
25 purposes for which the moneys would otherwise be used under
26 this Section and to set forth procedures to otherwise

1 administer the use of the moneys.

2 (c-1) There is hereby appropriated, on a continuing annual
3 basis in each fiscal year, from the Fire Truck Revolving Loan
4 Fund, the amount, if any, of funds received into the Fire Truck
5 Revolving Loan Fund to the State Fire Marshal for payment to
6 the Authority for the purposes for which the moneys would
7 otherwise be used under this Section.

8 (d) A loan for the purchase of fire trucks or brush trucks
9 may not exceed \$250,000 to any fire department or fire
10 protection district. A loan for the purchase of brush trucks
11 may not exceed \$100,000 per truck. The repayment period for the
12 loan may not exceed 20 years. The fire department or fire
13 protection district shall repay each year at least 5% of the
14 principal amount borrowed or the remaining balance of the loan,
15 whichever is less. All repayments of loans shall be deposited
16 into the Fire Truck Revolving Loan Fund.

17 (e) The Authority and the State Fire Marshal may adopt
18 rules in accordance with the Illinois Administrative Procedure
19 Act to administer the program.

20 (f) Notwithstanding the repeal of Section 3-27 of the Rural
21 Bond Bank Act, all otherwise lawful actions taken on or after
22 January 1, 2004 and before the effective date of this Section
23 by any person under the authority originally granted by that
24 Section 3-27, including without limitation the granting,
25 acceptance, and repayment of loans for the purchase of fire
26 trucks, are hereby validated, and the rights and obligations of

1 all parties to any such loan are hereby acknowledged and
2 confirmed.

3 (Source: P.A. 97-900, eff. 8-6-12; 97-901, eff. 1-1-13; revised
4 8-23-12.)

5 Section 120. The Illinois Power Agency Act is amended by
6 changing Sections 1-75 and 1-92 as follows:

7 (20 ILCS 3855/1-75)

8 Sec. 1-75. Planning and Procurement Bureau. The Planning
9 and Procurement Bureau has the following duties and
10 responsibilities:

11 (a) The Planning and Procurement Bureau shall each year,
12 beginning in 2008, develop procurement plans and conduct
13 competitive procurement processes in accordance with the
14 requirements of Section 16-111.5 of the Public Utilities Act
15 for the eligible retail customers of electric utilities that on
16 December 31, 2005 provided electric service to at least 100,000
17 customers in Illinois. The Planning and Procurement Bureau
18 shall also develop procurement plans and conduct competitive
19 procurement processes in accordance with the requirements of
20 Section 16-111.5 of the Public Utilities Act for the eligible
21 retail customers of small multi-jurisdictional electric
22 utilities that (i) on December 31, 2005 served less than
23 100,000 customers in Illinois and (ii) request a procurement
24 plan for their Illinois jurisdictional load. This Section shall

1 not apply to a small multi-jurisdictional utility until such
2 time as a small multi-jurisdictional utility requests the
3 Agency to prepare a procurement plan for their Illinois
4 jurisdictional load. For the purposes of this Section, the term
5 "eligible retail customers" has the same definition as found in
6 Section 16-111.5(a) of the Public Utilities Act.

7 (1) The Agency shall each year, beginning in 2008, as
8 needed, issue a request for qualifications for experts or
9 expert consulting firms to develop the procurement plans in
10 accordance with Section 16-111.5 of the Public Utilities
11 Act. In order to qualify an expert or expert consulting
12 firm must have:

13 (A) direct previous experience assembling
14 large-scale power supply plans or portfolios for
15 end-use customers;

16 (B) an advanced degree in economics, mathematics,
17 engineering, risk management, or a related area of
18 study;

19 (C) 10 years of experience in the electricity
20 sector, including managing supply risk;

21 (D) expertise in wholesale electricity market
22 rules, including those established by the Federal
23 Energy Regulatory Commission and regional transmission
24 organizations;

25 (E) expertise in credit protocols and familiarity
26 with contract protocols;

1 (F) adequate resources to perform and fulfill the
2 required functions and responsibilities; and

3 (G) the absence of a conflict of interest and
4 inappropriate bias for or against potential bidders or
5 the affected electric utilities.

6 (2) The Agency shall each year, as needed, issue a
7 request for qualifications for a procurement administrator
8 to conduct the competitive procurement processes in
9 accordance with Section 16-111.5 of the Public Utilities
10 Act. In order to qualify an expert or expert consulting
11 firm must have:

12 (A) direct previous experience administering a
13 large-scale competitive procurement process;

14 (B) an advanced degree in economics, mathematics,
15 engineering, or a related area of study;

16 (C) 10 years of experience in the electricity
17 sector, including risk management experience;

18 (D) expertise in wholesale electricity market
19 rules, including those established by the Federal
20 Energy Regulatory Commission and regional transmission
21 organizations;

22 (E) expertise in credit and contract protocols;

23 (F) adequate resources to perform and fulfill the
24 required functions and responsibilities; and

25 (G) the absence of a conflict of interest and
26 inappropriate bias for or against potential bidders or

1 the affected electric utilities.

2 (3) The Agency shall provide affected utilities and
3 other interested parties with the lists of qualified
4 experts or expert consulting firms identified through the
5 request for qualifications processes that are under
6 consideration to develop the procurement plans and to serve
7 as the procurement administrator. The Agency shall also
8 provide each qualified expert's or expert consulting
9 firm's response to the request for qualifications. All
10 information provided under this subparagraph shall also be
11 provided to the Commission. The Agency may provide by rule
12 for fees associated with supplying the information to
13 utilities and other interested parties. These parties
14 shall, within 5 business days, notify the Agency in writing
15 if they object to any experts or expert consulting firms on
16 the lists. Objections shall be based on:

17 (A) failure to satisfy qualification criteria;

18 (B) identification of a conflict of interest; or

19 (C) evidence of inappropriate bias for or against
20 potential bidders or the affected utilities.

21 The Agency shall remove experts or expert consulting
22 firms from the lists within 10 days if there is a
23 reasonable basis for an objection and provide the updated
24 lists to the affected utilities and other interested
25 parties. If the Agency fails to remove an expert or expert
26 consulting firm from a list, an objecting party may seek

1 review by the Commission within 5 days thereafter by filing
2 a petition, and the Commission shall render a ruling on the
3 petition within 10 days. There is no right of appeal of the
4 Commission's ruling.

5 (4) The Agency shall issue requests for proposals to
6 the qualified experts or expert consulting firms to develop
7 a procurement plan for the affected utilities and to serve
8 as procurement administrator.

9 (5) The Agency shall select an expert or expert
10 consulting firm to develop procurement plans based on the
11 proposals submitted and shall award contracts of up to 5
12 years to those selected.

13 (6) The Agency shall select an expert or expert
14 consulting firm, with approval of the Commission, to serve
15 as procurement administrator based on the proposals
16 submitted. If the Commission rejects, within 5 days, the
17 Agency's selection, the Agency shall submit another
18 recommendation within 3 days based on the proposals
19 submitted. The Agency shall award a 5-year contract to the
20 expert or expert consulting firm so selected with
21 Commission approval.

22 (b) The experts or expert consulting firms retained by the
23 Agency shall, as appropriate, prepare procurement plans, and
24 conduct a competitive procurement process as prescribed in
25 Section 16-111.5 of the Public Utilities Act, to ensure
26 adequate, reliable, affordable, efficient, and environmentally

1 sustainable electric service at the lowest total cost over
2 time, taking into account any benefits of price stability, for
3 eligible retail customers of electric utilities that on
4 December 31, 2005 provided electric service to at least 100,000
5 customers in the State of Illinois, and for eligible Illinois
6 retail customers of small multi-jurisdictional electric
7 utilities that (i) on December 31, 2005 served less than
8 100,000 customers in Illinois and (ii) request a procurement
9 plan for their Illinois jurisdictional load.

10 (c) Renewable portfolio standard.

11 (1) The procurement plans shall include cost-effective
12 renewable energy resources. A minimum percentage of each
13 utility's total supply to serve the load of eligible retail
14 customers, as defined in Section 16-111.5(a) of the Public
15 Utilities Act, procured for each of the following years
16 shall be generated from cost-effective renewable energy
17 resources: at least 2% by June 1, 2008; at least 4% by June
18 1, 2009; at least 5% by June 1, 2010; at least 6% by June 1,
19 2011; at least 7% by June 1, 2012; at least 8% by June 1,
20 2013; at least 9% by June 1, 2014; at least 10% by June 1,
21 2015; and increasing by at least 1.5% each year thereafter
22 to at least 25% by June 1, 2025. To the extent that it is
23 available, at least 75% of the renewable energy resources
24 used to meet these standards shall come from wind
25 generation and, beginning on June 1, 2011, at least the
26 following percentages of the renewable energy resources

1 used to meet these standards shall come from photovoltaics
2 on the following schedule: 0.5% by June 1, 2012, 1.5% by
3 June 1, 2013; 3% by June 1, 2014; and 6% by June 1, 2015 and
4 thereafter. Of the renewable energy resources procured
5 pursuant to this Section, at least the following
6 percentages shall come from distributed renewable energy
7 generation devices: 0.5% by June 1, 2013, 0.75% by June 1,
8 2014, and 1% by June 1, 2015 and thereafter. To the extent
9 available, half of the renewable energy resources procured
10 from distributed renewable energy generation shall come
11 from devices of less than 25 kilowatts in nameplate
12 capacity. Renewable energy resources procured from
13 distributed generation devices may also count towards the
14 required percentages for wind and solar photovoltaics.
15 Procurement of renewable energy resources from distributed
16 renewable energy generation devices shall be done on an
17 annual basis through multi-year contracts of no less than 5
18 years, and shall consist solely of renewable energy
19 credits.

20 The Agency shall create credit requirements for
21 suppliers of distributed renewable energy. In order to
22 minimize the administrative burden on contracting
23 entities, the Agency shall solicit the use of third-party
24 organizations to aggregate distributed renewable energy
25 into groups of no less than one megawatt in installed
26 capacity. These third-party organizations shall administer

1 contracts with individual distributed renewable energy
2 generation device owners. An individual distributed
3 renewable energy generation device owner shall have the
4 ability to measure the output of his or her distributed
5 renewable energy generation device.

6 For purposes of this subsection (c), "cost-effective"
7 means that the costs of procuring renewable energy
8 resources do not cause the limit stated in paragraph (2) of
9 this subsection (c) to be exceeded and do not exceed
10 benchmarks based on market prices for renewable energy
11 resources in the region, which shall be developed by the
12 procurement administrator, in consultation with the
13 Commission staff, Agency staff, and the procurement
14 monitor and shall be subject to Commission review and
15 approval.

16 (2) For purposes of this subsection (c), the required
17 procurement of cost-effective renewable energy resources
18 for a particular year shall be measured as a percentage of
19 the actual amount of electricity (megawatt-hours) supplied
20 by the electric utility to eligible retail customers in the
21 planning year ending immediately prior to the procurement.
22 For purposes of this subsection (c), the amount paid per
23 kilowatthour means the total amount paid for electric
24 service expressed on a per kilowatthour basis. For purposes
25 of this subsection (c), the total amount paid for electric
26 service includes without limitation amounts paid for

1 supply, transmission, distribution, surcharges, and add-on
2 taxes.

3 Notwithstanding the requirements of this subsection
4 (c), the total of renewable energy resources procured
5 pursuant to the procurement plan for any single year shall
6 be reduced by an amount necessary to limit the annual
7 estimated average net increase due to the costs of these
8 resources included in the amounts paid by eligible retail
9 customers in connection with electric service to:

10 (A) in 2008, no more than 0.5% of the amount paid
11 per kilowatthour by those customers during the year
12 ending May 31, 2007;

13 (B) in 2009, the greater of an additional 0.5% of
14 the amount paid per kilowatthour by those customers
15 during the year ending May 31, 2008 or 1% of the amount
16 paid per kilowatthour by those customers during the
17 year ending May 31, 2007;

18 (C) in 2010, the greater of an additional 0.5% of
19 the amount paid per kilowatthour by those customers
20 during the year ending May 31, 2009 or 1.5% of the
21 amount paid per kilowatthour by those customers during
22 the year ending May 31, 2007;

23 (D) in 2011, the greater of an additional 0.5% of
24 the amount paid per kilowatthour by those customers
25 during the year ending May 31, 2010 or 2% of the amount
26 paid per kilowatthour by those customers during the

1 year ending May 31, 2007; and

2 (E) thereafter, the amount of renewable energy
3 resources procured pursuant to the procurement plan
4 for any single year shall be reduced by an amount
5 necessary to limit the estimated average net increase
6 due to the cost of these resources included in the
7 amounts paid by eligible retail customers in
8 connection with electric service to no more than the
9 greater of 2.015% of the amount paid per kilowatthour
10 by those customers during the year ending May 31, 2007
11 or the incremental amount per kilowatthour paid for
12 these resources in 2011.

13 No later than June 30, 2011, the Commission shall
14 review the limitation on the amount of renewable energy
15 resources procured pursuant to this subsection (c) and
16 report to the General Assembly its findings as to
17 whether that limitation unduly constrains the
18 procurement of cost-effective renewable energy
19 resources.

20 (3) Through June 1, 2011, renewable energy resources
21 shall be counted for the purpose of meeting the renewable
22 energy standards set forth in paragraph (1) of this
23 subsection (c) only if they are generated from facilities
24 located in the State, provided that cost-effective
25 renewable energy resources are available from those
26 facilities. If those cost-effective resources are not

1 available in Illinois, they shall be procured in states
2 that adjoin Illinois and may be counted towards compliance.
3 If those cost-effective resources are not available in
4 Illinois or in states that adjoin Illinois, they shall be
5 purchased elsewhere and shall be counted towards
6 compliance. After June 1, 2011, cost-effective renewable
7 energy resources located in Illinois and in states that
8 adjoin Illinois may be counted towards compliance with the
9 standards set forth in paragraph (1) of this subsection
10 (c). If those cost-effective resources are not available in
11 Illinois or in states that adjoin Illinois, they shall be
12 purchased elsewhere and shall be counted towards
13 compliance.

14 (4) The electric utility shall retire all renewable
15 energy credits used to comply with the standard.

16 (5) Beginning with the year commencing June 1, 2010, an
17 electric utility subject to this subsection (c) shall apply
18 the lesser of the maximum alternative compliance payment
19 rate or the most recent estimated alternative compliance
20 payment rate for its service territory for the
21 corresponding compliance period, established pursuant to
22 subsection (d) of Section 16-115D of the Public Utilities
23 Act to its retail customers that take service pursuant to
24 the electric utility's hourly pricing tariff or tariffs.
25 The electric utility shall retain all amounts collected as
26 a result of the application of the alternative compliance

1 payment rate or rates to such customers, and, beginning in
2 2011, the utility shall include in the information provided
3 under item (1) of subsection (d) of Section 16-111.5 of the
4 Public Utilities Act the amounts collected under the
5 alternative compliance payment rate or rates for the prior
6 year ending May 31. Notwithstanding any limitation on the
7 procurement of renewable energy resources imposed by item
8 (2) of this subsection (c), the Agency shall increase its
9 spending on the purchase of renewable energy resources to
10 be procured by the electric utility for the next plan year
11 by an amount equal to the amounts collected by the utility
12 under the alternative compliance payment rate or rates in
13 the prior year ending May 31. Beginning April 1, 2012, and
14 each year thereafter, the Agency shall prepare a public
15 report for the General Assembly and Illinois Commerce
16 Commission that shall include, but not necessarily be
17 limited to:

18 (A) a comparison of the costs associated with the
19 Agency's procurement of renewable energy resources to
20 (1) the Agency's costs associated with electricity
21 generated by other types of generation facilities and
22 (2) the benefits associated with the Agency's
23 procurement of renewable energy resources; and

24 (B) an analysis of the rate impacts associated with
25 the Illinois Power Agency's procurement of renewable
26 resources, including, but not limited to, any

1 long-term contracts, on the eligible retail customers
2 of electric utilities.

3 The analysis shall include the Agency's estimate of the
4 total dollar impact that the Agency's procurement of
5 renewable resources has had on the annual electricity bills
6 of the customer classes that comprise each eligible retail
7 customer class taking service from an electric utility. The
8 Agency's report shall also analyze how the operation of the
9 alternative compliance payment mechanism, any long-term
10 contracts, or other aspects of the applicable renewable
11 portfolio standards impacts the rates of customers of
12 alternative retail electric suppliers.

13 (d) Clean coal portfolio standard.

14 (1) The procurement plans shall include electricity
15 generated using clean coal. Each utility shall enter into
16 one or more sourcing agreements with the initial clean coal
17 facility, as provided in paragraph (3) of this subsection
18 (d), covering electricity generated by the initial clean
19 coal facility representing at least 5% of each utility's
20 total supply to serve the load of eligible retail customers
21 in 2015 and each year thereafter, as described in paragraph
22 (3) of this subsection (d), subject to the limits specified
23 in paragraph (2) of this subsection (d). It is the goal of
24 the State that by January 1, 2025, 25% of the electricity
25 used in the State shall be generated by cost-effective
26 clean coal facilities. For purposes of this subsection (d),

1 "cost-effective" means that the expenditures pursuant to
2 such sourcing agreements do not cause the limit stated in
3 paragraph (2) of this subsection (d) to be exceeded and do
4 not exceed cost-based benchmarks, which shall be developed
5 to assess all expenditures pursuant to such sourcing
6 agreements covering electricity generated by clean coal
7 facilities, other than the initial clean coal facility, by
8 the procurement administrator, in consultation with the
9 Commission staff, Agency staff, and the procurement
10 monitor and shall be subject to Commission review and
11 approval.

12 A utility party to a sourcing agreement shall
13 immediately retire any emission credits that it receives in
14 connection with the electricity covered by such agreement.

15 Utilities shall maintain adequate records documenting
16 the purchases under the sourcing agreement to comply with
17 this subsection (d) and shall file an accounting with the
18 load forecast that must be filed with the Agency by July 15
19 of each year, in accordance with subsection (d) of Section
20 16-111.5 of the Public Utilities Act.

21 A utility shall be deemed to have complied with the
22 clean coal portfolio standard specified in this subsection
23 (d) if the utility enters into a sourcing agreement as
24 required by this subsection (d).

25 (2) For purposes of this subsection (d), the required
26 execution of sourcing agreements with the initial clean

1 coal facility for a particular year shall be measured as a
2 percentage of the actual amount of electricity
3 (megawatt-hours) supplied by the electric utility to
4 eligible retail customers in the planning year ending
5 immediately prior to the agreement's execution. For
6 purposes of this subsection (d), the amount paid per
7 kilowatthour means the total amount paid for electric
8 service expressed on a per kilowatthour basis. For purposes
9 of this subsection (d), the total amount paid for electric
10 service includes without limitation amounts paid for
11 supply, transmission, distribution, surcharges and add-on
12 taxes.

13 Notwithstanding the requirements of this subsection
14 (d), the total amount paid under sourcing agreements with
15 clean coal facilities pursuant to the procurement plan for
16 any given year shall be reduced by an amount necessary to
17 limit the annual estimated average net increase due to the
18 costs of these resources included in the amounts paid by
19 eligible retail customers in connection with electric
20 service to:

21 (A) in 2010, no more than 0.5% of the amount paid
22 per kilowatthour by those customers during the year
23 ending May 31, 2009;

24 (B) in 2011, the greater of an additional 0.5% of
25 the amount paid per kilowatthour by those customers
26 during the year ending May 31, 2010 or 1% of the amount

1 paid per kilowatthour by those customers during the
2 year ending May 31, 2009;

3 (C) in 2012, the greater of an additional 0.5% of
4 the amount paid per kilowatthour by those customers
5 during the year ending May 31, 2011 or 1.5% of the
6 amount paid per kilowatthour by those customers during
7 the year ending May 31, 2009;

8 (D) in 2013, the greater of an additional 0.5% of
9 the amount paid per kilowatthour by those customers
10 during the year ending May 31, 2012 or 2% of the amount
11 paid per kilowatthour by those customers during the
12 year ending May 31, 2009; and

13 (E) thereafter, the total amount paid under
14 sourcing agreements with clean coal facilities
15 pursuant to the procurement plan for any single year
16 shall be reduced by an amount necessary to limit the
17 estimated average net increase due to the cost of these
18 resources included in the amounts paid by eligible
19 retail customers in connection with electric service
20 to no more than the greater of (i) 2.015% of the amount
21 paid per kilowatthour by those customers during the
22 year ending May 31, 2009 or (ii) the incremental amount
23 per kilowatthour paid for these resources in 2013.
24 These requirements may be altered only as provided by
25 statute.

26 No later than June 30, 2015, the Commission shall

1 review the limitation on the total amount paid under
2 sourcing agreements, if any, with clean coal facilities
3 pursuant to this subsection (d) and report to the General
4 Assembly its findings as to whether that limitation unduly
5 constrains the amount of electricity generated by
6 cost-effective clean coal facilities that is covered by
7 sourcing agreements.

8 (3) Initial clean coal facility. In order to promote
9 development of clean coal facilities in Illinois, each
10 electric utility subject to this Section shall execute a
11 sourcing agreement to source electricity from a proposed
12 clean coal facility in Illinois (the "initial clean coal
13 facility") that will have a nameplate capacity of at least
14 500 MW when commercial operation commences, that has a
15 final Clean Air Act permit on the effective date of this
16 amendatory Act of the 95th General Assembly, and that will
17 meet the definition of clean coal facility in Section 1-10
18 of this Act when commercial operation commences. The
19 sourcing agreements with this initial clean coal facility
20 shall be subject to both approval of the initial clean coal
21 facility by the General Assembly and satisfaction of the
22 requirements of paragraph (4) of this subsection (d) and
23 shall be executed within 90 days after any such approval by
24 the General Assembly. The Agency and the Commission shall
25 have authority to inspect all books and records associated
26 with the initial clean coal facility during the term of

1 such a sourcing agreement. A utility's sourcing agreement
2 for electricity produced by the initial clean coal facility
3 shall include:

4 (A) a formula contractual price (the "contract
5 price") approved pursuant to paragraph (4) of this
6 subsection (d), which shall:

7 (i) be determined using a cost of service
8 methodology employing either a level or deferred
9 capital recovery component, based on a capital
10 structure consisting of 45% equity and 55% debt,
11 and a return on equity as may be approved by the
12 Federal Energy Regulatory Commission, which in any
13 case may not exceed the lower of 11.5% or the rate
14 of return approved by the General Assembly
15 pursuant to paragraph (4) of this subsection (d);
16 and

17 (ii) provide that all miscellaneous net
18 revenue, including but not limited to net revenue
19 from the sale of emission allowances, if any,
20 substitute natural gas, if any, grants or other
21 support provided by the State of Illinois or the
22 United States Government, firm transmission
23 rights, if any, by-products produced by the
24 facility, energy or capacity derived from the
25 facility and not covered by a sourcing agreement
26 pursuant to paragraph (3) of this subsection (d) or

1 item (5) of subsection (d) of Section 16-115 of the
2 Public Utilities Act, whether generated from the
3 synthesis gas derived from coal, from SNG, or from
4 natural gas, shall be credited against the revenue
5 requirement for this initial clean coal facility;

6 (B) power purchase provisions, which shall:

7 (i) provide that the utility party to such
8 sourcing agreement shall pay the contract price
9 for electricity delivered under such sourcing
10 agreement;

11 (ii) require delivery of electricity to the
12 regional transmission organization market of the
13 utility that is party to such sourcing agreement;

14 (iii) require the utility party to such
15 sourcing agreement to buy from the initial clean
16 coal facility in each hour an amount of energy
17 equal to all clean coal energy made available from
18 the initial clean coal facility during such hour
19 times a fraction, the numerator of which is such
20 utility's retail market sales of electricity
21 (expressed in kilowatthours sold) in the State
22 during the prior calendar month and the
23 denominator of which is the total retail market
24 sales of electricity (expressed in kilowatthours
25 sold) in the State by utilities during such prior
26 month and the sales of electricity (expressed in

1 kilowatthours sold) in the State by alternative
2 retail electric suppliers during such prior month
3 that are subject to the requirements of this
4 subsection (d) and paragraph (5) of subsection (d)
5 of Section 16-115 of the Public Utilities Act,
6 provided that the amount purchased by the utility
7 in any year will be limited by paragraph (2) of
8 this subsection (d); and

9 (iv) be considered pre-existing contracts in
10 such utility's procurement plans for eligible
11 retail customers;

12 (C) contract for differences provisions, which
13 shall:

14 (i) require the utility party to such sourcing
15 agreement to contract with the initial clean coal
16 facility in each hour with respect to an amount of
17 energy equal to all clean coal energy made
18 available from the initial clean coal facility
19 during such hour times a fraction, the numerator of
20 which is such utility's retail market sales of
21 electricity (expressed in kilowatthours sold) in
22 the utility's service territory in the State
23 during the prior calendar month and the
24 denominator of which is the total retail market
25 sales of electricity (expressed in kilowatthours
26 sold) in the State by utilities during such prior

1 month and the sales of electricity (expressed in
2 kilowatthours sold) in the State by alternative
3 retail electric suppliers during such prior month
4 that are subject to the requirements of this
5 subsection (d) and paragraph (5) of subsection (d)
6 of Section 16-115 of the Public Utilities Act,
7 provided that the amount paid by the utility in any
8 year will be limited by paragraph (2) of this
9 subsection (d);

10 (ii) provide that the utility's payment
11 obligation in respect of the quantity of
12 electricity determined pursuant to the preceding
13 clause (i) shall be limited to an amount equal to
14 (1) the difference between the contract price
15 determined pursuant to subparagraph (A) of
16 paragraph (3) of this subsection (d) and the
17 day-ahead price for electricity delivered to the
18 regional transmission organization market of the
19 utility that is party to such sourcing agreement
20 (or any successor delivery point at which such
21 utility's supply obligations are financially
22 settled on an hourly basis) (the "reference
23 price") on the day preceding the day on which the
24 electricity is delivered to the initial clean coal
25 facility busbar, multiplied by (2) the quantity of
26 electricity determined pursuant to the preceding

1 clause (i); and

2 (iii) not require the utility to take physical
3 delivery of the electricity produced by the
4 facility;

5 (D) general provisions, which shall:

6 (i) specify a term of no more than 30 years,
7 commencing on the commercial operation date of the
8 facility;

9 (ii) provide that utilities shall maintain
10 adequate records documenting purchases under the
11 sourcing agreements entered into to comply with
12 this subsection (d) and shall file an accounting
13 with the load forecast that must be filed with the
14 Agency by July 15 of each year, in accordance with
15 subsection (d) of Section 16-111.5 of the Public
16 Utilities Act; ~~and~~

17 (iii) provide that all costs associated with
18 the initial clean coal facility will be
19 periodically reported to the Federal Energy
20 Regulatory Commission and to purchasers in
21 accordance with applicable laws governing
22 cost-based wholesale power contracts;

23 (iv) permit the Illinois Power Agency to
24 assume ownership of the initial clean coal
25 facility, without monetary consideration and
26 otherwise on reasonable terms acceptable to the

1 Agency, if the Agency so requests no less than 3
2 years prior to the end of the stated contract term;

3 (v) require the owner of the initial clean coal
4 facility to provide documentation to the
5 Commission each year, starting in the facility's
6 first year of commercial operation, accurately
7 reporting the quantity of carbon emissions from
8 the facility that have been captured and
9 sequestered and report any quantities of carbon
10 released from the site or sites at which carbon
11 emissions were sequestered in prior years, based
12 on continuous monitoring of such sites. If, in any
13 year after the first year of commercial operation,
14 the owner of the facility fails to demonstrate that
15 the initial clean coal facility captured and
16 sequestered at least 50% of the total carbon
17 emissions that the facility would otherwise emit
18 or that sequestration of emissions from prior
19 years has failed, resulting in the release of
20 carbon dioxide into the atmosphere, the owner of
21 the facility must offset excess emissions. Any
22 such carbon offsets must be permanent, additional,
23 verifiable, real, located within the State of
24 Illinois, and legally and practicably enforceable.
25 The cost of such offsets for the facility that are
26 not recoverable shall not exceed \$15 million in any

1 given year. No costs of any such purchases of
2 carbon offsets may be recovered from a utility or
3 its customers. All carbon offsets purchased for
4 this purpose and any carbon emission credits
5 associated with sequestration of carbon from the
6 facility must be permanently retired. The initial
7 clean coal facility shall not forfeit its
8 designation as a clean coal facility if the
9 facility fails to fully comply with the applicable
10 carbon sequestration requirements in any given
11 year, provided the requisite offsets are
12 purchased. However, the Attorney General, on
13 behalf of the People of the State of Illinois, may
14 specifically enforce the facility's sequestration
15 requirement and the other terms of this contract
16 provision. Compliance with the sequestration
17 requirements and offset purchase requirements
18 specified in paragraph (3) of this subsection (d)
19 shall be reviewed annually by an independent
20 expert retained by the owner of the initial clean
21 coal facility, with the advance written approval
22 of the Attorney General. The Commission may, in the
23 course of the review specified in item (vii),
24 reduce the allowable return on equity for the
25 facility if the facility wilfully fails to comply
26 with the carbon capture and sequestration

1 requirements set forth in this item (v);

2 (vi) include limits on, and accordingly
3 provide for modification of, the amount the
4 utility is required to source under the sourcing
5 agreement consistent with paragraph (2) of this
6 subsection (d);

7 (vii) require Commission review: (1) to
8 determine the justness, reasonableness, and
9 prudence of the inputs to the formula referenced in
10 subparagraphs (A)(i) through (A)(iii) of paragraph
11 (3) of this subsection (d), prior to an adjustment
12 in those inputs including, without limitation, the
13 capital structure and return on equity, fuel
14 costs, and other operations and maintenance costs
15 and (2) to approve the costs to be passed through
16 to customers under the sourcing agreement by which
17 the utility satisfies its statutory obligations.
18 Commission review shall occur no less than every 3
19 years, regardless of whether any adjustments have
20 been proposed, and shall be completed within 9
21 months;

22 (viii) limit the utility's obligation to such
23 amount as the utility is allowed to recover through
24 tariffs filed with the Commission, provided that
25 neither the clean coal facility nor the utility
26 waives any right to assert federal pre-emption or

1 any other argument in response to a purported
2 disallowance of recovery costs;

3 (ix) limit the utility's or alternative retail
4 electric supplier's obligation to incur any
5 liability until such time as the facility is in
6 commercial operation and generating power and
7 energy and such power and energy is being delivered
8 to the facility busbar;

9 (x) provide that the owner or owners of the
10 initial clean coal facility, which is the
11 counterparty to such sourcing agreement, shall
12 have the right from time to time to elect whether
13 the obligations of the utility party thereto shall
14 be governed by the power purchase provisions or the
15 contract for differences provisions;

16 (xi) append documentation showing that the
17 formula rate and contract, insofar as they relate
18 to the power purchase provisions, have been
19 approved by the Federal Energy Regulatory
20 Commission pursuant to Section 205 of the Federal
21 Power Act;

22 (xii) provide that any changes to the terms of
23 the contract, insofar as such changes relate to the
24 power purchase provisions, are subject to review
25 under the public interest standard applied by the
26 Federal Energy Regulatory Commission pursuant to

1 Sections 205 and 206 of the Federal Power Act; and
2 (xiii) conform with customary lender
3 requirements in power purchase agreements used as
4 the basis for financing non-utility generators.

5 (4) Effective date of sourcing agreements with the
6 initial clean coal facility.

7 Any proposed sourcing agreement with the initial clean
8 coal facility shall not become effective unless the
9 following reports are prepared and submitted and
10 authorizations and approvals obtained:

11 (i) Facility cost report. The owner of the initial
12 clean coal facility shall submit to the Commission, the
13 Agency, and the General Assembly a front-end
14 engineering and design study, a facility cost report,
15 method of financing (including but not limited to
16 structure and associated costs), and an operating and
17 maintenance cost quote for the facility (collectively
18 "facility cost report"), which shall be prepared in
19 accordance with the requirements of this paragraph (4)
20 of subsection (d) of this Section, and shall provide
21 the Commission and the Agency access to the work
22 papers, relied upon documents, and any other backup
23 documentation related to the facility cost report.

24 (ii) Commission report. Within 6 months following
25 receipt of the facility cost report, the Commission, in
26 consultation with the Agency, shall submit a report to

1 the General Assembly setting forth its analysis of the
2 facility cost report. Such report shall include, but
3 not be limited to, a comparison of the costs associated
4 with electricity generated by the initial clean coal
5 facility to the costs associated with electricity
6 generated by other types of generation facilities, an
7 analysis of the rate impacts on residential and small
8 business customers over the life of the sourcing
9 agreements, and an analysis of the likelihood that the
10 initial clean coal facility will commence commercial
11 operation by and be delivering power to the facility's
12 busbar by 2016. To assist in the preparation of its
13 report, the Commission, in consultation with the
14 Agency, may hire one or more experts or consultants,
15 the costs of which shall be paid for by the owner of
16 the initial clean coal facility. The Commission and
17 Agency may begin the process of selecting such experts
18 or consultants prior to receipt of the facility cost
19 report.

20 (iii) General Assembly approval. The proposed
21 sourcing agreements shall not take effect unless,
22 based on the facility cost report and the Commission's
23 report, the General Assembly enacts authorizing
24 legislation approving (A) the projected price, stated
25 in cents per kilowatthour, to be charged for
26 electricity generated by the initial clean coal

1 facility, (B) the projected impact on residential and
2 small business customers' bills over the life of the
3 sourcing agreements, and (C) the maximum allowable
4 return on equity for the project; and

5 (iv) Commission review. If the General Assembly
6 enacts authorizing legislation pursuant to
7 subparagraph (iii) approving a sourcing agreement, the
8 Commission shall, within 90 days of such enactment,
9 complete a review of such sourcing agreement. During
10 such time period, the Commission shall implement any
11 directive of the General Assembly, resolve any
12 disputes between the parties to the sourcing agreement
13 concerning the terms of such agreement, approve the
14 form of such agreement, and issue an order finding that
15 the sourcing agreement is prudent and reasonable.

16 The facility cost report shall be prepared as follows:

17 (A) The facility cost report shall be prepared by
18 duly licensed engineering and construction firms
19 detailing the estimated capital costs payable to one or
20 more contractors or suppliers for the engineering,
21 procurement and construction of the components
22 comprising the initial clean coal facility and the
23 estimated costs of operation and maintenance of the
24 facility. The facility cost report shall include:

25 (i) an estimate of the capital cost of the core
26 plant based on one or more front end engineering

1 and design studies for the gasification island and
2 related facilities. The core plant shall include
3 all civil, structural, mechanical, electrical,
4 control, and safety systems.

5 (ii) an estimate of the capital cost of the
6 balance of the plant, including any capital costs
7 associated with sequestration of carbon dioxide
8 emissions and all interconnects and interfaces
9 required to operate the facility, such as
10 transmission of electricity, construction or
11 backfeed power supply, pipelines to transport
12 substitute natural gas or carbon dioxide, potable
13 water supply, natural gas supply, water supply,
14 water discharge, landfill, access roads, and coal
15 delivery.

16 The quoted construction costs shall be expressed
17 in nominal dollars as of the date that the quote is
18 prepared and shall include capitalized financing costs
19 during construction, taxes, insurance, and other
20 owner's costs, and an assumed escalation in materials
21 and labor beyond the date as of which the construction
22 cost quote is expressed.

23 (B) The front end engineering and design study for
24 the gasification island and the cost study for the
25 balance of plant shall include sufficient design work
26 to permit quantification of major categories of

1 materials, commodities and labor hours, and receipt of
2 quotes from vendors of major equipment required to
3 construct and operate the clean coal facility.

4 (C) The facility cost report shall also include an
5 operating and maintenance cost quote that will provide
6 the estimated cost of delivered fuel, personnel,
7 maintenance contracts, chemicals, catalysts,
8 consumables, spares, and other fixed and variable
9 operations and maintenance costs. The delivered fuel
10 cost estimate will be provided by a recognized third
11 party expert or experts in the fuel and transportation
12 industries. The balance of the operating and
13 maintenance cost quote, excluding delivered fuel
14 costs, will be developed based on the inputs provided
15 by duly licensed engineering and construction firms
16 performing the construction cost quote, potential
17 vendors under long-term service agreements and plant
18 operating agreements, or recognized third party plant
19 operator or operators.

20 The operating and maintenance cost quote
21 (including the cost of the front end engineering and
22 design study) shall be expressed in nominal dollars as
23 of the date that the quote is prepared and shall
24 include taxes, insurance, and other owner's costs, and
25 an assumed escalation in materials and labor beyond the
26 date as of which the operating and maintenance cost

1 quote is expressed.

2 (D) The facility cost report shall also include an
3 analysis of the initial clean coal facility's ability
4 to deliver power and energy into the applicable
5 regional transmission organization markets and an
6 analysis of the expected capacity factor for the
7 initial clean coal facility.

8 (E) Amounts paid to third parties unrelated to the
9 owner or owners of the initial clean coal facility to
10 prepare the core plant construction cost quote,
11 including the front end engineering and design study,
12 and the operating and maintenance cost quote will be
13 reimbursed through Coal Development Bonds.

14 (5) Re-powering and retrofitting coal-fired power
15 plants previously owned by Illinois utilities to qualify as
16 clean coal facilities. During the 2009 procurement
17 planning process and thereafter, the Agency and the
18 Commission shall consider sourcing agreements covering
19 electricity generated by power plants that were previously
20 owned by Illinois utilities and that have been or will be
21 converted into clean coal facilities, as defined by Section
22 1-10 of this Act. Pursuant to such procurement planning
23 process, the owners of such facilities may propose to the
24 Agency sourcing agreements with utilities and alternative
25 retail electric suppliers required to comply with
26 subsection (d) of this Section and item (5) of subsection

1 (d) of Section 16-115 of the Public Utilities Act, covering
2 electricity generated by such facilities. In the case of
3 sourcing agreements that are power purchase agreements,
4 the contract price for electricity sales shall be
5 established on a cost of service basis. In the case of
6 sourcing agreements that are contracts for differences,
7 the contract price from which the reference price is
8 subtracted shall be established on a cost of service basis.
9 The Agency and the Commission may approve any such utility
10 sourcing agreements that do not exceed cost-based
11 benchmarks developed by the procurement administrator, in
12 consultation with the Commission staff, Agency staff and
13 the procurement monitor, subject to Commission review and
14 approval. The Commission shall have authority to inspect
15 all books and records associated with these clean coal
16 facilities during the term of any such contract.

17 (6) Costs incurred under this subsection (d) or
18 pursuant to a contract entered into under this subsection
19 (d) shall be deemed prudently incurred and reasonable in
20 amount and the electric utility shall be entitled to full
21 cost recovery pursuant to the tariffs filed with the
22 Commission.

23 (e) The draft procurement plans are subject to public
24 comment, as required by Section 16-111.5 of the Public
25 Utilities Act.

26 (f) The Agency shall submit the final procurement plan to

1 the Commission. The Agency shall revise a procurement plan if
2 the Commission determines that it does not meet the standards
3 set forth in Section 16-111.5 of the Public Utilities Act.

4 (g) The Agency shall assess fees to each affected utility
5 to recover the costs incurred in preparation of the annual
6 procurement plan for the utility.

7 (h) The Agency shall assess fees to each bidder to recover
8 the costs incurred in connection with a competitive procurement
9 process.

10 (Source: P.A. 96-159, eff. 8-10-09; 96-1437, eff. 8-17-10;
11 97-325, eff. 8-12-11; 97-616, eff. 10-26-11; 97-618, eff.
12 10-26-11; 97-658, eff. 1-13-12; 97-813, eff. 7-13-12; revised
13 7-25-12.)

14 (20 ILCS 3855/1-92)

15 Sec. 1-92. Aggregation of electrical load by
16 municipalities, townships, and counties.

17 (a) The corporate authorities of a municipality, township
18 board, or county board of a county may adopt an ordinance under
19 which it may aggregate in accordance with this Section
20 residential and small commercial retail electrical loads
21 located, respectively, within the municipality, the township,
22 or the unincorporated areas of the county and, for that
23 purpose, may solicit bids and enter into service agreements to
24 facilitate for those loads the sale and purchase of electricity
25 and related services and equipment.

1 The corporate authorities, township board, or county board
2 may also exercise such authority jointly with any other
3 municipality, township, or county. Two or more municipalities,
4 townships, or counties, or a combination of both, may initiate
5 a process jointly to authorize aggregation by a majority vote
6 of each particular municipality, township, or county as
7 required by this Section.

8 If the corporate authorities, township board, or the county
9 board seek to operate the aggregation program as an opt-out
10 program for residential and small commercial retail customers,
11 then prior to the adoption of an ordinance with respect to
12 aggregation of residential and small commercial retail
13 electric loads, the corporate authorities of a municipality,
14 the township board, or the county board of a county shall
15 submit a referendum to its residents to determine whether or
16 not the aggregation program shall operate as an opt-out program
17 for residential and small commercial retail customers.

18 In addition to the notice and conduct requirements of the
19 general election law, notice of the referendum shall state
20 briefly the purpose of the referendum. The question of whether
21 the corporate authorities, the township board, or the county
22 board shall adopt an opt-out aggregation program for
23 residential and small commercial retail customers shall be
24 submitted to the electors of the municipality, township board,
25 or county board at a regular election and approved by a
26 majority of the electors voting on the question. The corporate

1 authorities, township board, or county board must certify to
2 the proper election authority, which must submit the question
3 at an election in accordance with the Election Code.

4 The election authority must submit the question in
5 substantially the following form:

6 Shall the (municipality, township, or county in which
7 the question is being voted upon) have the authority to
8 arrange for the supply of electricity for its residential
9 and small commercial retail customers who have not opted
10 out of such program?

11 The election authority must record the votes as "Yes" or "No".

12 If a majority of the electors voting on the question vote
13 in the affirmative, then the corporate authorities, township
14 board, or county board may implement an opt-out aggregation
15 program for residential and small commercial retail customers.

16 A referendum must pass in each particular municipality,
17 township, or county that is engaged in the aggregation program.
18 If the referendum fails, then the corporate authorities,
19 township board, or county board shall operate the aggregation
20 program as an opt-in program for residential and small
21 commercial retail customers.

22 An ordinance under this Section shall specify whether the
23 aggregation will occur only with the prior consent of each
24 person owning, occupying, controlling, or using an electric
25 load center proposed to be aggregated. Nothing in this Section,
26 however, authorizes the aggregation of electric loads that are

1 served or authorized to be served by an electric cooperative as
2 defined by and pursuant to the Electric Supplier Act or loads
3 served by a municipality that owns and operates its own
4 electric distribution system. No aggregation shall take effect
5 unless approved by a majority of the members of the corporate
6 authority, township board, or county board voting upon the
7 ordinance.

8 A governmental aggregator under this Section is not a
9 public utility or an alternative retail electric supplier.

10 For purposes of this Section, "township" means the portion
11 of a township that is an unincorporated portion of a county
12 that is not otherwise a part of a municipality. In addition to
13 such other limitations as are included in this Section, a
14 township board shall only have authority to aggregate
15 residential and small commercial customer loads in accordance
16 with this Section if the county board of the county in which
17 the township is located (i) is not also submitting a referendum
18 to its residents at the same general election that the township
19 board proposes to submit a referendum under this subsection
20 (a), (ii) has not received authorization through passage of a
21 referendum to operate an opt-out aggregation program for
22 residential and small commercial retail customers under this
23 subsection (a), and (iii) has not otherwise enacted an
24 ordinance under this subsection (a) authorizing the operation
25 of an opt-in aggregation program for residential and small
26 commercial retail customers as described in this Section.

1 (b) Upon the applicable requisite authority under this
2 Section, the corporate authorities, the township board, or the
3 county board, with assistance from the Illinois Power Agency,
4 shall develop a plan of operation and governance for the
5 aggregation program so authorized. Before adopting a plan under
6 this Section, the corporate authorities, township board, or
7 county board shall hold at least 2 public hearings on the plan.
8 Before the first hearing, the corporate authorities, township
9 board, or county board shall publish notice of the hearings
10 once a week for 2 consecutive weeks in a newspaper of general
11 circulation in the jurisdiction. The notice shall summarize the
12 plan and state the date, time, and location of each hearing.
13 Any load aggregation plan established pursuant to this Section
14 shall:

15 (1) provide for universal access to all applicable
16 residential customers and equitable treatment of
17 applicable residential customers;

18 (2) describe demand management and energy efficiency
19 services to be provided to each class of customers; and

20 (3) meet any requirements established by law
21 concerning aggregated service offered pursuant to this
22 Section.

23 (c) The process for soliciting bids for electricity and
24 other related services and awarding proposed agreements for the
25 purchase of electricity and other related services shall be
26 conducted in the following order:

1 (1) The corporate authorities, township board, or
2 county board may solicit bids for electricity and other
3 related services.

4 (1.5) A township board shall request from the electric
5 utility those residential and small commercial customers
6 within their aggregate area either by zip code or zip codes
7 or other means as determined by the electric utility. The
8 electric utility shall then provide to the township board
9 the residential and small commercial customers, including
10 the names and addresses of residential and small commercial
11 customers, electronically. The township board shall be
12 responsible for authenticating the residential and small
13 commercial customers contained in this listing and
14 providing edits of the data to affirm, add, or delete the
15 residential and small commercial customers located within
16 its jurisdiction. The township board shall provide the
17 edited list to the electric utility in an electronic format
18 or other means selected by the electric utility and certify
19 that the information is accurate.

20 (2) Notwithstanding Section 16-122 of the Public
21 Utilities Act and Section 2HH of the Consumer Fraud and
22 Deceptive Business Practices Act, an electric utility that
23 provides residential and small commercial retail electric
24 service in the aggregate area must, upon request of the
25 corporate authorities, township board, or the county board
26 in the aggregate area, submit to the requesting party, in

1 an electronic format, those account numbers, names, and
2 addresses of residential and small commercial retail
3 customers in the aggregate area that are reflected in the
4 electric utility's records at the time of the request;
5 provided, however, that any township board has first
6 provided an accurate customer list to the electric utility
7 as provided for herein.

8 Any corporate authority, township board, or county board
9 receiving customer information from an electric utility shall
10 be subject to the limitations on the disclosure of the
11 information described in Section 16-122 of the Public Utilities
12 Act and Section 2HH of the Consumer Fraud and Deceptive
13 Business Practices Act, and an electric utility shall not be
14 held liable for any claims arising out of the provision of
15 information pursuant to this item (2).

16 (d) If the corporate authorities, township board, or county
17 board operate under an opt-in program for residential and small
18 commercial retail customers, then the corporate authorities,
19 township board, or county board shall comply with all of the
20 following:

21 (1) Within 60 days after receiving the bids, the
22 corporate authorities, township board, or county board
23 shall allow residential and small commercial retail
24 customers to commit to the terms and conditions of a bid
25 that has been selected by the corporate authorities,
26 township board, or county board.

1 (2) If (A) the corporate authorities, township board,
2 or county board award proposed agreements for the purchase
3 of electricity and other related services and (B) an
4 agreement is reached between the corporate authorities,
5 township board, or county board for those services, then
6 customers committed to the terms and conditions according
7 to item (1) of this subsection (d) shall be committed to
8 the agreement.

9 (e) If the corporate authorities, township board, or county
10 board operate as an opt-out program for residential and small
11 commercial retail customers, then it shall be the duty of the
12 aggregated entity to fully inform residential and small
13 commercial retail customers in advance that they have the right
14 to opt out of the aggregation program. The disclosure shall
15 prominently state all charges to be made and shall include full
16 disclosure of the cost to obtain service pursuant to Section
17 16-103 of the Public Utilities Act, how to access it, and the
18 fact that it is available to them without penalty, if they are
19 currently receiving service under that Section. The Illinois
20 Power Agency shall furnish, without charge, to any citizen a
21 list of all supply options available to them in a format that
22 allows comparison of prices and products.

23 (f) Any person or entity retained by a municipality or
24 county, or jointly by more than one such unit of local
25 government, to provide input, guidance, or advice in the
26 selection of an electricity supplier for an aggregation program

1 shall disclose in writing to the involved units of local
2 government the nature of any relationship through which the
3 person or entity may receive, either directly or indirectly,
4 commissions or other remuneration as a result of the selection
5 of any particular electricity supplier. The written disclosure
6 must be made prior to formal approval by the involved units of
7 local government of any professional services agreement with
8 the person or entity, or no later than October 1, 2012 with
9 respect to any such professional services agreement entered
10 into prior to the effective date of this amendatory Act of the
11 97th General Assembly. The disclosure shall cover all direct
12 and indirect relationships through which commissions or
13 remuneration may result, including the pooling of commissions
14 or remuneration among multiple persons or entities, and shall
15 identify all involved electricity suppliers. The disclosure
16 requirements in this subsection (f) are to be liberally
17 construed to ensure that the nature of financial interests are
18 fully revealed, and these disclosure requirements shall apply
19 regardless of whether the involved person or entity is licensed
20 under Section 16-115C of the Public Utilities Act. Any person
21 or entity that fails to make the disclosure required under this
22 subsection (f) is liable to the involved units of local
23 government in an amount equal to all compensation paid to such
24 person or entity by the units of local government for the
25 input, guidance, or advice in the selection of an electricity
26 supplier, plus reasonable attorneys fees and court costs

1 incurred by the units of local government in connection with
2 obtaining such amount.

3 (g) The Illinois Power Agency shall provide assistance to
4 municipalities, townships, counties, or associations working
5 with municipalities to help complete the plan and bidding
6 process.

7 (h) This Section does not prohibit municipalities or
8 counties from entering into an intergovernmental agreement to
9 aggregate residential and small commercial retail electric
10 loads.

11 (Source: P.A. 96-176, eff. 1-1-10; 97-338, eff. 8-12-11;
12 97-823, eff. 7-18-12; 97-1067, eff. 8-24-12; revised 9-20-12.)

13 Section 125. The Illinois Health Facilities Planning Act is
14 amended by changing Sections 12 and 14.1 as follows:

15 (20 ILCS 3960/12) (from Ch. 111 1/2, par. 1162)

16 (Text of Section before amendment by P.A. 97-1045)

17 (Section scheduled to be repealed on December 31, 2019)

18 Sec. 12. Powers and duties of State Board. For purposes of
19 this Act, the State Board shall exercise the following powers
20 and duties:

21 (1) Prescribe rules, regulations, standards, criteria,
22 procedures or reviews which may vary according to the purpose
23 for which a particular review is being conducted or the type of
24 project reviewed and which are required to carry out the

1 provisions and purposes of this Act. Policies and procedures of
2 the State Board shall take into consideration the priorities
3 and needs of medically underserved areas and other health care
4 services identified through the comprehensive health planning
5 process, giving special consideration to the impact of projects
6 on access to safety net services.

7 (2) Adopt procedures for public notice and hearing on all
8 proposed rules, regulations, standards, criteria, and plans
9 required to carry out the provisions of this Act.

10 (3) (Blank).

11 (4) Develop criteria and standards for health care
12 facilities planning, conduct statewide inventories of health
13 care facilities, maintain an updated inventory on the Board's
14 web site reflecting the most recent bed and service changes and
15 updated need determinations when new census data become
16 available or new need formulae are adopted, and develop health
17 care facility plans which shall be utilized in the review of
18 applications for permit under this Act. Such health facility
19 plans shall be coordinated by the Board with pertinent State
20 Plans. Inventories pursuant to this Section of skilled or
21 intermediate care facilities licensed under the Nursing Home
22 Care Act, skilled or intermediate care facilities licensed
23 under the ID/DD Community Care Act, facilities licensed under
24 the Specialized Mental Health Rehabilitation Act, or nursing
25 homes licensed under the Hospital Licensing Act shall be
26 conducted on an annual basis no later than July 1 of each year

1 and shall include among the information requested a list of all
2 services provided by a facility to its residents and to the
3 community at large and differentiate between active and
4 inactive beds.

5 In developing health care facility plans, the State Board
6 shall consider, but shall not be limited to, the following:

7 (a) The size, composition and growth of the population
8 of the area to be served;

9 (b) The number of existing and planned facilities
10 offering similar programs;

11 (c) The extent of utilization of existing facilities;

12 (d) The availability of facilities which may serve as
13 alternatives or substitutes;

14 (e) The availability of personnel necessary to the
15 operation of the facility;

16 (f) Multi-institutional planning and the establishment
17 of multi-institutional systems where feasible;

18 (g) The financial and economic feasibility of proposed
19 construction or modification; and

20 (h) In the case of health care facilities established
21 by a religious body or denomination, the needs of the
22 members of such religious body or denomination may be
23 considered to be public need.

24 The health care facility plans which are developed and
25 adopted in accordance with this Section shall form the basis
26 for the plan of the State to deal most effectively with

1 statewide health needs in regard to health care facilities.

2 (5) Coordinate with the Center for Comprehensive Health
3 Planning and other state agencies having responsibilities
4 affecting health care facilities, including those of licensure
5 and cost reporting. Beginning no later than January 1, 2013,
6 the Department of Public Health shall produce a written annual
7 report to the Governor and the General Assembly regarding the
8 development of the Center for Comprehensive Health Planning.
9 The Chairman of the State Board and the State Board
10 Administrator shall also receive a copy of the annual report.

11 (6) Solicit, accept, hold and administer on behalf of the
12 State any grants or bequests of money, securities or property
13 for use by the State Board or Center for Comprehensive Health
14 Planning in the administration of this Act; and enter into
15 contracts consistent with the appropriations for purposes
16 enumerated in this Act.

17 (7) The State Board shall prescribe procedures for review,
18 standards, and criteria which shall be utilized to make
19 periodic reviews and determinations of the appropriateness of
20 any existing health services being rendered by health care
21 facilities subject to the Act. The State Board shall consider
22 recommendations of the Board in making its determinations.

23 (8) Prescribe, in consultation with the Center for
24 Comprehensive Health Planning, rules, regulations, standards,
25 and criteria for the conduct of an expeditious review of
26 applications for permits for projects of construction or

1 modification of a health care facility, which projects are
2 classified as emergency, substantive, or non-substantive in
3 nature.

4 Six months after June 30, 2009 (the effective date of
5 Public Act 96-31), substantive projects shall include no more
6 than the following:

7 (a) Projects to construct (1) a new or replacement
8 facility located on a new site or (2) a replacement
9 facility located on the same site as the original facility
10 and the cost of the replacement facility exceeds the
11 capital expenditure minimum, which shall be reviewed by the
12 Board within 120 days;

13 (b) Projects proposing a (1) new service within an
14 existing healthcare facility or (2) discontinuation of a
15 service within an existing healthcare facility, which
16 shall be reviewed by the Board within 60 days; or

17 (c) Projects proposing a change in the bed capacity of
18 a health care facility by an increase in the total number
19 of beds or by a redistribution of beds among various
20 categories of service or by a relocation of beds from one
21 physical facility or site to another by more than 20 beds
22 or more than 10% of total bed capacity, as defined by the
23 State Board, whichever is less, over a 2-year period.

24 The Chairman may approve applications for exemption that
25 meet the criteria set forth in rules or refer them to the full
26 Board. The Chairman may approve any unopposed application that

1 meets all of the review criteria or refer them to the full
2 Board.

3 Such rules shall not abridge the right of the Center for
4 Comprehensive Health Planning to make recommendations on the
5 classification and approval of projects, nor shall such rules
6 prevent the conduct of a public hearing upon the timely request
7 of an interested party. Such reviews shall not exceed 60 days
8 from the date the application is declared to be complete.

9 (9) Prescribe rules, regulations, standards, and criteria
10 pertaining to the granting of permits for construction and
11 modifications which are emergent in nature and must be
12 undertaken immediately to prevent or correct structural
13 deficiencies or hazardous conditions that may harm or injure
14 persons using the facility, as defined in the rules and
15 regulations of the State Board. This procedure is exempt from
16 public hearing requirements of this Act.

17 (10) Prescribe rules, regulations, standards and criteria
18 for the conduct of an expeditious review, not exceeding 60
19 days, of applications for permits for projects to construct or
20 modify health care facilities which are needed for the care and
21 treatment of persons who have acquired immunodeficiency
22 syndrome (AIDS) or related conditions.

23 (11) Issue written decisions upon request of the applicant
24 or an adversely affected party to the Board within 30 days of
25 the meeting in which a final decision has been made. A "final
26 decision" for purposes of this Act is the decision to approve

1 or deny an application, or take other actions permitted under
2 this Act, at the time and date of the meeting that such action
3 is scheduled by the Board. The staff of the State Board shall
4 prepare a written copy of the final decision and the State
5 Board shall approve a final copy for inclusion in the formal
6 record. The written decision shall identify the applicable
7 criteria and factors listed in this Act and the Board's
8 regulations that were taken into consideration by the Board
9 when coming to a final decision. If the State Board denies or
10 fails to approve an application for permit or certificate, the
11 State Board shall include in the final decision a detailed
12 explanation as to why the application was denied and identify
13 what specific criteria or standards the applicant did not
14 fulfill.

15 (12) Require at least one of its members to participate in
16 any public hearing, after the appointment of a majority of the
17 members to the Board.

18 (13) Provide a mechanism for the public to comment on, and
19 request changes to, draft rules and standards.

20 (14) Implement public information campaigns to regularly
21 inform the general public about the opportunity for public
22 hearings and public hearing procedures.

23 (15) Establish a separate set of rules and guidelines for
24 long-term care that recognizes that nursing homes are a
25 different business line and service model from other regulated
26 facilities. An open and transparent process shall be developed

1 that considers the following: how skilled nursing fits in the
2 continuum of care with other care providers, modernization of
3 nursing homes, establishment of more private rooms,
4 development of alternative services, and current trends in
5 long-term care services. The Chairman of the Board shall
6 appoint a permanent Health Services Review Board Long-term Care
7 Facility Advisory Subcommittee that shall develop and
8 recommend to the Board the rules to be established by the Board
9 under this paragraph (15). The Subcommittee shall also provide
10 continuous review and commentary on policies and procedures
11 relative to long-term care and the review of related projects.
12 In consultation with other experts from the health field of
13 long-term care, the Board and the Subcommittee shall study new
14 approaches to the current bed need formula and Health Service
15 Area boundaries to encourage flexibility and innovation in
16 design models reflective of the changing long-term care
17 marketplace and consumer preferences. The Board shall file the
18 proposed related administrative rules for the separate rules
19 and guidelines for long-term care required by this paragraph
20 (15) by no later than September 30, 2011. The Subcommittee
21 shall be provided a reasonable and timely opportunity to review
22 and comment on any review, revision, or updating of the
23 criteria, standards, procedures, and rules used to evaluate
24 project applications as provided under Section 12.3 of this
25 Act.

26 (Source: P.A. 96-31, eff. 6-30-09; 96-339, eff. 7-1-10;

1 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12;
2 97-813, 7-13-12; 97-1115, eff. 8-27-12.)

3 (Text of Section after amendment by P.A. 97-1045)

4 (Section scheduled to be repealed on December 31, 2019)

5 Sec. 12. Powers and duties of State Board. For purposes of
6 this Act, the State Board shall exercise the following powers
7 and duties:

8 (1) Prescribe rules, regulations, standards, criteria,
9 procedures or reviews which may vary according to the purpose
10 for which a particular review is being conducted or the type of
11 project reviewed and which are required to carry out the
12 provisions and purposes of this Act. Policies and procedures of
13 the State Board shall take into consideration the priorities
14 and needs of medically underserved areas and other health care
15 services identified through the comprehensive health planning
16 process, giving special consideration to the impact of projects
17 on access to safety net services.

18 (2) Adopt procedures for public notice and hearing on all
19 proposed rules, regulations, standards, criteria, and plans
20 required to carry out the provisions of this Act.

21 (3) (Blank).

22 (4) Develop criteria and standards for health care
23 facilities planning, conduct statewide inventories of health
24 care facilities, maintain an updated inventory on the Board's
25 web site reflecting the most recent bed and service changes and

1 updated need determinations when new census data become
2 available or new need formulae are adopted, and develop health
3 care facility plans which shall be utilized in the review of
4 applications for permit under this Act. Such health facility
5 plans shall be coordinated by the Board with pertinent State
6 Plans. Inventories pursuant to this Section of skilled or
7 intermediate care facilities licensed under the Nursing Home
8 Care Act, skilled or intermediate care facilities licensed
9 under the ID/DD Community Care Act, facilities licensed under
10 the Specialized Mental Health Rehabilitation Act, or nursing
11 homes licensed under the Hospital Licensing Act shall be
12 conducted on an annual basis no later than July 1 of each year
13 and shall include among the information requested a list of all
14 services provided by a facility to its residents and to the
15 community at large and differentiate between active and
16 inactive beds.

17 In developing health care facility plans, the State Board
18 shall consider, but shall not be limited to, the following:

19 (a) The size, composition and growth of the population
20 of the area to be served;

21 (b) The number of existing and planned facilities
22 offering similar programs;

23 (c) The extent of utilization of existing facilities;

24 (d) The availability of facilities which may serve as
25 alternatives or substitutes;

26 (e) The availability of personnel necessary to the

1 operation of the facility;

2 (f) Multi-institutional planning and the establishment
3 of multi-institutional systems where feasible;

4 (g) The financial and economic feasibility of proposed
5 construction or modification; and

6 (h) In the case of health care facilities established
7 by a religious body or denomination, the needs of the
8 members of such religious body or denomination may be
9 considered to be public need.

10 The health care facility plans which are developed and
11 adopted in accordance with this Section shall form the basis
12 for the plan of the State to deal most effectively with
13 statewide health needs in regard to health care facilities.

14 (5) Coordinate with the Center for Comprehensive Health
15 Planning and other state agencies having responsibilities
16 affecting health care facilities, including those of licensure
17 and cost reporting. Beginning no later than January 1, 2013,
18 the Department of Public Health shall produce a written annual
19 report to the Governor and the General Assembly regarding the
20 development of the Center for Comprehensive Health Planning.
21 The Chairman of the State Board and the State Board
22 Administrator shall also receive a copy of the annual report.

23 (6) Solicit, accept, hold and administer on behalf of the
24 State any grants or bequests of money, securities or property
25 for use by the State Board or Center for Comprehensive Health
26 Planning in the administration of this Act; and enter into

1 contracts consistent with the appropriations for purposes
2 enumerated in this Act.

3 (7) The State Board shall prescribe procedures for review,
4 standards, and criteria which shall be utilized to make
5 periodic reviews and determinations of the appropriateness of
6 any existing health services being rendered by health care
7 facilities subject to the Act. The State Board shall consider
8 recommendations of the Board in making its determinations.

9 (8) Prescribe, in consultation with the Center for
10 Comprehensive Health Planning, rules, regulations, standards,
11 and criteria for the conduct of an expeditious review of
12 applications for permits for projects of construction or
13 modification of a health care facility, which projects are
14 classified as emergency, substantive, or non-substantive in
15 nature.

16 Six months after June 30, 2009 (the effective date of
17 Public Act 96-31), substantive projects shall include no more
18 than the following:

19 (a) Projects to construct (1) a new or replacement
20 facility located on a new site or (2) a replacement
21 facility located on the same site as the original facility
22 and the cost of the replacement facility exceeds the
23 capital expenditure minimum, which shall be reviewed by the
24 Board within 120 days;

25 (b) Projects proposing a (1) new service within an
26 existing healthcare facility or (2) discontinuation of a

1 service within an existing healthcare facility, which
2 shall be reviewed by the Board within 60 days; or

3 (c) Projects proposing a change in the bed capacity of
4 a health care facility by an increase in the total number
5 of beds or by a redistribution of beds among various
6 categories of service or by a relocation of beds from one
7 physical facility or site to another by more than 20 beds
8 or more than 10% of total bed capacity, as defined by the
9 State Board, whichever is less, over a 2-year period.

10 The Chairman may approve applications for exemption that
11 meet the criteria set forth in rules or refer them to the full
12 Board. The Chairman may approve any unopposed application that
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14 Board.

15 Such rules shall not abridge the right of the Center for
16 Comprehensive Health Planning to make recommendations on the
17 classification and approval of projects, nor shall such rules
18 prevent the conduct of a public hearing upon the timely request
19 of an interested party. Such reviews shall not exceed 60 days
20 from the date the application is declared to be complete.

21 (9) Prescribe rules, regulations, standards, and criteria
22 pertaining to the granting of permits for construction and
23 modifications which are emergent in nature and must be
24 undertaken immediately to prevent or correct structural
25 deficiencies or hazardous conditions that may harm or injure
26 persons using the facility, as defined in the rules and

1 regulations of the State Board. This procedure is exempt from
2 public hearing requirements of this Act.

3 (10) Prescribe rules, regulations, standards and criteria
4 for the conduct of an expeditious review, not exceeding 60
5 days, of applications for permits for projects to construct or
6 modify health care facilities which are needed for the care and
7 treatment of persons who have acquired immunodeficiency
8 syndrome (AIDS) or related conditions.

9 (11) Issue written decisions upon request of the applicant
10 or an adversely affected party to the Board within 30 days of
11 the meeting in which a final decision has been made. A "final
12 decision" for purposes of this Act is the decision to approve
13 or deny an application, or take other actions permitted under
14 this Act, at the time and date of the meeting that such action
15 is scheduled by the Board. The staff of the State Board shall
16 prepare a written copy of the final decision and the State
17 Board shall approve a final copy for inclusion in the formal
18 record. The written decision shall identify the applicable
19 criteria and factors listed in this Act and the Board's
20 regulations that were taken into consideration by the Board
21 when coming to a final decision. If the State Board denies or
22 fails to approve an application for permit or certificate, the
23 State Board shall include in the final decision a detailed
24 explanation as to why the application was denied and identify
25 what specific criteria or standards the applicant did not
26 fulfill.

1 (12) Require at least one of its members to participate in
2 any public hearing, after the appointment of a majority of the
3 members to the Board.

4 (13) Provide a mechanism for the public to comment on, and
5 request changes to, draft rules and standards.

6 (14) Implement public information campaigns to regularly
7 inform the general public about the opportunity for public
8 hearings and public hearing procedures.

9 (15) Establish a separate set of rules and guidelines for
10 long-term care that recognizes that nursing homes are a
11 different business line and service model from other regulated
12 facilities. An open and transparent process shall be developed
13 that considers the following: how skilled nursing fits in the
14 continuum of care with other care providers, modernization of
15 nursing homes, establishment of more private rooms,
16 development of alternative services, and current trends in
17 long-term care services. The Chairman of the Board shall
18 appoint a permanent Health Services Review Board Long-term Care
19 Facility Advisory Subcommittee that shall develop and
20 recommend to the Board the rules to be established by the Board
21 under this paragraph (15). The Subcommittee shall also provide
22 continuous review and commentary on policies and procedures
23 relative to long-term care and the review of related projects.
24 In consultation with other experts from the health field of
25 long-term care, the Board and the Subcommittee shall study new
26 approaches to the current bed need formula and Health Service

1 Area boundaries to encourage flexibility and innovation in
2 design models reflective of the changing long-term care
3 marketplace and consumer preferences. The Subcommittee shall
4 evaluate, and make recommendations to the State Board
5 regarding, the buying, selling, and exchange of beds between
6 long-term care facilities within a specified geographic area or
7 drive time. The Board shall file the proposed related
8 administrative rules for the separate rules and guidelines for
9 long-term care required by this paragraph (15) by no later than
10 September 30, 2011. The Subcommittee shall be provided a
11 reasonable and timely opportunity to review and comment on any
12 review, revision, or updating of the criteria, standards,
13 procedures, and rules used to evaluate project applications as
14 provided under Section 12.3 of this Act.

15 (Source: P.A. 96-31, eff. 6-30-09; 96-339, eff. 7-1-10;
16 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12;
17 97-813, eff. 7-13-12; 97-1045, eff. 8-21-13; 97-1115, eff.
18 8-27-12; revised 10-11-12.)

19 (20 ILCS 3960/14.1)

20 Sec. 14.1. Denial of permit; other sanctions.

21 (a) The State Board may deny an application for a permit or
22 may revoke or take other action as permitted by this Act with
23 regard to a permit as the State Board deems appropriate,
24 including the imposition of fines as set forth in this Section,
25 for any one or a combination of the following:

1 (1) The acquisition of major medical equipment without
2 a permit or in violation of the terms of a permit.

3 (2) The establishment, construction, or modification
4 of a health care facility without a permit or in violation
5 of the terms of a permit.

6 (3) The violation of any provision of this Act or any
7 rule adopted under this Act.

8 (4) The failure, by any person subject to this Act, to
9 provide information requested by the State Board or Agency
10 within 30 days after a formal written request for the
11 information.

12 (5) The failure to pay any fine imposed under this
13 Section within 30 days of its imposition.

14 (a-5) For facilities licensed under the ID/DD Community
15 Care Act, no permit shall be denied on the basis of prior
16 operator history, other than for actions specified under item
17 (2), (4), or (5) of Section 3-117 of the ID/DD Community Care
18 Act. For facilities licensed under the Specialized Mental
19 Health Rehabilitation Act, no permit shall be denied on the
20 basis of prior operator history, other than for actions
21 specified under item (2), (4), or (5) of Section 3-117 of the
22 Specialized Mental Health Rehabilitation Act. For facilities
23 licensed under the Nursing Home Care Act, no permit shall be
24 denied on the basis of prior operator history, other than for:
25 (i) actions specified under item (2), (3), (4), (5), or (6) of
26 Section 3-117 of the Nursing Home Care Act; (ii) actions

1 specified under item (a)(6) of Section 3-119 of the Nursing
2 Home Care Act; or (iii) actions within the preceding 5 years
3 constituting a substantial and repeated failure to comply with
4 the Nursing Home Care Act or the rules and regulations adopted
5 by the Department under that Act. The State Board shall not
6 deny a permit on account of any action described in this
7 subsection (a-5) without also considering all such actions in
8 the light of all relevant information available to the State
9 Board, including whether the permit is sought to substantially
10 comply with a mandatory or voluntary plan of correction
11 associated with any action described in this subsection (a-5).

12 (b) Persons shall be subject to fines as follows:

13 (1) A permit holder who fails to comply with the
14 requirements of maintaining a valid permit shall be fined
15 an amount not to exceed 1% of the approved permit amount
16 plus an additional 1% of the approved permit amount for
17 each 30-day period, or fraction thereof, that the violation
18 continues.

19 (2) A permit holder who alters the scope of an approved
20 project or whose project costs exceed the allowable permit
21 amount without first obtaining approval from the State
22 Board shall be fined an amount not to exceed the sum of (i)
23 the lesser of \$25,000 or 2% of the approved permit amount
24 and (ii) in those cases where the approved permit amount is
25 exceeded by more than \$1,000,000, an additional \$20,000 for
26 each \$1,000,000, or fraction thereof, in excess of the

1 approved permit amount.

2 (2.5) A permit holder who fails to comply with the
3 post-permit and reporting requirements set forth in
4 Section 5 shall be fined an amount not to exceed \$10,000
5 plus an additional \$10,000 for each 30-day period, or
6 fraction thereof, that the violation continues. This fine
7 shall continue to accrue until the date that (i) the
8 post-permit requirements are met and the post-permit
9 reports are received by the State Board or (ii) the matter
10 is referred by the State Board to the State Board's legal
11 counsel. The accrued fine is not waived by the permit
12 holder submitting the required information and reports.
13 Prior to any fine beginning to accrue, the Board shall
14 notify, in writing, a permit holder of the due date for the
15 post-permit and reporting requirements no later than 30
16 days before the due date for the requirements. This
17 paragraph (2.5) takes effect 6 months after August 27, 2012
18 (the effective date of Public Act 97-1115) ~~this amendatory~~
19 ~~Act of the 97th General Assembly.~~

20 (3) A person who acquires major medical equipment or
21 who establishes a category of service without first
22 obtaining a permit or exemption, as the case may be, shall
23 be fined an amount not to exceed \$10,000 for each such
24 acquisition or category of service established plus an
25 additional \$10,000 for each 30-day period, or fraction
26 thereof, that the violation continues.

1 (4) A person who constructs, modifies, or establishes a
2 health care facility without first obtaining a permit shall
3 be fined an amount not to exceed \$25,000 plus an additional
4 \$25,000 for each 30-day period, or fraction thereof, that
5 the violation continues.

6 (5) A person who discontinues a health care facility or
7 a category of service without first obtaining a permit
8 shall be fined an amount not to exceed \$10,000 plus an
9 additional \$10,000 for each 30-day period, or fraction
10 thereof, that the violation continues. For purposes of this
11 subparagraph (5), facilities licensed under the Nursing
12 Home Care Act or the ID/DD Community Care Act, with the
13 exceptions of facilities operated by a county or Illinois
14 Veterans Homes, are exempt from this permit requirement.
15 However, facilities licensed under the Nursing Home Care
16 Act or the ID/DD Community Care Act must comply with
17 Section 3-423 of the Nursing Home Care Act or Section 3-423
18 of the ID/DD Community Care Act and must provide the Board
19 and the Department of Human Services with 30 days' written
20 notice of its intent to close. Facilities licensed under
21 the ID/DD Community Care Act also must provide the Board
22 and the Department of Human Services with 30 days' written
23 notice of its intent to reduce the number of beds for a
24 facility.

25 (6) A person subject to this Act who fails to provide
26 information requested by the State Board or Agency within

1 30 days of a formal written request shall be fined an
2 amount not to exceed \$1,000 plus an additional \$1,000 for
3 each 30-day period, or fraction thereof, that the
4 information is not received by the State Board or Agency.

5 (c) Before imposing any fine authorized under this Section,
6 the State Board shall afford the person or permit holder, as
7 the case may be, an appearance before the State Board and an
8 opportunity for a hearing before a hearing officer appointed by
9 the State Board. The hearing shall be conducted in accordance
10 with Section 10.

11 (d) All fines collected under this Act shall be transmitted
12 to the State Treasurer, who shall deposit them into the
13 Illinois Health Facilities Planning Fund.

14 (Source: P.A. 96-339, eff. 7-1-10; 96-1372, eff. 7-29-10;
15 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813, eff. 7-13-12;
16 97-980, eff. 8-17-12; 97-1115, eff. 8-27-12; revised 9-20-12.)

17 Section 130. The State Finance Act is amended by changing
18 Sections 5.491, 6z-81, 8.12, and 25 and by setting forth and
19 renumbering multiple versions of Sections 5.811, 5.812, 5.813,
20 and 6z-93 as follows:

21 (30 ILCS 105/5.491)

22 Sec. 5.491. The Illinois Racing Quarter Horse ~~Quarterhorse~~
23 Breeders Fund.

24 (Source: P.A. 91-40, eff. 6-25-99; 92-16, eff. 6-28-01; revised

1 10-17-12.)

2 (30 ILCS 105/5.811)

3 Sec. 5.811. The Home Services Medicaid Trust Fund.

4 (Source: P.A. 97-732, eff. 6-30-12.)

5 (30 ILCS 105/5.812)

6 Sec. 5.812. The Estate Tax Refund Fund.

7 (Source: P.A. 97-732, eff. 6-30-12.)

8 (30 ILCS 105/5.813)

9 Sec. 5.813. The FY13 Backlog Payment Fund.

10 (Source: P.A. 97-732, eff. 6-30-12.)

11 (30 ILCS 105/5.814)

12 Sec. 5.814 ~~5.811~~. The Municipal Wireless Service Emergency
13 Fund.

14 (Source: P.A. 97-748, eff. 7-6-12; revised 9-25-12.)

15 (30 ILCS 105/5.815)

16 Sec. 5.815 ~~5.811~~. The Illinois State Police Federal
17 Projects Fund.

18 (Source: P.A. 97-826, eff. 7-18-12; revised 9-25-12.)

19 (30 ILCS 105/5.816)

20 Sec. 5.816 ~~5.811~~. The Energy Efficiency Portfolio

1 Standards Fund.

2 (Source: P.A. 97-841, eff. 7-20-12; revised 9-25-12.)

3 (30 ILCS 105/5.817)

4 Sec. 5.817 ~~5.811~~. The Public-Private Partnerships for
5 Transportation Fund.

6 (Source: P.A. 97-858, eff. 7-27-12; revised 9-25-12.)

7 (30 ILCS 105/5.818)

8 Sec. 5.818 ~~5.811~~. The Food and Agricultural Research Fund.

9 (Source: P.A. 97-879, eff. 8-2-12; revised 9-25-12.)

10 (30 ILCS 105/5.819)

11 Sec. 5.819 ~~5.811~~. The Sexual Assault Services and
12 Prevention Fund.

13 (Source: P.A. 97-1035, eff. 1-1-13; revised 9-25-12.)

14 (30 ILCS 105/5.820)

15 Sec. 5.820 ~~5.811~~. The State Police Merit Board Public
16 Safety Fund.

17 (Source: P.A. 97-1051, eff. 1-1-13; revised 9-25-12.)

18 (30 ILCS 105/5.821)

19 Sec. 5.821 ~~5.811~~. The Childhood Cancer Research Fund.

20 (Source: P.A. 97-1117, eff. 8-27-12; revised 9-25-12.)

1 (30 ILCS 105/5.822)

2 Sec. 5.822 ~~5.811~~. The Illinois Independent Tax Tribunal
3 Fund.

4 (Source: P.A. 97-1129, eff. 8-28-12; revised 9-25-12.)

5 (30 ILCS 105/5.823)

6 Sec. 5.823 ~~5.812~~. The State Police Motor Vehicle Theft
7 Prevention Trust Fund.

8 (Source: P.A. 97-826, eff. 7-18-12; revised 9-25-12.)

9 (30 ILCS 105/5.824)

10 Sec. 5.824 ~~5.812~~. The Children's Wellness Charities Fund.

11 (Source: P.A. 97-1117, eff. 8-27-12; revised 9-25-12.)

12 (30 ILCS 105/5.825)

13 Sec. 5.825 ~~5.813~~. The Housing for Families Fund.

14 (Source: P.A. 97-1117, eff. 8-27-12; revised 9-25-12.)

15 (30 ILCS 105/5.827)

16 Sec. 5.827 ~~5.811~~. The Illinois State Museum Fund.

17 (Source: P.A. 97-1136, eff. 1-1-13; revised 1-15-13.)

18 (30 ILCS 105/5.828)

19 Sec. 5.828 ~~5.812~~. The Illinois Fisheries Management Fund.

20 (Source: P.A. 97-1136, eff. 1-1-13; revised 1-15-13.)

1 (30 ILCS 105/6z-81)

2 Sec. 6z-81. Healthcare Provider Relief Fund.

3 (a) There is created in the State treasury a special fund
4 to be known as the Healthcare Provider Relief Fund.

5 (b) The Fund is created for the purpose of receiving and
6 disbursing moneys in accordance with this Section.
7 Disbursements from the Fund shall be made only as follows:

8 (1) Subject to appropriation, for payment by the
9 Department of Healthcare and Family Services or by the
10 Department of Human Services of medical bills and related
11 expenses, including administrative expenses, for which the
12 State is responsible under Titles XIX and XXI of the Social
13 Security Act, the Illinois Public Aid Code, the Children's
14 Health Insurance Program Act, the Covering ALL KIDS Health
15 Insurance Act, and the Long Term Acute Care Hospital
16 Quality Improvement Transfer Program Act.

17 (2) For repayment of funds borrowed from other State
18 funds or from outside sources, including interest thereon.

19 (c) The Fund shall consist of the following:

20 (1) Moneys received by the State from short-term
21 borrowing pursuant to the Short Term Borrowing Act on or
22 after the effective date of this amendatory Act of the 96th
23 General Assembly.

24 (2) All federal matching funds received by the Illinois
25 Department of Healthcare and Family Services as a result of
26 expenditures made by the Department that are attributable

1 to moneys deposited in the Fund.

2 (3) All federal matching funds received by the Illinois
3 Department of Healthcare and Family Services as a result of
4 federal approval of Title XIX State plan amendment
5 transmittal number 07-09.

6 (4) All other moneys received for the Fund from any
7 other source, including interest earned thereon.

8 (d) In addition to any other transfers that may be provided
9 for by law, on the effective date of this amendatory Act of the
10 97th General Assembly, or as soon thereafter as practical, the
11 State Comptroller shall direct and the State Treasurer shall
12 transfer the sum of \$365,000,000 from the General Revenue Fund
13 into the Healthcare Provider Relief Fund.

14 (e) In addition to any other transfers that may be provided
15 for by law, on July 1, 2011, or as soon thereafter as
16 practical, the State Comptroller shall direct and the State
17 Treasurer shall transfer the sum of \$160,000,000 from the
18 General Revenue Fund to the Healthcare Provider Relief Fund.

19 (f) Notwithstanding any other State law to the contrary,
20 and in addition to any other transfers that may be provided for
21 by law, the State Comptroller shall order transferred and the
22 State Treasurer shall transfer \$500,000,000 to the Healthcare
23 Provider Relief Fund from the General Revenue Fund in equal
24 monthly installments of \$100,000,000, with the first transfer
25 to be made on July 1, 2012, or as soon thereafter as practical,
26 and with each of the remaining transfers to be made on August

1 1, 2012, September 1, 2012, October 1, 2012, and November 1,
2 2012, or as soon thereafter as practical. This transfer may
3 assist the Department of Healthcare and Family Services in
4 improving Medical Assistance bill processing timeframes or in
5 meeting the possible requirements of Senate Bill 3397, or other
6 similar legislation, of the 97th General Assembly should it
7 become law.

8 (Source: P.A. 96-820, eff. 11-18-09; 96-1100, eff. 1-1-11;
9 97-44, eff. 6-28-11; 97-641, eff. 12-19-11; 97-689, eff.
10 6-14-12; 97-732, eff. 6-30-12; revised 7-10-12.)

11 (30 ILCS 105/6z-93)

12 Sec. 6z-93. FY 13 Backlog Payment Fund. The FY 13 Backlog
13 Payment Fund is created as a special fund in the State
14 treasury. Beginning July 1, 2012 and on or before December 31,
15 2012, the State Comptroller shall direct and the State
16 Treasurer shall transfer funds from the FY 13 Backlog Payment
17 Fund to the General Revenue Fund as needed for the payment of
18 vouchers and transfers to other State funds obligated in State
19 fiscal year 2012, other than costs incurred for claims under
20 the Medical Assistance Program.

21 (Source: P.A. 97-732, eff. 6-30-12.)

22 (30 ILCS 105/6z-96)

23 Sec. 6z-96 ~~6z-93~~. Energy Efficiency Portfolio Standards
24 Fund.

1 (a) The Energy Efficiency Portfolio Standards Fund is
2 created as a special fund in the State treasury. All moneys
3 received by the Department of Commerce and Economic Opportunity
4 under Sections 8-103 and 8-104 of the Public Utilities Act
5 shall be deposited into the Energy Efficiency Portfolio
6 Standards Fund. Subject to appropriation, moneys in the Energy
7 Efficiency Portfolio Standards Fund may be used only for the
8 purposes authorized by Sections 8-103 and 8-104 of the Public
9 Utilities Act.

10 (b) As soon as possible after June 1, 2012, and in no event
11 later than July 31, 2012, the Director of Commerce and Economic
12 Opportunity shall certify the balance in the DCEO Energy
13 Projects Fund, less any federal moneys and less any amounts
14 obligated, and the State Comptroller shall transfer such amount
15 from the DCEO Energy Projects Fund to the Energy Efficiency
16 Portfolio Standards Fund.

17 (Source: P.A. 97-841, eff. 7-20-12; revised 9-26-12.)

18 (30 ILCS 105/6z-97)

19 Sec. 6z-97 ~~6z-93~~. Childhood Cancer Research Fund;
20 creation. The Childhood Cancer Research Fund is created as a
21 special fund in the State treasury. Moneys in the Fund shall be
22 used by the Department of Public Health to make grants to
23 public or private not-for-profit entities for the purpose of
24 conducting childhood cancer research. For the purposes of this
25 Section, "research" includes, but is not limited to,

1 expenditures to develop and advance the understanding,
2 techniques, and modalities effective in early detection,
3 prevention, cure, screening, and treatment of childhood cancer
4 and may include clinical trials. The grant funds may not be
5 used for institutional overhead costs, indirect costs, other
6 organizational levies, or costs of community-based support
7 services.

8 (Source: P.A. 97-1117, eff. 8-27-12; revised 9-26-12.)

9 (30 ILCS 105/8.12) (from Ch. 127, par. 144.12)

10 Sec. 8.12. State Pensions Fund.

11 (a) The moneys in the State Pensions Fund shall be used
12 exclusively for the administration of the Uniform Disposition
13 of Unclaimed Property Act and for the expenses incurred by the
14 Auditor General for administering the provisions of Section
15 2-8.1 of the Illinois State Auditing Act and for the funding of
16 the unfunded liabilities of the designated retirement systems.
17 Beginning in State fiscal year 2014, payments to the designated
18 retirement systems under this Section shall be in addition to,
19 and not in lieu of, any State contributions required under the
20 Illinois Pension Code.

21 "Designated retirement systems" means:

22 (1) the State Employees' Retirement System of
23 Illinois;

24 (2) the Teachers' Retirement System of the State of
25 Illinois;

- 1 (3) the State Universities Retirement System;
- 2 (4) the Judges Retirement System of Illinois; and
- 3 (5) the General Assembly Retirement System.

4 (b) Each year the General Assembly may make appropriations
5 from the State Pensions Fund for the administration of the
6 Uniform Disposition of Unclaimed Property Act.

7 Each month, the Commissioner of the Office of Banks and
8 Real Estate shall certify to the State Treasurer the actual
9 expenditures that the Office of Banks and Real Estate incurred
10 conducting unclaimed property examinations under the Uniform
11 Disposition of Unclaimed Property Act during the immediately
12 preceding month. Within a reasonable time following the
13 acceptance of such certification by the State Treasurer, the
14 State Treasurer shall pay from its appropriation from the State
15 Pensions Fund to the Bank and Trust Company Fund and the
16 Savings and Residential Finance Regulatory Fund an amount equal
17 to the expenditures incurred by each Fund for that month.

18 Each month, the Director of Financial Institutions shall
19 certify to the State Treasurer the actual expenditures that the
20 Department of Financial Institutions incurred conducting
21 unclaimed property examinations under the Uniform Disposition
22 of Unclaimed Property Act during the immediately preceding
23 month. Within a reasonable time following the acceptance of
24 such certification by the State Treasurer, the State Treasurer
25 shall pay from its appropriation from the State Pensions Fund
26 to the Financial Institution ~~Institutions~~ Fund and the Credit

1 Union Fund an amount equal to the expenditures incurred by each
2 Fund for that month.

3 (c) As soon as possible after the effective date of this
4 amendatory Act of the 93rd General Assembly, the General
5 Assembly shall appropriate from the State Pensions Fund (1) to
6 the State Universities Retirement System the amount certified
7 under Section 15-165 during the prior year, (2) to the Judges
8 Retirement System of Illinois the amount certified under
9 Section 18-140 during the prior year, and (3) to the General
10 Assembly Retirement System the amount certified under Section
11 2-134 during the prior year as part of the required State
12 contributions to each of those designated retirement systems;
13 except that amounts appropriated under this subsection (c) in
14 State fiscal year 2005 shall not reduce the amount in the State
15 Pensions Fund below \$5,000,000. If the amount in the State
16 Pensions Fund does not exceed the sum of the amounts certified
17 in Sections 15-165, 18-140, and 2-134 by at least \$5,000,000,
18 the amount paid to each designated retirement system under this
19 subsection shall be reduced in proportion to the amount
20 certified by each of those designated retirement systems.

21 (c-5) For fiscal years 2006 through 2013, the General
22 Assembly shall appropriate from the State Pensions Fund to the
23 State Universities Retirement System the amount estimated to be
24 available during the fiscal year in the State Pensions Fund;
25 provided, however, that the amounts appropriated under this
26 subsection (c-5) shall not reduce the amount in the State

1 Pensions Fund below \$5,000,000.

2 (c-6) For fiscal year 2014 and each fiscal year thereafter,
3 as soon as may be practical after any money is deposited into
4 the State Pensions Fund from the Unclaimed Property Trust Fund,
5 the State Treasurer shall apportion the deposited amount among
6 the designated retirement systems as defined in subsection (a)
7 to reduce their actuarial reserve deficiencies. The State
8 Comptroller and State Treasurer shall pay the apportioned
9 amounts to the designated retirement systems to fund the
10 unfunded liabilities of the designated retirement systems. The
11 amount apportioned to each designated retirement system shall
12 constitute a portion of the amount estimated to be available
13 for appropriation from the State Pensions Fund that is the same
14 as that retirement system's portion of the total actual reserve
15 deficiency of the systems, as determined annually by the
16 Governor's Office of Management and Budget at the request of
17 the State Treasurer. The amounts apportioned under this
18 subsection shall not reduce the amount in the State Pensions
19 Fund below \$5,000,000.

20 (d) The Governor's Office of Management and Budget shall
21 determine the individual and total reserve deficiencies of the
22 designated retirement systems. For this purpose, the
23 Governor's Office of Management and Budget shall utilize the
24 latest available audit and actuarial reports of each of the
25 retirement systems and the relevant reports and statistics of
26 the Public Employee Pension Fund Division of the Department of

1 Insurance.

2 (d-1) As soon as practicable after the effective date of
3 this amendatory Act of the 93rd General Assembly, the
4 Comptroller shall direct and the Treasurer shall transfer from
5 the State Pensions Fund to the General Revenue Fund, as funds
6 become available, a sum equal to the amounts that would have
7 been paid from the State Pensions Fund to the Teachers'
8 Retirement System of the State of Illinois, the State
9 Universities Retirement System, the Judges Retirement System
10 of Illinois, the General Assembly Retirement System, and the
11 State Employees' Retirement System of Illinois after the
12 effective date of this amendatory Act during the remainder of
13 fiscal year 2004 to the designated retirement systems from the
14 appropriations provided for in this Section if the transfers
15 provided in Section 6z-61 had not occurred. The transfers
16 described in this subsection (d-1) are to partially repay the
17 General Revenue Fund for the costs associated with the bonds
18 used to fund the moneys transferred to the designated
19 retirement systems under Section 6z-61.

20 (e) The changes to this Section made by this amendatory Act
21 of 1994 shall first apply to distributions from the Fund for
22 State fiscal year 1996.

23 (Source: P.A. 96-959, eff. 7-1-10; 97-72, eff. 7-1-11; 97-732,
24 eff. 6-30-12; revised 10-17-12.)

25 (30 ILCS 105/25) (from Ch. 127, par. 161)

1 Sec. 25. Fiscal year limitations.

2 (a) All appropriations shall be available for expenditure
3 for the fiscal year or for a lesser period if the Act making
4 that appropriation so specifies. A deficiency or emergency
5 appropriation shall be available for expenditure only through
6 June 30 of the year when the Act making that appropriation is
7 enacted unless that Act otherwise provides.

8 (b) Outstanding liabilities as of June 30, payable from
9 appropriations which have otherwise expired, may be paid out of
10 the expiring appropriations during the 2-month period ending at
11 the close of business on August 31. Any service involving
12 professional or artistic skills or any personal services by an
13 employee whose compensation is subject to income tax
14 withholding must be performed as of June 30 of the fiscal year
15 in order to be considered an "outstanding liability as of June
16 30" that is thereby eligible for payment out of the expiring
17 appropriation.

18 (b-1) However, payment of tuition reimbursement claims
19 under Section 14-7.03 or 18-3 of the School Code may be made by
20 the State Board of Education from its appropriations for those
21 respective purposes for any fiscal year, even though the claims
22 reimbursed by the payment may be claims attributable to a prior
23 fiscal year, and payments may be made at the direction of the
24 State Superintendent of Education from the fund from which the
25 appropriation is made without regard to any fiscal year
26 limitations, except as required by subsection (j) of this

1 Section. Beginning on June 30, 2021, payment of tuition
2 reimbursement claims under Section 14-7.03 or 18-3 of the
3 School Code as of June 30, payable from appropriations that
4 have otherwise expired, may be paid out of the expiring
5 appropriation during the 4-month period ending at the close of
6 business on October 31.

7 (b-2) All outstanding liabilities as of June 30, 2010,
8 payable from appropriations that would otherwise expire at the
9 conclusion of the lapse period for fiscal year 2010, and
10 interest penalties payable on those liabilities under the State
11 Prompt Payment Act, may be paid out of the expiring
12 appropriations until December 31, 2010, without regard to the
13 fiscal year in which the payment is made, as long as vouchers
14 for the liabilities are received by the Comptroller no later
15 than August 31, 2010.

16 (b-2.5) All outstanding liabilities as of June 30, 2011,
17 payable from appropriations that would otherwise expire at the
18 conclusion of the lapse period for fiscal year 2011, and
19 interest penalties payable on those liabilities under the State
20 Prompt Payment Act, may be paid out of the expiring
21 appropriations until December 31, 2011, without regard to the
22 fiscal year in which the payment is made, as long as vouchers
23 for the liabilities are received by the Comptroller no later
24 than August 31, 2011.

25 (b-2.6) All outstanding liabilities as of June 30, 2012,
26 payable from appropriations that would otherwise expire at the

1 conclusion of the lapse period for fiscal year 2012, and
2 interest penalties payable on those liabilities under the State
3 Prompt Payment Act, may be paid out of the expiring
4 appropriations until December 31, 2012, without regard to the
5 fiscal year in which the payment is made, as long as vouchers
6 for the liabilities are received by the Comptroller no later
7 than August 31, 2012.

8 (b-2.7) ~~(b-2.6)~~ For fiscal years 2012 and 2013, interest
9 penalties payable under the State Prompt Payment Act associated
10 with a voucher for which payment is issued after June 30 may be
11 paid out of the next fiscal year's appropriation. The future
12 year appropriation must be for the same purpose and from the
13 same fund as the original payment. An interest penalty voucher
14 submitted against a future year appropriation must be submitted
15 within 60 days after the issuance of the associated voucher,
16 and the Comptroller must issue the interest payment within 60
17 days after acceptance of the interest voucher.

18 (b-3) Medical payments may be made by the Department of
19 Veterans' Affairs from its appropriations for those purposes
20 for any fiscal year, without regard to the fact that the
21 medical services being compensated for by such payment may have
22 been rendered in a prior fiscal year, except as required by
23 subsection (j) of this Section. Beginning on June 30, 2021,
24 medical payments payable from appropriations that have
25 otherwise expired may be paid out of the expiring appropriation
26 during the 4-month period ending at the close of business on

1 October 31.

2 (b-4) Medical payments and child care payments may be made
3 by the Department of Human Services (as successor to the
4 Department of Public Aid) from appropriations for those
5 purposes for any fiscal year, without regard to the fact that
6 the medical or child care services being compensated for by
7 such payment may have been rendered in a prior fiscal year; and
8 payments may be made at the direction of the Department of
9 Healthcare and Family Services (or successor agency) from the
10 Health Insurance Reserve Fund without regard to any fiscal year
11 limitations, except as required by subsection (j) of this
12 Section. Beginning on June 30, 2021, medical and child care
13 payments made by the Department of Human Services, and payments
14 made at the discretion of the Department of Healthcare and
15 Family Services (or successor agency) from the Health Insurance
16 Reserve Fund and payable from appropriations that have
17 otherwise expired may be paid out of the expiring appropriation
18 during the 4-month period ending at the close of business on
19 October 31.

20 (b-5) Medical payments may be made by the Department of
21 Human Services from its appropriations relating to substance
22 abuse treatment services for any fiscal year, without regard to
23 the fact that the medical services being compensated for by
24 such payment may have been rendered in a prior fiscal year,
25 provided the payments are made on a fee-for-service basis
26 consistent with requirements established for Medicaid

1 reimbursement by the Department of Healthcare and Family
2 Services, except as required by subsection (j) of this Section.
3 Beginning on June 30, 2021, medical payments made by the
4 Department of Human Services relating to substance abuse
5 treatment services payable from appropriations that have
6 otherwise expired may be paid out of the expiring appropriation
7 during the 4-month period ending at the close of business on
8 October 31.

9 (b-6) Additionally, payments may be made by the Department
10 of Human Services from its appropriations, or any other State
11 agency from its appropriations with the approval of the
12 Department of Human Services, from the Immigration Reform and
13 Control Fund for purposes authorized pursuant to the
14 Immigration Reform and Control Act of 1986, without regard to
15 any fiscal year limitations, except as required by subsection
16 (j) of this Section. Beginning on June 30, 2021, payments made
17 by the Department of Human Services from the Immigration Reform
18 and Control Fund for purposes authorized pursuant to the
19 Immigration Reform and Control Act of 1986 payable from
20 appropriations that have otherwise expired may be paid out of
21 the expiring appropriation during the 4-month period ending at
22 the close of business on October 31.

23 (b-7) Payments may be made in accordance with a plan
24 authorized by paragraph (11) or (12) of Section 405-105 of the
25 Department of Central Management Services Law from
26 appropriations for those payments without regard to fiscal year

1 limitations.

2 (c) Further, payments may be made by the Department of
3 Public Health and the Department of Human Services (acting as
4 successor to the Department of Public Health under the
5 Department of Human Services Act) from their respective
6 appropriations for grants for medical care to or on behalf of
7 premature and high-mortality risk infants and their mothers and
8 for grants for supplemental food supplies provided under the
9 United States Department of Agriculture Women, Infants and
10 Children Nutrition Program, for any fiscal year without regard
11 to the fact that the services being compensated for by such
12 payment may have been rendered in a prior fiscal year, except
13 as required by subsection (j) of this Section. Beginning on
14 June 30, 2021, payments made by the Department of Public Health
15 and the Department of Human Services from their respective
16 appropriations for grants for medical care to or on behalf of
17 premature and high-mortality risk infants and their mothers and
18 for grants for supplemental food supplies provided under the
19 United States Department of Agriculture Women, Infants and
20 Children Nutrition Program payable from appropriations that
21 have otherwise expired may be paid out of the expiring
22 appropriations during the 4-month period ending at the close of
23 business on October 31.

24 (d) The Department of Public Health and the Department of
25 Human Services (acting as successor to the Department of Public
26 Health under the Department of Human Services Act) shall each

1 annually submit to the State Comptroller, Senate President,
2 Senate Minority Leader, Speaker of the House, House Minority
3 Leader, and the respective Chairmen and Minority Spokesmen of
4 the Appropriations Committees of the Senate and the House, on
5 or before December 31, a report of fiscal year funds used to
6 pay for services provided in any prior fiscal year. This report
7 shall document by program or service category those
8 expenditures from the most recently completed fiscal year used
9 to pay for services provided in prior fiscal years.

10 (e) The Department of Healthcare and Family Services, the
11 Department of Human Services (acting as successor to the
12 Department of Public Aid), and the Department of Human Services
13 making fee-for-service payments relating to substance abuse
14 treatment services provided during a previous fiscal year shall
15 each annually submit to the State Comptroller, Senate
16 President, Senate Minority Leader, Speaker of the House, House
17 Minority Leader, the respective Chairmen and Minority
18 Spokesmen of the Appropriations Committees of the Senate and
19 the House, on or before November 30, a report that shall
20 document by program or service category those expenditures from
21 the most recently completed fiscal year used to pay for (i)
22 services provided in prior fiscal years and (ii) services for
23 which claims were received in prior fiscal years.

24 (f) The Department of Human Services (as successor to the
25 Department of Public Aid) shall annually submit to the State
26 Comptroller, Senate President, Senate Minority Leader, Speaker

1 of the House, House Minority Leader, and the respective
2 Chairmen and Minority Spokesmen of the Appropriations
3 Committees of the Senate and the House, on or before December
4 31, a report of fiscal year funds used to pay for services
5 (other than medical care) provided in any prior fiscal year.
6 This report shall document by program or service category those
7 expenditures from the most recently completed fiscal year used
8 to pay for services provided in prior fiscal years.

9 (g) In addition, each annual report required to be
10 submitted by the Department of Healthcare and Family Services
11 under subsection (e) shall include the following information
12 with respect to the State's Medicaid program:

13 (1) Explanations of the exact causes of the variance
14 between the previous year's estimated and actual
15 liabilities.

16 (2) Factors affecting the Department of Healthcare and
17 Family Services' liabilities, including but not limited to
18 numbers of aid recipients, levels of medical service
19 utilization by aid recipients, and inflation in the cost of
20 medical services.

21 (3) The results of the Department's efforts to combat
22 fraud and abuse.

23 (h) As provided in Section 4 of the General Assembly
24 Compensation Act, any utility bill for service provided to a
25 General Assembly member's district office for a period
26 including portions of 2 consecutive fiscal years may be paid

1 from funds appropriated for such expenditure in either fiscal
2 year.

3 (i) An agency which administers a fund classified by the
4 Comptroller as an internal service fund may issue rules for:

5 (1) billing user agencies in advance for payments or
6 authorized inter-fund transfers based on estimated charges
7 for goods or services;

8 (2) issuing credits, refunding through inter-fund
9 transfers, or reducing future inter-fund transfers during
10 the subsequent fiscal year for all user agency payments or
11 authorized inter-fund transfers received during the prior
12 fiscal year which were in excess of the final amounts owed
13 by the user agency for that period; and

14 (3) issuing catch-up billings to user agencies during
15 the subsequent fiscal year for amounts remaining due when
16 payments or authorized inter-fund transfers received from
17 the user agency during the prior fiscal year were less than
18 the total amount owed for that period.

19 User agencies are authorized to reimburse internal service
20 funds for catch-up billings by vouchers drawn against their
21 respective appropriations for the fiscal year in which the
22 catch-up billing was issued or by increasing an authorized
23 inter-fund transfer during the current fiscal year. For the
24 purposes of this Act, "inter-fund transfers" means transfers
25 without the use of the voucher-warrant process, as authorized
26 by Section 9.01 of the State Comptroller Act.

1 (i-1) Beginning on July 1, 2021, all outstanding
2 liabilities, not payable during the 4-month lapse period as
3 described in subsections (b-1), (b-3), (b-4), (b-5), (b-6), and
4 (c) of this Section, that are made from appropriations for that
5 purpose for any fiscal year, without regard to the fact that
6 the services being compensated for by those payments may have
7 been rendered in a prior fiscal year, are limited to only those
8 claims that have been incurred but for which a proper bill or
9 invoice as defined by the State Prompt Payment Act has not been
10 received by September 30th following the end of the fiscal year
11 in which the service was rendered.

12 (j) Notwithstanding any other provision of this Act, the
13 aggregate amount of payments to be made without regard for
14 fiscal year limitations as contained in subsections (b-1),
15 (b-3), (b-4), (b-5), (b-6), and (c) of this Section, and
16 determined by using Generally Accepted Accounting Principles,
17 shall not exceed the following amounts:

18 (1) \$6,000,000,000 for outstanding liabilities related
19 to fiscal year 2012;

20 (2) \$5,300,000,000 for outstanding liabilities related
21 to fiscal year 2013;

22 (3) \$4,600,000,000 for outstanding liabilities related
23 to fiscal year 2014;

24 (4) \$4,000,000,000 for outstanding liabilities related
25 to fiscal year 2015;

26 (5) \$3,300,000,000 for outstanding liabilities related

1 to fiscal year 2016;

2 (6) \$2,600,000,000 for outstanding liabilities related
3 to fiscal year 2017;

4 (7) \$2,000,000,000 for outstanding liabilities related
5 to fiscal year 2018;

6 (8) \$1,300,000,000 for outstanding liabilities related
7 to fiscal year 2019;

8 (9) \$600,000,000 for outstanding liabilities related
9 to fiscal year 2020; and

10 (10) \$0 for outstanding liabilities related to fiscal
11 year 2021 and fiscal years thereafter.

12 (k) Department of Healthcare and Family Services Medical
13 Assistance Payments.

14 (1) Definition of Medical Assistance.

15 For purposes of this subsection, the term "Medical
16 Assistance" shall include, but not necessarily be
17 limited to, medical programs and services authorized
18 under Titles XIX and XXI of the Social Security Act,
19 the Illinois Public Aid Code, the Children's Health
20 Insurance Program Act, the Covering ALL KIDS Health
21 Insurance Act, the Long Term Acute Care Hospital
22 Quality Improvement Transfer Program Act, and medical
23 care to or on behalf of persons suffering from chronic
24 renal disease, persons suffering from hemophilia, and
25 victims of sexual assault.

26 (2) Limitations on Medical Assistance payments that

1 may be paid from future fiscal year appropriations.

2 (A) The maximum amounts of annual unpaid Medical
3 Assistance bills received and recorded by the
4 Department of Healthcare and Family Services on or
5 before June 30th of a particular fiscal year
6 attributable in aggregate to the General Revenue Fund,
7 Healthcare Provider Relief Fund, Tobacco Settlement
8 Recovery Fund, Long-Term Care Provider Fund, and the
9 Drug Rebate Fund that may be paid in total by the
10 Department from future fiscal year Medical Assistance
11 appropriations to those funds are: \$700,000,000 for
12 fiscal year 2013 and \$100,000,000 for fiscal year 2014
13 and each fiscal year thereafter.

14 (B) Bills for Medical Assistance services rendered
15 in a particular fiscal year, but received and recorded
16 by the Department of Healthcare and Family Services
17 after June 30th of that fiscal year, may be paid from
18 either appropriations for that fiscal year or future
19 fiscal year appropriations for Medical Assistance.
20 Such payments shall not be subject to the requirements
21 of subparagraph (A).

22 (C) Medical Assistance bills received by the
23 Department of Healthcare and Family Services in a
24 particular fiscal year, but subject to payment amount
25 adjustments in a future fiscal year may be paid from a
26 future fiscal year's appropriation for Medical

1 Assistance. Such payments shall not be subject to the
2 requirements of subparagraph (A).

3 (D) Medical Assistance payments made by the
4 Department of Healthcare and Family Services from
5 funds other than those specifically referenced in
6 subparagraph (A) may be made from appropriations for
7 those purposes for any fiscal year without regard to
8 the fact that the Medical Assistance services being
9 compensated for by such payment may have been rendered
10 in a prior fiscal year. Such payments shall not be
11 subject to the requirements of subparagraph (A).

12 (3) Extended lapse period for Department of Healthcare
13 and Family Services Medical Assistance payments.
14 Notwithstanding any other State law to the contrary,
15 outstanding Department of Healthcare and Family Services
16 Medical Assistance liabilities, as of June 30th, payable
17 from appropriations which have otherwise expired, may be
18 paid out of the expiring appropriations during the 6-month
19 period ending at the close of business on December 31st.

20 (1) The changes to this Section made by Public Act 97-691
21 ~~this amendatory Act of the 97th General Assembly~~ shall be
22 effective for payment of Medical Assistance bills incurred in
23 fiscal year 2013 and future fiscal years. The changes to this
24 Section made by Public Act 97-691 ~~this amendatory Act of the~~
25 ~~97th General Assembly~~ shall not be applied to Medical
26 Assistance bills incurred in fiscal year 2012 or prior fiscal

1 years.

2 (m) ~~(k)~~ The Comptroller must issue payments against
3 outstanding liabilities that were received prior to the lapse
4 period deadlines set forth in this Section as soon thereafter
5 as practical, but no payment may be issued after the 4 months
6 following the lapse period deadline without the signed
7 authorization of the Comptroller and the Governor.

8 (Source: P.A. 96-928, eff. 6-15-10; 96-958, eff. 7-1-10;
9 96-1501, eff. 1-25-11; 97-75, eff. 6-30-11; 97-333, eff.
10 8-12-11; 97-691, eff. 7-1-12; 97-732, eff. 6-30-12; 97-932,
11 eff. 8-10-12; revised 8-23-12.)

12 (30 ILCS 105/5.604 rep.)

13 Section 131. The State Finance Act is amended by repealing
14 Section 5.604.

15 Section 135. The General Obligation Bond Act is amended by
16 changing Section 2 as follows:

17 (30 ILCS 330/2) (from Ch. 127, par. 652)

18 Sec. 2. Authorization for Bonds. The State of Illinois is
19 authorized to issue, sell and provide for the retirement of
20 General Obligation Bonds of the State of Illinois for the
21 categories and specific purposes expressed in Sections 2
22 through 8 of this Act, in the total amount of \$47,092,925,743
23 ~~\$45,476,125,743.~~

1 The bonds authorized in this Section 2 and in Section 16 of
2 this Act are herein called "Bonds".

3 Of the total amount of Bonds authorized in this Act, up to
4 \$2,200,000,000 in aggregate original principal amount may be
5 issued and sold in accordance with the Baccalaureate Savings
6 Act in the form of General Obligation College Savings Bonds.

7 Of the total amount of Bonds authorized in this Act, up to
8 \$300,000,000 in aggregate original principal amount may be
9 issued and sold in accordance with the Retirement Savings Act
10 in the form of General Obligation Retirement Savings Bonds.

11 Of the total amount of Bonds authorized in this Act, the
12 additional \$10,000,000,000 authorized by Public Act 93-2, the
13 \$3,466,000,000 authorized by Public Act 96-43, and the
14 \$4,096,348,300 authorized by Public Act 96-1497 shall be used
15 solely as provided in Section 7.2.

16 The issuance and sale of Bonds pursuant to the General
17 Obligation Bond Act is an economical and efficient method of
18 financing the long-term capital needs of the State. This Act
19 will permit the issuance of a multi-purpose General Obligation
20 Bond with uniform terms and features. This will not only lower
21 the cost of registration but also reduce the overall cost of
22 issuing debt by improving the marketability of Illinois General
23 Obligation Bonds.

24 (Source: P.A. 96-5, eff. 4-3-09; 96-36, eff. 7-13-09; 96-43,
25 eff. 7-15-09; 96-885, eff. 3-11-10; 96-1000, eff. 7-2-10;
26 96-1497, eff. 1-14-11; 96-1554, eff. 3-18-11; 97-333, eff.

1 8-12-11; 97-771, eff. 7-10-12; 97-813, eff. 7-13-12; revised
2 7-23-12.)

3 Section 140. The Illinois Procurement Code is amended by
4 changing Section 1-10 as follows:

5 (30 ILCS 500/1-10)

6 Sec. 1-10. Application.

7 (a) This Code applies only to procurements for which
8 contractors were first solicited on or after July 1, 1998. This
9 Code shall not be construed to affect or impair any contract,
10 or any provision of a contract, entered into based on a
11 solicitation prior to the implementation date of this Code as
12 described in Article 99, including but not limited to any
13 covenant entered into with respect to any revenue bonds or
14 similar instruments. All procurements for which contracts are
15 solicited between the effective date of Articles 50 and 99 and
16 July 1, 1998 shall be substantially in accordance with this
17 Code and its intent.

18 (b) This Code shall apply regardless of the source of the
19 funds with which the contracts are paid, including federal
20 assistance moneys. This Code shall not apply to:

21 (1) Contracts between the State and its political
22 subdivisions or other governments, or between State
23 governmental bodies except as specifically provided in
24 this Code.

1 (2) Grants, except for the filing requirements of
2 Section 20-80.

3 (3) Purchase of care.

4 (4) Hiring of an individual as employee and not as an
5 independent contractor, whether pursuant to an employment
6 code or policy or by contract directly with that
7 individual.

8 (5) Collective bargaining contracts.

9 (6) Purchase of real estate, except that notice of this
10 type of contract with a value of more than \$25,000 must be
11 published in the Procurement Bulletin within 7 days after
12 the deed is recorded in the county of jurisdiction. The
13 notice shall identify the real estate purchased, the names
14 of all parties to the contract, the value of the contract,
15 and the effective date of the contract.

16 (7) Contracts necessary to prepare for anticipated
17 litigation, enforcement actions, or investigations,
18 provided that the chief legal counsel to the Governor shall
19 give his or her prior approval when the procuring agency is
20 one subject to the jurisdiction of the Governor, and
21 provided that the chief legal counsel of any other
22 procuring entity subject to this Code shall give his or her
23 prior approval when the procuring entity is not one subject
24 to the jurisdiction of the Governor.

25 (8) Contracts for services to Northern Illinois
26 University by a person, acting as an independent

1 contractor, who is qualified by education, experience, and
2 technical ability and is selected by negotiation for the
3 purpose of providing non-credit educational service
4 activities or products by means of specialized programs
5 offered by the university.

6 (9) Procurement expenditures by the Illinois
7 Conservation Foundation when only private funds are used.

8 (10) Procurement expenditures by the Illinois Health
9 Information Exchange Authority involving private funds
10 from the Health Information Exchange Fund. "Private funds"
11 means gifts, donations, and private grants.

12 (11) Public-private agreements entered into according
13 to the procurement requirements of Section 20 of the
14 Public-Private Partnerships for Transportation Act and
15 design-build agreements entered into according to the
16 procurement requirements of Section 25 of the
17 Public-Private Partnerships for Transportation Act.

18 (c) This Code does not apply to the electric power
19 procurement process provided for under Section 1-75 of the
20 Illinois Power Agency Act and Section 16-111.5 of the Public
21 Utilities Act.

22 (d) Except for Section 20-160 and Article 50 of this Code,
23 and as expressly required by Section 9.1 of the Illinois
24 Lottery Law, the provisions of this Code do not apply to the
25 procurement process provided for under Section 9.1 of the
26 Illinois Lottery Law.

1 (e) This Code does not apply to the process used by the
2 Capital Development Board to retain a person or entity to
3 assist the Capital Development Board with its duties related to
4 the determination of costs of a clean coal SNG brownfield
5 facility, as defined by Section 1-10 of the Illinois Power
6 Agency Act, as required in subsection (h-3) of Section 9-220 of
7 the Public Utilities Act, including calculating the range of
8 capital costs, the range of operating and maintenance costs, or
9 the sequestration costs or monitoring the construction of clean
10 coal SNG brownfield facility for the full duration of
11 construction.

12 (f) This Code does not apply to the process used by the
13 Illinois Power Agency to retain a mediator to mediate sourcing
14 agreement disputes between gas utilities and the clean coal SNG
15 brownfield facility, as defined in Section 1-10 of the Illinois
16 Power Agency Act, as required under subsection (h-1) of Section
17 9-220 of the Public Utilities Act.

18 (g) This Code does not apply to the processes used by the
19 Illinois Power Agency to retain a mediator to mediate contract
20 disputes between gas utilities and the clean coal SNG facility
21 and to retain an expert to assist in the review of contracts
22 under subsection (h) of Section 9-220 of the Public Utilities
23 Act. This Code does not apply to the process used by the
24 Illinois Commerce Commission to retain an expert to assist in
25 determining the actual incurred costs of the clean coal SNG
26 facility and the reasonableness of those costs as required

1 under subsection (h) of Section 9-220 of the Public Utilities
2 Act.

3 (h) This Code does not apply to the process to procure or
4 contracts entered into in accordance with Sections 11-5.2 and
5 11-5.3 of the Illinois Public Aid Code.

6 (i) ~~(h)~~ Each chief procurement officer may access records
7 necessary to review whether a contract, purchase, or other
8 expenditure is or is not subject to the provisions of this
9 Code, unless such records would be subject to attorney-client
10 privilege.

11 (Source: P.A. 96-840, eff. 12-23-09; 96-1331, eff. 7-27-10;
12 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502, eff. 8-23-11;
13 97-689, eff. 6-14-12; 97-813, eff. 7-13-12; 97-895, eff.
14 8-3-12; revised 8-23-12.)

15 Section 145. The Procurement of Domestic Products Act is
16 amended by changing Section 5 as follows:

17 (30 ILCS 517/5)

18 Sec. 5. Definitions. As used in this Act:

19 "Manufactured in the United States" means, in the case of
20 assembled articles, materials, or supplies, that design, final
21 assembly, processing, packaging, testing, or other process
22 that adds value, quality, or reliability occurs in the United
23 States.

24 "Procured products" means assembled articles, materials,

1 or supplies purchased by a State agency.

2 "Purchasing agency" means a State agency.

3 "State agency" means each agency, department, authority,
4 board, or commission of the executive branch of State
5 government, including each university, whether created by
6 statute or by executive order of the Governor.

7 "United States" means the United States and any place
8 subject to the jurisdiction of the United States.

9 (Source: P.A. 93-954, eff. 1-1-05; 94-540, eff. 1-1-06; revised
10 8-3-12.)

11 Section 150. The Downstate Public Transportation Act is
12 amended by changing Section 1-2 as follows:

13 (30 ILCS 740/1-2) (from Ch. 111 2/3, par. 661.01)

14 Sec. 1-2. (1) The General Assembly finds:

15 (a) that the predominant part of the State's population
16 is located in its rapidly expanding metropolitan and urban
17 areas;

18 (b) that the welfare and vitality of urban areas and
19 the satisfactory movement of people and goods within such
20 areas are being jeopardized by the deterioration or
21 inadequate provision of urban transportation facilities
22 and services and the intensification of traffic
23 congestion; and

24 (c) that State financial assistance for the

1 development of efficient and coordinated mass
2 transportation systems is essential to the solution of
3 these urban problems.

4 (2) The purposes of this Act are:

5 (a) to assist in the development of improved mass
6 transportation systems; and

7 (b) to provide assistance to participants in financing
8 such systems as provided in Section 7 of Article XIII ~~13~~ of
9 the Constitution.

10 (Source: P.A. 82-783; revised 10-10-12.)

11 Section 155. The State Mandates Act is amended by changing
12 Section 8.36 as follows:

13 (30 ILCS 805/8.36)

14 Sec. 8.36. Exempt mandate. Notwithstanding Sections 6 and 8
15 of this Act, no reimbursement by the State is required for the
16 implementation of any mandate created by Public Act 97-716,
17 97-854, 97-894, 97-912, 97-933, or 97-976 ~~this amendatory Act~~
18 ~~of the 97th General Assembly.~~

19 (Source: P.A. 97-716, eff. 6-29-12; 97-854, eff. 7-26-12;
20 97-894, eff. 8-3-12; 97-912, eff. 8-8-12; 97-933, eff. 8-10-12;
21 97-976, eff. 1-1-13; revised 9-11-12.)

22 Section 160. The Illinois Income Tax Act is amended by
23 changing Sections 507JJ, 909, 1201, 1202, and 1408 as follows:

1 (35 ILCS 5/507JJ)

2 Sec. 507JJ. The Autism Research Checkoff Fund checkoff. For
3 taxable years ending on or after December 31, 2005, the
4 Department must print on its standard individual income tax
5 form a provision indicating that if the taxpayer wishes to
6 contribute to the Autism Research Checkoff Fund, as authorized
7 by Public Act 94-442, he or she may do so by stating the amount
8 of the contribution (not less than \$1) on the return and that
9 the contribution will reduce the taxpayer's refund or increase
10 the amount of payment to accompany the return. Failure to remit
11 any amount of increased payment shall reduce the contribution
12 accordingly. This Section does not apply to any amended return.
13 (Source: P.A. 94-442, eff. 8-4-05; 95-331, eff. 8-21-07;
14 revised 10-17-12.)

15 (35 ILCS 5/909) (from Ch. 120, par. 9-909)

16 Sec. 909. Credits and Refunds.

17 (a) In general. In the case of any overpayment, the
18 Department, within the applicable period of limitations for a
19 claim for refund, may credit the amount of such overpayment,
20 including any interest allowed thereon, against any liability
21 in respect of the tax imposed by this Act, regardless of
22 whether other collection remedies are closed to the Department
23 on the part of the person who made the overpayment and shall
24 refund any balance to such person.

1 (b) Credits against estimated tax. The Department may
2 prescribe regulations providing for the crediting against the
3 estimated tax for any taxable year of the amount determined by
4 the taxpayer or the Department to be an overpayment of the tax
5 imposed by this Act for a preceding taxable year.

6 (c) Interest on overpayment. Interest shall be allowed and
7 paid at the rate and in the manner prescribed in Section 3-2 of
8 the Uniform Penalty and Interest Act upon any overpayment in
9 respect of the tax imposed by this Act. For purposes of this
10 subsection, no amount of tax, for any taxable year, shall be
11 treated as having been paid before the date on which the tax
12 return for such year was due under Section 505, without regard
13 to any extension of the time for filing such return.

14 (d) Refund claim. Every claim for refund shall be filed
15 with the Department in writing in such form as the Department
16 may by regulations prescribe, and shall state the specific
17 grounds upon which it is founded.

18 (e) Notice of denial. As soon as practicable after a claim
19 for refund is filed, the Department shall examine it and either
20 issue a notice of refund, abatement or credit to the claimant
21 or issue a notice of denial. If the Department has failed to
22 approve or deny the claim before the expiration of 6 months
23 from the date the claim was filed, the claimant may
24 nevertheless thereafter file with the Department a written
25 protest in such form as the Department may by regulation
26 prescribe, provided that, on or after July 1, 2013, protests

1 concerning matters that are subject to the jurisdiction of the
2 Illinois Independent Tax Tribunal shall be filed with the
3 Illinois Independent Tax Tribunal and not with the Department.
4 If the protest is subject to the jurisdiction of the
5 Department, the Department shall consider the claim and, if the
6 taxpayer has so requested, shall grant the taxpayer or the
7 taxpayer's authorized representative a hearing within 6 months
8 after the date such request is filed.

9 On and after July 1, 2013, if the protest would otherwise
10 be subject to the jurisdiction of the Illinois Independent Tax
11 Tribunal, the claimant may elect to treat the Department's
12 non-action as a denial of the claim by filing a petition to
13 review the Department's administrative decision with the
14 Illinois Independent Tax Tribunal, as provided by Section 910.

15 (f) Effect of denial. A denial of a claim for refund
16 becomes final 60 days after the date of issuance of the notice
17 of such denial except for such amounts denied as to which the
18 claimant has filed a protest with the Department or a petition
19 with the Illinois Independent Tax Tribunal, as provided by
20 Section 910.

21 (g) An overpayment of tax shown on the face of an unsigned
22 return shall be considered forfeited to the State if after
23 notice and demand for signature by the Department the taxpayer
24 fails to provide a signature and 3 years have passed from the
25 date the return was filed. An overpayment of tax refunded to a
26 taxpayer whose return was filed electronically shall be

1 considered an erroneous refund under Section 912 of this Act
2 if, after proper notice and demand by the Department, the
3 taxpayer fails to provide a required signature document. A
4 notice and demand for signature in the case of a return
5 reflecting an overpayment may be made by first class mail. This
6 subsection (g) shall apply to all returns filed pursuant to
7 this Act since 1969.

8 (h) This amendatory Act of 1983 applies to returns and
9 claims for refunds filed with the Department on and after July
10 1, 1983.

11 (Source: P.A. 97-507, eff. 8-23-11; 97-1129, eff. 8-28-12;
12 revised 10-10-12.)

13 (35 ILCS 5/1201) (from Ch. 120, par. 12-1201)

14 Sec. 1201. Administrative Review Law; Illinois Independent
15 Tax Tribunal Act of 2012. The provisions of the Administrative
16 Review Law, and the rules adopted pursuant thereto, shall apply
17 to and govern all proceedings for the judicial review of final
18 actions of the Department referred to in Sections 908 (d) and
19 910 (d). Such final actions shall constitute "administrative
20 decisions" as defined in Section 3-101 of the Code of Civil
21 Procedure.

22 Notwithstanding any other provision of law, on and after
23 July 1, 2013, the provisions of the Illinois Independent Tax
24 Tribunal Act of 2012, and the rules adopted pursuant thereto,
25 shall apply to and govern all proceedings for the judicial

1 review of final administrative decisions of the Department that
2 are subject to that Act, as defined in Section 1-70 of the
3 Illinois Independent Tax Tribunal Act of 2012.

4 (Source: P.A. 97-1129, eff. 8-28-12; revised 10-10-12.)

5 (35 ILCS 5/1202) (from Ch. 120, par. 12-1202)

6 Sec. 1202. Venue. Except as otherwise provided in the
7 Illinois Independent Tax Tribunal Act of 2012, the Circuit
8 Court of the county wherein the taxpayer has his residence or
9 commercial domicile, or of Cook County in those cases where the
10 taxpayer does not have his residence or commercial domicile in
11 this State, shall have power to review all final administrative
12 decisions of the Department in administering the provisions of
13 this Act.

14 (Source: P.A. 97-1129, eff. 8-28-12; revised 10-10-12.)

15 (35 ILCS 5/1408) (from Ch. 120, par. 14-1408)

16 Sec. 1408. Except as otherwise provided in the Illinois
17 Independent Tax Tribunal Act of 2012, the Illinois
18 Administrative Procedure Act is hereby expressly adopted and
19 shall apply to all administrative rules and procedures of the
20 Department of Revenue under this Act, except that (1) paragraph
21 (b) of Section 5-10 of the Illinois Administrative Procedure
22 Act does not apply to final orders, decisions and opinions of
23 the Department, (2) subparagraph (a)2 of Section 5-10 of the
24 Illinois Administrative Procedure Act does not apply to forms

1 established by the Department for use under this Act, and (3)
2 the provisions of Section 10-45 of the Illinois Administrative
3 Procedure Act regarding proposals for decision are excluded and
4 not applicable to the Department under this Act.

5 (Source: P.A. 97-1129, eff. 8-28-12; revised 10-10-12.)

6 Section 165. The Use Tax Act is amended by changing Section
7 3-8 as follows:

8 (35 ILCS 105/3-8)

9 Sec. 3-8. Hospital exemption.

10 (a) Tangible personal property sold to or used by a
11 hospital owner that owns one or more hospitals licensed under
12 the Hospital Licensing Act or operated under the University of
13 Illinois Hospital Act, or a hospital affiliate that is not
14 already exempt under another provision of this Act and meets
15 the criteria for an exemption under this Section, is exempt
16 from taxation under this Act.

17 (b) A hospital owner or hospital affiliate satisfies the
18 conditions for an exemption under this Section if the value of
19 qualified services or activities listed in subsection (c) of
20 this Section for the hospital year equals or exceeds the
21 relevant hospital entity's estimated property tax liability,
22 without regard to any property tax exemption granted under
23 Section 15-86 of the Property Tax Code, for the calendar year
24 in which exemption or renewal of exemption is sought. For

1 purposes of making the calculations required by this subsection
2 (b), if the relevant hospital entity is a hospital owner that
3 owns more than one hospital, the value of the services or
4 activities listed in subsection (c) shall be calculated on the
5 basis of only those services and activities relating to the
6 hospital that includes the subject property, and the relevant
7 hospital entity's estimated property tax liability shall be
8 calculated only with respect to the properties comprising that
9 hospital. In the case of a multi-state hospital system or
10 hospital affiliate, the value of the services or activities
11 listed in subsection (c) shall be calculated on the basis of
12 only those services and activities that occur in Illinois and
13 the relevant hospital entity's estimated property tax
14 liability shall be calculated only with respect to its property
15 located in Illinois.

16 (c) The following services and activities shall be
17 considered for purposes of making the calculations required by
18 subsection (b):

19 (1) Charity care. Free or discounted services provided
20 pursuant to the relevant hospital entity's financial
21 assistance policy, measured at cost, including discounts
22 provided under the Hospital Uninsured Patient Discount
23 Act.

24 (2) Health services to low-income and underserved
25 individuals. Other unreimbursed costs of the relevant
26 hospital entity for providing without charge, paying for,

1 or subsidizing goods, activities, or services for the
2 purpose of addressing the health of low-income or
3 underserved individuals. Those activities or services may
4 include, but are not limited to: financial or in-kind
5 support to affiliated or unaffiliated hospitals, hospital
6 affiliates, community clinics, or programs that treat
7 low-income or underserved individuals; paying for or
8 subsidizing health care professionals who care for
9 low-income or underserved individuals; providing or
10 subsidizing outreach or educational services to low-income
11 or underserved individuals for disease management and
12 prevention; free or subsidized goods, supplies, or
13 services needed by low-income or underserved individuals
14 because of their medical condition; and prenatal or
15 childbirth outreach to low-income or underserved persons.

16 (3) Subsidy of State or local governments. Direct or
17 indirect financial or in-kind subsidies of State or local
18 governments by the relevant hospital entity that pay for or
19 subsidize activities or programs related to health care for
20 low-income or underserved individuals.

21 (4) Support for State health care programs for
22 low-income individuals. At the election of the hospital
23 applicant for each applicable year, either (A) 10% of
24 payments to the relevant hospital entity and any hospital
25 affiliate designated by the relevant hospital entity
26 (provided that such hospital affiliate's operations

1 provide financial or operational support for or receive
2 financial or operational support from the relevant
3 hospital entity) under Medicaid or other means-tested
4 programs, including, but not limited to, General
5 Assistance, the Covering ALL KIDS Health Insurance Act, and
6 the State Children's Health Insurance Program or (B) the
7 amount of subsidy provided by the relevant hospital entity
8 and any hospital affiliate designated by the relevant
9 hospital entity (provided that such hospital affiliate's
10 operations provide financial or operational support for or
11 receive financial or operational support from the relevant
12 hospital entity) to State or local government in treating
13 Medicaid recipients and recipients of means-tested
14 programs, including but not limited to General Assistance,
15 the Covering ALL KIDS Health Insurance Act, and the State
16 Children's Health Insurance Program. The amount of subsidy
17 for purpose of this item (4) is calculated in the same
18 manner as unreimbursed costs are calculated for Medicaid
19 and other means-tested government programs in the Schedule
20 H of IRS Form 990 in effect on the effective date of this
21 amendatory Act of the 97th General Assembly.

22 (5) Dual-eligible subsidy. The amount of subsidy
23 provided to government by treating dual-eligible
24 Medicare/Medicaid patients. The amount of subsidy for
25 purposes of this item (5) is calculated by multiplying the
26 relevant hospital entity's unreimbursed costs for

1 Medicare, calculated in the same manner as determined in
2 the Schedule H of IRS Form 990 in effect on the effective
3 date of this amendatory Act of the 97th General Assembly,
4 by the relevant hospital entity's ratio of dual-eligible
5 patients to total Medicare patients.

6 (6) Relief of the burden of government related to
7 health care. Except to the extent otherwise taken into
8 account in this subsection, the portion of unreimbursed
9 costs of the relevant hospital entity attributable to
10 providing, paying for, or subsidizing goods, activities,
11 or services that relieve the burden of government related
12 to health care for low-income individuals. Such activities
13 or services shall include, but are not limited to,
14 providing emergency, trauma, burn, neonatal, psychiatric,
15 rehabilitation, or other special services; providing
16 medical education; and conducting medical research or
17 training of health care professionals. The portion of those
18 unreimbursed costs attributable to benefiting low-income
19 individuals shall be determined using the ratio calculated
20 by adding the relevant hospital entity's costs
21 attributable to charity care, Medicaid, other means-tested
22 government programs, disabled Medicare patients under age
23 65, and dual-eligible Medicare/Medicaid patients and
24 dividing that total by the relevant hospital entity's total
25 costs. Such costs for the numerator and denominator shall
26 be determined by multiplying gross charges by the cost to

1 charge ratio taken from the hospital's most recently filed
2 Medicare cost report (CMS 2252-10 Worksheet, Part I). In
3 the case of emergency services, the ratio shall be
4 calculated using costs (gross charges multiplied by the
5 cost to charge ratio taken from the hospital's most
6 recently filed Medicare cost report (CMS 2252-10
7 Worksheet, Part I)) of patients treated in the relevant
8 hospital entity's emergency department.

9 (7) Any other activity by the relevant hospital entity
10 that the Department determines relieves the burden of
11 government or addresses the health of low-income or
12 underserved individuals.

13 (d) The hospital applicant shall include information in its
14 exemption application establishing that it satisfies the
15 requirements of subsection (b). For purposes of making the
16 calculations required by subsection (b), the hospital
17 applicant may for each year elect to use either (1) the value
18 of the services or activities listed in subsection (e) for the
19 hospital year or (2) the average value of those services or
20 activities for the 3 fiscal years ending with the hospital
21 year. If the relevant hospital entity has been in operation for
22 less than 3 completed fiscal years, then the latter
23 calculation, if elected, shall be performed on a pro rata
24 basis.

25 (e) For purposes of making the calculations required by
26 this Section:

1 (1) particular services or activities eligible for
2 consideration under any of the paragraphs (1) through (7)
3 of subsection (c) may not be counted under more than one of
4 those paragraphs; and

5 (2) the amount of unreimbursed costs and the amount of
6 subsidy shall not be reduced by restricted or unrestricted
7 payments received by the relevant hospital entity as
8 contributions deductible under Section 170(a) of the
9 Internal Revenue Code.

10 (f) (Blank).

11 (g) Estimation of Exempt Property Tax Liability. The
12 estimated property tax liability used for the determination in
13 subsection (b) shall be calculated as follows:

14 (1) "Estimated property tax liability" means the
15 estimated dollar amount of property tax that would be owed,
16 with respect to the exempt portion of each of the relevant
17 hospital entity's properties that are already fully or
18 partially exempt, or for which an exemption in whole or in
19 part is currently being sought, and then aggregated as
20 applicable, as if the exempt portion of those properties
21 were subject to tax, calculated with respect to each such
22 property by multiplying:

23 (A) the lesser of (i) the actual assessed value, if
24 any, of the portion of the property for which an
25 exemption is sought or (ii) an estimated assessed value
26 of the exempt portion of such property as determined in

1 item (2) of this subsection (g), by

2 (B) the applicable State equalization rate
3 (yielding the equalized assessed value), by

4 (C) the applicable tax rate.

5 (2) The estimated assessed value of the exempt portion
6 of the property equals the sum of (i) the estimated fair
7 market value of buildings on the property, as determined in
8 accordance with subparagraphs (A) and (B) of this item (2),
9 multiplied by the applicable assessment factor, and (ii)
10 the estimated assessed value of the land portion of the
11 property, as determined in accordance with subparagraph
12 (C).

13 (A) The "estimated fair market value of buildings
14 on the property" means the replacement value of any
15 exempt portion of buildings on the property, minus
16 depreciation, determined utilizing the cost
17 replacement method whereby the exempt square footage
18 of all such buildings is multiplied by the replacement
19 cost per square foot for Class A Average building found
20 in the most recent edition of the Marshall & Swift
21 Valuation Services Manual, adjusted by any appropriate
22 current cost and local multipliers.

23 (B) Depreciation, for purposes of calculating the
24 estimated fair market value of buildings on the
25 property, is applied by utilizing a weighted mean life
26 for the buildings based on original construction and

1 assuming a 40-year life for hospital buildings and the
2 applicable life for other types of buildings as
3 specified in the American Hospital Association
4 publication "Estimated Useful Lives of Depreciable
5 Hospital Assets". In the case of hospital buildings,
6 the remaining life is divided by 40 and this ratio is
7 multiplied by the replacement cost of the buildings to
8 obtain an estimated fair market value of buildings. If
9 a hospital building is older than 35 years, a remaining
10 life of 5 years for residual value is assumed; and if a
11 building is less than 8 years old, a remaining life of
12 32 years is assumed.

13 (C) The estimated assessed value of the land
14 portion of the property shall be determined by
15 multiplying (i) the per square foot average of the
16 assessed values of three parcels of land (not including
17 farm land, and excluding the assessed value of the
18 improvements thereon) reasonably comparable to the
19 property, by (ii) the number of square feet comprising
20 the exempt portion of the property's land square
21 footage.

22 (3) The assessment factor, State equalization rate,
23 and tax rate (including any special factors such as
24 Enterprise Zones) used in calculating the estimated
25 property tax liability shall be for the most recent year
26 that is publicly available from the applicable chief county

1 assessment officer or officers at least 90 days before the
2 end of the hospital year.

3 (4) The method utilized to calculate estimated
4 property tax liability for purposes of this Section 15-86
5 shall not be utilized for the actual valuation, assessment,
6 or taxation of property pursuant to the Property Tax Code.

7 (h) For the purpose of this Section, the following terms
8 shall have the meanings set forth below:

9 (1) "Hospital" means any institution, place, building,
10 buildings on a campus, or other health care facility
11 located in Illinois that is licensed under the Hospital
12 Licensing Act and has a hospital owner.

13 (2) "Hospital owner" means a not-for-profit
14 corporation that is the titleholder of a hospital, or the
15 owner of the beneficial interest in an Illinois land trust
16 that is the titleholder of a hospital.

17 (3) "Hospital affiliate" means any corporation,
18 partnership, limited partnership, joint venture, limited
19 liability company, association or other organization,
20 other than a hospital owner, that directly or indirectly
21 controls, is controlled by, or is under common control with
22 one or more hospital owners and that supports, is supported
23 by, or acts in furtherance of the exempt health care
24 purposes of at least one of those hospital owners'
25 hospitals.

26 (4) "Hospital system" means a hospital and one or more

1 other hospitals or hospital affiliates related by common
2 control or ownership.

3 (5) "Control" relating to hospital owners, hospital
4 affiliates, or hospital systems means possession, direct
5 or indirect, of the power to direct or cause the direction
6 of the management and policies of the entity, whether
7 through ownership of assets, membership interest, other
8 voting or governance rights, by contract or otherwise.

9 (6) "Hospital applicant" means a hospital owner or
10 hospital affiliate that files an application for an
11 exemption or renewal of exemption under this Section.

12 (7) "Relevant hospital entity" means (A) the hospital
13 owner, in the case of a hospital applicant that is a
14 hospital owner, and (B) at the election of a hospital
15 applicant that is a hospital affiliate, either (i) the
16 hospital affiliate or (ii) the hospital system to which the
17 hospital applicant belongs, including any hospitals or
18 hospital affiliates that are related by common control or
19 ownership.

20 (8) "Subject property" means property used for the
21 calculation under subsection (b) of this Section.

22 (9) "Hospital year" means the fiscal year of the
23 relevant hospital entity, or the fiscal year of one of the
24 hospital owners in the hospital system if the relevant
25 hospital entity is a hospital system with members with
26 different fiscal years, that ends in the year for which the

1 exemption is sought.

2 (Source: P.A. 97-688, eff. 6-14-12; revised 8-3-12.)

3 Section 170. The Service Use Tax Act is amended by changing
4 Section 3-8 as follows:

5 (35 ILCS 110/3-8)

6 Sec. 3-8. Hospital exemption.

7 (a) Tangible personal property sold to or used by a
8 hospital owner that owns one or more hospitals licensed under
9 the Hospital Licensing Act or operated under the University of
10 Illinois Hospital Act, or a hospital affiliate that is not
11 already exempt under another provision of this Act and meets
12 the criteria for an exemption under this Section, is exempt
13 from taxation under this Act.

14 (b) A hospital owner or hospital affiliate satisfies the
15 conditions for an exemption under this Section if the value of
16 qualified services or activities listed in subsection (c) of
17 this Section for the hospital year equals or exceeds the
18 relevant hospital entity's estimated property tax liability,
19 without regard to any property tax exemption granted under
20 Section 15-86 of the Property Tax Code, for the calendar year
21 in which exemption or renewal of exemption is sought. For
22 purposes of making the calculations required by this subsection
23 (b), if the relevant hospital entity is a hospital owner that
24 owns more than one hospital, the value of the services or

1 activities listed in subsection (c) shall be calculated on the
2 basis of only those services and activities relating to the
3 hospital that includes the subject property, and the relevant
4 hospital entity's estimated property tax liability shall be
5 calculated only with respect to the properties comprising that
6 hospital. In the case of a multi-state hospital system or
7 hospital affiliate, the value of the services or activities
8 listed in subsection (c) shall be calculated on the basis of
9 only those services and activities that occur in Illinois and
10 the relevant hospital entity's estimated property tax
11 liability shall be calculated only with respect to its property
12 located in Illinois.

13 (c) The following services and activities shall be
14 considered for purposes of making the calculations required by
15 subsection (b):

16 (1) Charity care. Free or discounted services provided
17 pursuant to the relevant hospital entity's financial
18 assistance policy, measured at cost, including discounts
19 provided under the Hospital Uninsured Patient Discount
20 Act.

21 (2) Health services to low-income and underserved
22 individuals. Other unreimbursed costs of the relevant
23 hospital entity for providing without charge, paying for,
24 or subsidizing goods, activities, or services for the
25 purpose of addressing the health of low-income or
26 underserved individuals. Those activities or services may

1 include, but are not limited to: financial or in-kind
2 support to affiliated or unaffiliated hospitals, hospital
3 affiliates, community clinics, or programs that treat
4 low-income or underserved individuals; paying for or
5 subsidizing health care professionals who care for
6 low-income or underserved individuals; providing or
7 subsidizing outreach or educational services to low-income
8 or underserved individuals for disease management and
9 prevention; free or subsidized goods, supplies, or
10 services needed by low-income or underserved individuals
11 because of their medical condition; and prenatal or
12 childbirth outreach to low-income or underserved persons.

13 (3) Subsidy of State or local governments. Direct or
14 indirect financial or in-kind subsidies of State or local
15 governments by the relevant hospital entity that pay for or
16 subsidize activities or programs related to health care for
17 low-income or underserved individuals.

18 (4) Support for State health care programs for
19 low-income individuals. At the election of the hospital
20 applicant for each applicable year, either (A) 10% of
21 payments to the relevant hospital entity and any hospital
22 affiliate designated by the relevant hospital entity
23 (provided that such hospital affiliate's operations
24 provide financial or operational support for or receive
25 financial or operational support from the relevant
26 hospital entity) under Medicaid or other means-tested

1 programs, including, but not limited to, General
2 Assistance, the Covering ALL KIDS Health Insurance Act, and
3 the State Children's Health Insurance Program or (B) the
4 amount of subsidy provided by the relevant hospital entity
5 and any hospital affiliate designated by the relevant
6 hospital entity (provided that such hospital affiliate's
7 operations provide financial or operational support for or
8 receive financial or operational support from the relevant
9 hospital entity) to State or local government in treating
10 Medicaid recipients and recipients of means-tested
11 programs, including but not limited to General Assistance,
12 the Covering ALL KIDS Health Insurance Act, and the State
13 Children's Health Insurance Program. The amount of subsidy
14 for purposes of this item (4) is calculated in the same
15 manner as unreimbursed costs are calculated for Medicaid
16 and other means-tested government programs in the Schedule
17 H of IRS Form 990 in effect on the effective date of this
18 amendatory Act of the 97th General Assembly.

19 (5) Dual-eligible subsidy. The amount of subsidy
20 provided to government by treating dual-eligible
21 Medicare/Medicaid patients. The amount of subsidy for
22 purposes of this item (5) is calculated by multiplying the
23 relevant hospital entity's unreimbursed costs for
24 Medicare, calculated in the same manner as determined in
25 the Schedule H of IRS Form 990 in effect on the effective
26 date of this amendatory Act of the 97th General Assembly,

1 by the relevant hospital entity's ratio of dual-eligible
2 patients to total Medicare patients.

3 (6) Relief of the burden of government related to
4 health care. Except to the extent otherwise taken into
5 account in this subsection, the portion of unreimbursed
6 costs of the relevant hospital entity attributable to
7 providing, paying for, or subsidizing goods, activities,
8 or services that relieve the burden of government related
9 to health care for low-income individuals. Such activities
10 or services shall include, but are not limited to,
11 providing emergency, trauma, burn, neonatal, psychiatric,
12 rehabilitation, or other special services; providing
13 medical education; and conducting medical research or
14 training of health care professionals. The portion of those
15 unreimbursed costs attributable to benefiting low-income
16 individuals shall be determined using the ratio calculated
17 by adding the relevant hospital entity's costs
18 attributable to charity care, Medicaid, other means-tested
19 government programs, disabled Medicare patients under age
20 65, and dual-eligible Medicare/Medicaid patients and
21 dividing that total by the relevant hospital entity's total
22 costs. Such costs for the numerator and denominator shall
23 be determined by multiplying gross charges by the cost to
24 charge ratio taken from the hospital's most recently filed
25 Medicare cost report (CMS 2252-10 Worksheet, Part I). In
26 the case of emergency services, the ratio shall be

1 calculated using costs (gross charges multiplied by the
2 cost to charge ratio taken from the hospital's most
3 recently filed Medicare cost report (CMS 2252-10
4 Worksheet, Part I)) of patients treated in the relevant
5 hospital entity's emergency department.

6 (7) Any other activity by the relevant hospital entity
7 that the Department determines relieves the burden of
8 government or addresses the health of low-income or
9 underserved individuals.

10 (d) The hospital applicant shall include information in its
11 exemption application establishing that it satisfies the
12 requirements of subsection (b). For purposes of making the
13 calculations required by subsection (b), the hospital
14 applicant may for each year elect to use either (1) the value
15 of the services or activities listed in subsection (e) for the
16 hospital year or (2) the average value of those services or
17 activities for the 3 fiscal years ending with the hospital
18 year. If the relevant hospital entity has been in operation for
19 less than 3 completed fiscal years, then the latter
20 calculation, if elected, shall be performed on a pro rata
21 basis.

22 (e) For purposes of making the calculations required by
23 this Section:

24 (1) particular services or activities eligible for
25 consideration under any of the paragraphs (1) through (7)
26 of subsection (c) may not be counted under more than one of

1 those paragraphs; and

2 (2) the amount of unreimbursed costs and the amount of
3 subsidy shall not be reduced by restricted or unrestricted
4 payments received by the relevant hospital entity as
5 contributions deductible under Section 170(a) of the
6 Internal Revenue Code.

7 (f) (Blank).

8 (g) Estimation of Exempt Property Tax Liability. The
9 estimated property tax liability used for the determination in
10 subsection (b) shall be calculated as follows:

11 (1) "Estimated property tax liability" means the
12 estimated dollar amount of property tax that would be owed,
13 with respect to the exempt portion of each of the relevant
14 hospital entity's properties that are already fully or
15 partially exempt, or for which an exemption in whole or in
16 part is currently being sought, and then aggregated as
17 applicable, as if the exempt portion of those properties
18 were subject to tax, calculated with respect to each such
19 property by multiplying:

20 (A) the lesser of (i) the actual assessed value, if
21 any, of the portion of the property for which an
22 exemption is sought or (ii) an estimated assessed value
23 of the exempt portion of such property as determined in
24 item (2) of this subsection (g), by

25 (B) the applicable State equalization rate
26 (yielding the equalized assessed value), by

1 (C) the applicable tax rate.

2 (2) The estimated assessed value of the exempt portion
3 of the property equals the sum of (i) the estimated fair
4 market value of buildings on the property, as determined in
5 accordance with subparagraphs (A) and (B) of this item (2),
6 multiplied by the applicable assessment factor, and (ii)
7 the estimated assessed value of the land portion of the
8 property, as determined in accordance with subparagraph
9 (C).

10 (A) The "estimated fair market value of buildings
11 on the property" means the replacement value of any
12 exempt portion of buildings on the property, minus
13 depreciation, determined utilizing the cost
14 replacement method whereby the exempt square footage
15 of all such buildings is multiplied by the replacement
16 cost per square foot for Class A Average building found
17 in the most recent edition of the Marshall & Swift
18 Valuation Services Manual, adjusted by any appropriate
19 current cost and local multipliers.

20 (B) Depreciation, for purposes of calculating the
21 estimated fair market value of buildings on the
22 property, is applied by utilizing a weighted mean life
23 for the buildings based on original construction and
24 assuming a 40-year life for hospital buildings and the
25 applicable life for other types of buildings as
26 specified in the American Hospital Association

1 publication "Estimated Useful Lives of Depreciable
2 Hospital Assets". In the case of hospital buildings,
3 the remaining life is divided by 40 and this ratio is
4 multiplied by the replacement cost of the buildings to
5 obtain an estimated fair market value of buildings. If
6 a hospital building is older than 35 years, a remaining
7 life of 5 years for residual value is assumed; and if a
8 building is less than 8 years old, a remaining life of
9 32 years is assumed.

10 (C) The estimated assessed value of the land
11 portion of the property shall be determined by
12 multiplying (i) the per square foot average of the
13 assessed values of three parcels of land (not including
14 farm land, and excluding the assessed value of the
15 improvements thereon) reasonably comparable to the
16 property, by (ii) the number of square feet comprising
17 the exempt portion of the property's land square
18 footage.

19 (3) The assessment factor, State equalization rate,
20 and tax rate (including any special factors such as
21 Enterprise Zones) used in calculating the estimated
22 property tax liability shall be for the most recent year
23 that is publicly available from the applicable chief county
24 assessment officer or officers at least 90 days before the
25 end of the hospital year.

26 (4) The method utilized to calculate estimated

1 property tax liability for purposes of this Section 15-86
2 shall not be utilized for the actual valuation, assessment,
3 or taxation of property pursuant to the Property Tax Code.

4 (h) For the purpose of this Section, the following terms
5 shall have the meanings set forth below:

6 (1) "Hospital" means any institution, place, building,
7 buildings on a campus, or other health care facility
8 located in Illinois that is licensed under the Hospital
9 Licensing Act and has a hospital owner.

10 (2) "Hospital owner" means a not-for-profit
11 corporation that is the titleholder of a hospital, or the
12 owner of the beneficial interest in an Illinois land trust
13 that is the titleholder of a hospital.

14 (3) "Hospital affiliate" means any corporation,
15 partnership, limited partnership, joint venture, limited
16 liability company, association or other organization,
17 other than a hospital owner, that directly or indirectly
18 controls, is controlled by, or is under common control with
19 one or more hospital owners and that supports, is supported
20 by, or acts in furtherance of the exempt health care
21 purposes of at least one of those hospital owners'
22 hospitals.

23 (4) "Hospital system" means a hospital and one or more
24 other hospitals or hospital affiliates related by common
25 control or ownership.

26 (5) "Control" relating to hospital owners, hospital

1 affiliates, or hospital systems means possession, direct
2 or indirect, of the power to direct or cause the direction
3 of the management and policies of the entity, whether
4 through ownership of assets, membership interest, other
5 voting or governance rights, by contract or otherwise.

6 (6) "Hospital applicant" means a hospital owner or
7 hospital affiliate that files an application for an
8 exemption or renewal of exemption under this Section.

9 (7) "Relevant hospital entity" means (A) the hospital
10 owner, in the case of a hospital applicant that is a
11 hospital owner, and (B) at the election of a hospital
12 applicant that is a hospital affiliate, either (i) the
13 hospital affiliate or (ii) the hospital system to which the
14 hospital applicant belongs, including any hospitals or
15 hospital affiliates that are related by common control or
16 ownership.

17 (8) "Subject property" means property used for the
18 calculation under subsection (b) of this Section.

19 (9) "Hospital year" means the fiscal year of the
20 relevant hospital entity, or the fiscal year of one of the
21 hospital owners in the hospital system if the relevant
22 hospital entity is a hospital system with members with
23 different fiscal years, that ends in the year for which the
24 exemption is sought.

25 (Source: P.A. 97-688, eff. 6-14-12; revised 8-3-12.)

1 Section 175. The Service Occupation Tax Act is amended by
2 changing Section 3-8 as follows:

3 (35 ILCS 115/3-8)

4 Sec. 3-8. Hospital exemption.

5 (a) Tangible personal property sold to or used by a
6 hospital owner that owns one or more hospitals licensed under
7 the Hospital Licensing Act or operated under the University of
8 Illinois Hospital Act, or a hospital affiliate that is not
9 already exempt under another provision of this Act and meets
10 the criteria for an exemption under this Section, is exempt
11 from taxation under this Act.

12 (b) A hospital owner or hospital affiliate satisfies the
13 conditions for an exemption under this Section if the value of
14 qualified services or activities listed in subsection (c) of
15 this Section for the hospital year equals or exceeds the
16 relevant hospital entity's estimated property tax liability,
17 without regard to any property tax exemption granted under
18 Section 15-86 of the Property Tax Code, for the calendar year
19 in which exemption or renewal of exemption is sought. For
20 purposes of making the calculations required by this subsection
21 (b), if the relevant hospital entity is a hospital owner that
22 owns more than one hospital, the value of the services or
23 activities listed in subsection (c) shall be calculated on the
24 basis of only those services and activities relating to the
25 hospital that includes the subject property, and the relevant

1 hospital entity's estimated property tax liability shall be
2 calculated only with respect to the properties comprising that
3 hospital. In the case of a multi-state hospital system or
4 hospital affiliate, the value of the services or activities
5 listed in subsection (c) shall be calculated on the basis of
6 only those services and activities that occur in Illinois and
7 the relevant hospital entity's estimated property tax
8 liability shall be calculated only with respect to its property
9 located in Illinois.

10 (c) The following services and activities shall be
11 considered for purposes of making the calculations required by
12 subsection (b):

13 (1) Charity care. Free or discounted services provided
14 pursuant to the relevant hospital entity's financial
15 assistance policy, measured at cost, including discounts
16 provided under the Hospital Uninsured Patient Discount
17 Act.

18 (2) Health services to low-income and underserved
19 individuals. Other unreimbursed costs of the relevant
20 hospital entity for providing without charge, paying for,
21 or subsidizing goods, activities, or services for the
22 purpose of addressing the health of low-income or
23 underserved individuals. Those activities or services may
24 include, but are not limited to: financial or in-kind
25 support to affiliated or unaffiliated hospitals, hospital
26 affiliates, community clinics, or programs that treat

1 low-income or underserved individuals; paying for or
2 subsidizing health care professionals who care for
3 low-income or underserved individuals; providing or
4 subsidizing outreach or educational services to low-income
5 or underserved individuals for disease management and
6 prevention; free or subsidized goods, supplies, or
7 services needed by low-income or underserved individuals
8 because of their medical condition; and prenatal or
9 childbirth outreach to low-income or underserved persons.

10 (3) Subsidy of State or local governments. Direct or
11 indirect financial or in-kind subsidies of State or local
12 governments by the relevant hospital entity that pay for or
13 subsidize activities or programs related to health care for
14 low-income or underserved individuals.

15 (4) Support for State health care programs for
16 low-income individuals. At the election of the hospital
17 applicant for each applicable year, either (A) 10% of
18 payments to the relevant hospital entity and any hospital
19 affiliate designated by the relevant hospital entity
20 (provided that such hospital affiliate's operations
21 provide financial or operational support for or receive
22 financial or operational support from the relevant
23 hospital entity) under Medicaid or other means-tested
24 programs, including, but not limited to, General
25 Assistance, the Covering ALL KIDS Health Insurance Act, and
26 the State Children's Health Insurance Program or (B) the

1 amount of subsidy provided by the relevant hospital entity
2 and any hospital affiliate designated by the relevant
3 hospital entity (provided that such hospital affiliate's
4 operations provide financial or operational support for or
5 receive financial or operational support from the relevant
6 hospital entity) to State or local government in treating
7 Medicaid recipients and recipients of means-tested
8 programs, including but not limited to General Assistance,
9 the Covering ALL KIDS Health Insurance Act, and the State
10 Children's Health Insurance Program. The amount of subsidy
11 for purposes of this item (4) is calculated in the same
12 manner as unreimbursed costs are calculated for Medicaid
13 and other means-tested government programs in the Schedule
14 H of IRS Form 990 in effect on the effective date of this
15 amendatory Act of the 97th General Assembly.

16 (5) Dual-eligible subsidy. The amount of subsidy
17 provided to government by treating dual-eligible
18 Medicare/Medicaid patients. The amount of subsidy for
19 purposes of this item (5) is calculated by multiplying the
20 relevant hospital entity's unreimbursed costs for
21 Medicare, calculated in the same manner as determined in
22 the Schedule H of IRS Form 990 in effect on the effective
23 date of this amendatory Act of the 97th General Assembly,
24 by the relevant hospital entity's ratio of dual-eligible
25 patients to total Medicare patients.

26 (6) Relief of the burden of government related to

1 health care. Except to the extent otherwise taken into
2 account in this subsection, the portion of unreimbursed
3 costs of the relevant hospital entity attributable to
4 providing, paying for, or subsidizing goods, activities,
5 or services that relieve the burden of government related
6 to health care for low-income individuals. Such activities
7 or services shall include, but are not limited to,
8 providing emergency, trauma, burn, neonatal, psychiatric,
9 rehabilitation, or other special services; providing
10 medical education; and conducting medical research or
11 training of health care professionals. The portion of those
12 unreimbursed costs attributable to benefiting low-income
13 individuals shall be determined using the ratio calculated
14 by adding the relevant hospital entity's costs
15 attributable to charity care, Medicaid, other means-tested
16 government programs, disabled Medicare patients under age
17 65, and dual-eligible Medicare/Medicaid patients and
18 dividing that total by the relevant hospital entity's total
19 costs. Such costs for the numerator and denominator shall
20 be determined by multiplying gross charges by the cost to
21 charge ratio taken from the hospital's most recently filed
22 Medicare cost report (CMS 2252-10 Worksheet, Part I). In
23 the case of emergency services, the ratio shall be
24 calculated using costs (gross charges multiplied by the
25 cost to charge ratio taken from the hospital's most
26 recently filed Medicare cost report (CMS 2252-10

1 Worksheet, Part I)) of patients treated in the relevant
2 hospital entity's emergency department.

3 (7) Any other activity by the relevant hospital entity
4 that the Department determines relieves the burden of
5 government or addresses the health of low-income or
6 underserved individuals.

7 (d) The hospital applicant shall include information in its
8 exemption application establishing that it satisfies the
9 requirements of subsection (b). For purposes of making the
10 calculations required by subsection (b), the hospital
11 applicant may for each year elect to use either (1) the value
12 of the services or activities listed in subsection (e) for the
13 hospital year or (2) the average value of those services or
14 activities for the 3 fiscal years ending with the hospital
15 year. If the relevant hospital entity has been in operation for
16 less than 3 completed fiscal years, then the latter
17 calculation, if elected, shall be performed on a pro rata
18 basis.

19 (e) For purposes of making the calculations required by
20 this Section:

21 (1) particular services or activities eligible for
22 consideration under any of the paragraphs (1) through (7)
23 of subsection (c) may not be counted under more than one of
24 those paragraphs; and

25 (2) the amount of unreimbursed costs and the amount of
26 subsidy shall not be reduced by restricted or unrestricted

1 payments received by the relevant hospital entity as
2 contributions deductible under Section 170(a) of the
3 Internal Revenue Code.

4 (f) (Blank).

5 (g) Estimation of Exempt Property Tax Liability. The
6 estimated property tax liability used for the determination in
7 subsection (b) shall be calculated as follows:

8 (1) "Estimated property tax liability" means the
9 estimated dollar amount of property tax that would be owed,
10 with respect to the exempt portion of each of the relevant
11 hospital entity's properties that are already fully or
12 partially exempt, or for which an exemption in whole or in
13 part is currently being sought, and then aggregated as
14 applicable, as if the exempt portion of those properties
15 were subject to tax, calculated with respect to each such
16 property by multiplying:

17 (A) the lesser of (i) the actual assessed value, if
18 any, of the portion of the property for which an
19 exemption is sought or (ii) an estimated assessed value
20 of the exempt portion of such property as determined in
21 item (2) of this subsection (g), by

22 (B) the applicable State equalization rate
23 (yielding the equalized assessed value), by

24 (C) the applicable tax rate.

25 (2) The estimated assessed value of the exempt portion
26 of the property equals the sum of (i) the estimated fair

1 market value of buildings on the property, as determined in
2 accordance with subparagraphs (A) and (B) of this item (2),
3 multiplied by the applicable assessment factor, and (ii)
4 the estimated assessed value of the land portion of the
5 property, as determined in accordance with subparagraph
6 (C).

7 (A) The "estimated fair market value of buildings
8 on the property" means the replacement value of any
9 exempt portion of buildings on the property, minus
10 depreciation, determined utilizing the cost
11 replacement method whereby the exempt square footage
12 of all such buildings is multiplied by the replacement
13 cost per square foot for Class A Average building found
14 in the most recent edition of the Marshall & Swift
15 Valuation Services Manual, adjusted by any appropriate
16 current cost and local multipliers.

17 (B) Depreciation, for purposes of calculating the
18 estimated fair market value of buildings on the
19 property, is applied by utilizing a weighted mean life
20 for the buildings based on original construction and
21 assuming a 40-year life for hospital buildings and the
22 applicable life for other types of buildings as
23 specified in the American Hospital Association
24 publication "Estimated Useful Lives of Depreciable
25 Hospital Assets". In the case of hospital buildings,
26 the remaining life is divided by 40 and this ratio is

1 multiplied by the replacement cost of the buildings to
2 obtain an estimated fair market value of buildings. If
3 a hospital building is older than 35 years, a remaining
4 life of 5 years for residual value is assumed; and if a
5 building is less than 8 years old, a remaining life of
6 32 years is assumed.

7 (C) The estimated assessed value of the land
8 portion of the property shall be determined by
9 multiplying (i) the per square foot average of the
10 assessed values of three parcels of land (not including
11 farm land, and excluding the assessed value of the
12 improvements thereon) reasonably comparable to the
13 property, by (ii) the number of square feet comprising
14 the exempt portion of the property's land square
15 footage.

16 (3) The assessment factor, State equalization rate,
17 and tax rate (including any special factors such as
18 Enterprise Zones) used in calculating the estimated
19 property tax liability shall be for the most recent year
20 that is publicly available from the applicable chief county
21 assessment officer or officers at least 90 days before the
22 end of the hospital year.

23 (4) The method utilized to calculate estimated
24 property tax liability for purposes of this Section 15-86
25 shall not be utilized for the actual valuation, assessment,
26 or taxation of property pursuant to the Property Tax Code.

1 (h) For the purpose of this Section, the following terms
2 shall have the meanings set forth below:

3 (1) "Hospital" means any institution, place, building,
4 buildings on a campus, or other health care facility
5 located in Illinois that is licensed under the Hospital
6 Licensing Act and has a hospital owner.

7 (2) "Hospital owner" means a not-for-profit
8 corporation that is the titleholder of a hospital, or the
9 owner of the beneficial interest in an Illinois land trust
10 that is the titleholder of a hospital.

11 (3) "Hospital affiliate" means any corporation,
12 partnership, limited partnership, joint venture, limited
13 liability company, association or other organization,
14 other than a hospital owner, that directly or indirectly
15 controls, is controlled by, or is under common control with
16 one or more hospital owners and that supports, is supported
17 by, or acts in furtherance of the exempt health care
18 purposes of at least one of those hospital owners'
19 hospitals.

20 (4) "Hospital system" means a hospital and one or more
21 other hospitals or hospital affiliates related by common
22 control or ownership.

23 (5) "Control" relating to hospital owners, hospital
24 affiliates, or hospital systems means possession, direct
25 or indirect, of the power to direct or cause the direction
26 of the management and policies of the entity, whether

1 through ownership of assets, membership interest, other
2 voting or governance rights, by contract or otherwise.

3 (6) "Hospital applicant" means a hospital owner or
4 hospital affiliate that files an application for an
5 exemption or renewal of exemption under this Section.

6 (7) "Relevant hospital entity" means (A) the hospital
7 owner, in the case of a hospital applicant that is a
8 hospital owner, and (B) at the election of a hospital
9 applicant that is a hospital affiliate, either (i) the
10 hospital affiliate or (ii) the hospital system to which the
11 hospital applicant belongs, including any hospitals or
12 hospital affiliates that are related by common control or
13 ownership.

14 (8) "Subject property" means property used for the
15 calculation under subsection (b) of this Section.

16 (9) "Hospital year" means the fiscal year of the
17 relevant hospital entity, or the fiscal year of one of the
18 hospital owners in the hospital system if the relevant
19 hospital entity is a hospital system with members with
20 different fiscal years, that ends in the year for which the
21 exemption is sought.

22 (Source: P.A. 97-688, eff. 6-14-12; revised 8-3-12.)

23 Section 180. The Retailers' Occupation Tax Act is amended
24 by changing Sections 1f, 2-9, 5, and 12 as follows:

1 (35 ILCS 120/1f) (from Ch. 120, par. 440f)

2 Sec. 1f. Except for High Impact Businesses, the exemption
3 stated in Sections 1d and 1e of this Act shall only apply to
4 business enterprises which:

5 (1) either (i) make investments which cause the
6 creation of a minimum of 200 full-time equivalent jobs in
7 Illinois or (ii) make investments which cause the retention
8 of a minimum of 2000 full-time jobs in Illinois or (iii)
9 make investments of a minimum of \$40,000,000 and retain at
10 least 90% of the jobs in place on the date on which the
11 exemption is granted and for the duration of the exemption;
12 and

13 (2) are located in an Enterprise Zone established
14 pursuant to the Illinois Enterprise Zone Act; and

15 (3) are certified by the Department of Commerce and
16 Economic Opportunity as complying with the requirements
17 specified in clauses (1) and, (2) ~~and~~ (3).

18 Any business enterprise seeking to avail itself of the
19 exemptions stated in Sections 1d or 1e, or both, shall make
20 application to the Department of Commerce and Economic
21 Opportunity in such form and providing such information as may
22 be prescribed by the Department of Commerce and Economic
23 Opportunity. However, no business enterprise shall be
24 required, as a condition for certification under clause (4) of
25 this Section, to attest that its decision to invest under
26 clause (1) of this Section and to locate under clause (2) of

1 this Section is predicated upon the availability of the
2 exemptions authorized by Sections 1d or 1e.

3 The Department of Commerce and Economic Opportunity shall
4 determine whether the business enterprise meets the criteria
5 prescribed in this Section. If the Department of Commerce and
6 Economic Opportunity determines that such business enterprise
7 meets the criteria, it shall issue a certificate of eligibility
8 for exemption to the business enterprise in such form as is
9 prescribed by the Department of Revenue. The Department of
10 Commerce and Economic Opportunity shall act upon such
11 certification requests within 60 days after receipt of the
12 application, and shall file with the Department of Revenue a
13 copy of each certificate of eligibility for exemption.

14 The Department of Commerce and Economic Opportunity shall
15 have the power to promulgate rules and regulations to carry out
16 the provisions of this Section including the power to define
17 the amounts and types of eligible investments not specified in
18 this Section which business enterprises must make in order to
19 receive the exemptions stated in Sections 1d and 1e of this
20 Act; and to require that any business enterprise that is
21 granted a tax exemption repay the exempted tax if the business
22 enterprise fails to comply with the terms and conditions of the
23 certification.

24 Such certificate of eligibility for exemption shall be
25 presented by the business enterprise to its supplier when
26 making the initial purchase of tangible personal property for

1 which an exemption is granted by Section 1d or Section 1e, or
2 both, together with a certification by the business enterprise
3 that such tangible personal property is exempt from taxation
4 under Section 1d or Section 1e and by indicating the exempt
5 status of each subsequent purchase on the face of the purchase
6 order.

7 The Department of Commerce and Economic Opportunity shall
8 determine the period during which such exemption from the taxes
9 imposed under this Act is in effect which shall not exceed 20
10 years.

11 (Source: P.A. 94-793, eff. 5-19-06; revised 10-10-12.)

12 (35 ILCS 120/2-9)

13 Sec. 2-9. Hospital exemption.

14 (a) Tangible personal property sold to or used by a
15 hospital owner that owns one or more hospitals licensed under
16 the Hospital Licensing Act or operated under the University of
17 Illinois Hospital Act, or a hospital affiliate that is not
18 already exempt under another provision of this Act and meets
19 the criteria for an exemption under this Section, is exempt
20 from taxation under this Act.

21 (b) A hospital owner or hospital affiliate satisfies the
22 conditions for an exemption under this Section if the value of
23 qualified services or activities listed in subsection (c) of
24 this Section for the hospital year equals or exceeds the
25 relevant hospital entity's estimated property tax liability,

1 without regard to any property tax exemption granted under
2 Section 15-86 of the Property Tax Code, for the calendar year
3 in which exemption or renewal of exemption is sought. For
4 purposes of making the calculations required by this subsection
5 (b), if the relevant hospital entity is a hospital owner that
6 owns more than one hospital, the value of the services or
7 activities listed in subsection (c) shall be calculated on the
8 basis of only those services and activities relating to the
9 hospital that includes the subject property, and the relevant
10 hospital entity's estimated property tax liability shall be
11 calculated only with respect to the properties comprising that
12 hospital. In the case of a multi-state hospital system or
13 hospital affiliate, the value of the services or activities
14 listed in subsection (c) shall be calculated on the basis of
15 only those services and activities that occur in Illinois and
16 the relevant hospital entity's estimated property tax
17 liability shall be calculated only with respect to its property
18 located in Illinois.

19 (c) The following services and activities shall be
20 considered for purposes of making the calculations required by
21 subsection (b):

22 (1) Charity care. Free or discounted services provided
23 pursuant to the relevant hospital entity's financial
24 assistance policy, measured at cost, including discounts
25 provided under the Hospital Uninsured Patient Discount
26 Act.

1 (2) Health services to low-income and underserved
2 individuals. Other unreimbursed costs of the relevant
3 hospital entity for providing without charge, paying for,
4 or subsidizing goods, activities, or services for the
5 purpose of addressing the health of low-income or
6 underserved individuals. Those activities or services may
7 include, but are not limited to: financial or in-kind
8 support to affiliated or unaffiliated hospitals, hospital
9 affiliates, community clinics, or programs that treat
10 low-income or underserved individuals; paying for or
11 subsidizing health care professionals who care for
12 low-income or underserved individuals; providing or
13 subsidizing outreach or educational services to low-income
14 or underserved individuals for disease management and
15 prevention; free or subsidized goods, supplies, or
16 services needed by low-income or underserved individuals
17 because of their medical condition; and prenatal or
18 childbirth outreach to low-income or underserved persons.

19 (3) Subsidy of State or local governments. Direct or
20 indirect financial or in-kind subsidies of State or local
21 governments by the relevant hospital entity that pay for or
22 subsidize activities or programs related to health care for
23 low-income or underserved individuals.

24 (4) Support for State health care programs for
25 low-income individuals. At the election of the hospital
26 applicant for each applicable year, either (A) 10% of

1 payments to the relevant hospital entity and any hospital
2 affiliate designated by the relevant hospital entity
3 (provided that such hospital affiliate's operations
4 provide financial or operational support for or receive
5 financial or operational support from the relevant
6 hospital entity) under Medicaid or other means-tested
7 programs, including, but not limited to, General
8 Assistance, the Covering ALL KIDS Health Insurance Act, and
9 the State Children's Health Insurance Program or (B) the
10 amount of subsidy provided by the relevant hospital entity
11 and any hospital affiliate designated by the relevant
12 hospital entity (provided that such hospital affiliate's
13 operations provide financial or operational support for or
14 receive financial or operational support from the relevant
15 hospital entity) to State or local government in treating
16 Medicaid recipients and recipients of means-tested
17 programs, including but not limited to General Assistance,
18 the Covering ALL KIDS Health Insurance Act, and the State
19 Children's Health Insurance Program. The amount of subsidy
20 for purposes of this item (4) is calculated in the same
21 manner as unreimbursed costs are calculated for Medicaid
22 and other means-tested government programs in the Schedule
23 H of IRS Form 990 in effect on the effective date of this
24 amendatory Act of the 97th General Assembly.

25 (5) Dual-eligible subsidy. The amount of subsidy
26 provided to government by treating dual-eligible

1 Medicare/Medicaid patients. The amount of subsidy for
2 purposes of this item (5) is calculated by multiplying the
3 relevant hospital entity's unreimbursed costs for
4 Medicare, calculated in the same manner as determined in
5 the Schedule H of IRS Form 990 in effect on the effective
6 date of this amendatory Act of the 97th General Assembly,
7 by the relevant hospital entity's ratio of dual-eligible
8 patients to total Medicare patients.

9 (6) Relief of the burden of government related to
10 health care. Except to the extent otherwise taken into
11 account in this subsection, the portion of unreimbursed
12 costs of the relevant hospital entity attributable to
13 providing, paying for, or subsidizing goods, activities,
14 or services that relieve the burden of government related
15 to health care for low-income individuals. Such activities
16 or services shall include, but are not limited to,
17 providing emergency, trauma, burn, neonatal, psychiatric,
18 rehabilitation, or other special services; providing
19 medical education; and conducting medical research or
20 training of health care professionals. The portion of those
21 unreimbursed costs attributable to benefiting low-income
22 individuals shall be determined using the ratio calculated
23 by adding the relevant hospital entity's costs
24 attributable to charity care, Medicaid, other means-tested
25 government programs, disabled Medicare patients under age
26 65, and dual-eligible Medicare/Medicaid patients and

1 dividing that total by the relevant hospital entity's total
2 costs. Such costs for the numerator and denominator shall
3 be determined by multiplying gross charges by the cost to
4 charge ratio taken from the hospital's most recently filed
5 Medicare cost report (CMS 2252-10 Worksheet, Part I). In
6 the case of emergency services, the ratio shall be
7 calculated using costs (gross charges multiplied by the
8 cost to charge ratio taken from the hospital's most
9 recently filed Medicare cost report (CMS 2252-10
10 Worksheet, Part I)) of patients treated in the relevant
11 hospital entity's emergency department.

12 (7) Any other activity by the relevant hospital entity
13 that the Department determines relieves the burden of
14 government or addresses the health of low-income or
15 underserved individuals.

16 (d) The hospital applicant shall include information in its
17 exemption application establishing that it satisfies the
18 requirements of subsection (b). For purposes of making the
19 calculations required by subsection (b), the hospital
20 applicant may for each year elect to use either (1) the value
21 of the services or activities listed in subsection (e) for the
22 hospital year or (2) the average value of those services or
23 activities for the 3 fiscal years ending with the hospital
24 year. If the relevant hospital entity has been in operation for
25 less than 3 completed fiscal years, then the latter
26 calculation, if elected, shall be performed on a pro rata

1 basis.

2 (e) For purposes of making the calculations required by
3 this Section:

4 (1) particular services or activities eligible for
5 consideration under any of the paragraphs (1) through (7)
6 of subsection (c) may not be counted under more than one of
7 those paragraphs; and

8 (2) the amount of unreimbursed costs and the amount of
9 subsidy shall not be reduced by restricted or unrestricted
10 payments received by the relevant hospital entity as
11 contributions deductible under Section 170(a) of the
12 Internal Revenue Code.

13 (f) (Blank).

14 (g) Estimation of Exempt Property Tax Liability. The
15 estimated property tax liability used for the determination in
16 subsection (b) shall be calculated as follows:

17 (1) "Estimated property tax liability" means the
18 estimated dollar amount of property tax that would be owed,
19 with respect to the exempt portion of each of the relevant
20 hospital entity's properties that are already fully or
21 partially exempt, or for which an exemption in whole or in
22 part is currently being sought, and then aggregated as
23 applicable, as if the exempt portion of those properties
24 were subject to tax, calculated with respect to each such
25 property by multiplying:

26 (A) the lesser of (i) the actual assessed value, if

1 any, of the portion of the property for which an
2 exemption is sought or (ii) an estimated assessed value
3 of the exempt portion of such property as determined in
4 item (2) of this subsection (g), by

5 (B) the applicable State equalization rate
6 (yielding the equalized assessed value), by

7 (C) the applicable tax rate.

8 (2) The estimated assessed value of the exempt portion
9 of the property equals the sum of (i) the estimated fair
10 market value of buildings on the property, as determined in
11 accordance with subparagraphs (A) and (B) of this item (2),
12 multiplied by the applicable assessment factor, and (ii)
13 the estimated assessed value of the land portion of the
14 property, as determined in accordance with subparagraph
15 (C).

16 (A) The "estimated fair market value of buildings
17 on the property" means the replacement value of any
18 exempt portion of buildings on the property, minus
19 depreciation, determined utilizing the cost
20 replacement method whereby the exempt square footage
21 of all such buildings is multiplied by the replacement
22 cost per square foot for Class A Average building found
23 in the most recent edition of the Marshall & Swift
24 Valuation Services Manual, adjusted by any appropriate
25 current cost and local multipliers.

26 (B) Depreciation, for purposes of calculating the

1 estimated fair market value of buildings on the
2 property, is applied by utilizing a weighted mean life
3 for the buildings based on original construction and
4 assuming a 40-year life for hospital buildings and the
5 applicable life for other types of buildings as
6 specified in the American Hospital Association
7 publication "Estimated Useful Lives of Depreciable
8 Hospital Assets". In the case of hospital buildings,
9 the remaining life is divided by 40 and this ratio is
10 multiplied by the replacement cost of the buildings to
11 obtain an estimated fair market value of buildings. If
12 a hospital building is older than 35 years, a remaining
13 life of 5 years for residual value is assumed; and if a
14 building is less than 8 years old, a remaining life of
15 32 years is assumed.

16 (C) The estimated assessed value of the land
17 portion of the property shall be determined by
18 multiplying (i) the per square foot average of the
19 assessed values of three parcels of land (not including
20 farm land, and excluding the assessed value of the
21 improvements thereon) reasonably comparable to the
22 property, by (ii) the number of square feet comprising
23 the exempt portion of the property's land square
24 footage.

25 (3) The assessment factor, State equalization rate,
26 and tax rate (including any special factors such as

1 Enterprise Zones) used in calculating the estimated
2 property tax liability shall be for the most recent year
3 that is publicly available from the applicable chief county
4 assessment officer or officers at least 90 days before the
5 end of the hospital year.

6 (4) The method utilized to calculate estimated
7 property tax liability for purposes of this Section 15-86
8 shall not be utilized for the actual valuation, assessment,
9 or taxation of property pursuant to the Property Tax Code.

10 (h) For the purpose of this Section, the following terms
11 shall have the meanings set forth below:

12 (1) "Hospital" means any institution, place, building,
13 buildings on a campus, or other health care facility
14 located in Illinois that is licensed under the Hospital
15 Licensing Act and has a hospital owner.

16 (2) "Hospital owner" means a not-for-profit
17 corporation that is the titleholder of a hospital, or the
18 owner of the beneficial interest in an Illinois land trust
19 that is the titleholder of a hospital.

20 (3) "Hospital affiliate" means any corporation,
21 partnership, limited partnership, joint venture, limited
22 liability company, association or other organization,
23 other than a hospital owner, that directly or indirectly
24 controls, is controlled by, or is under common control with
25 one or more hospital owners and that supports, is supported
26 by, or acts in furtherance of the exempt health care

1 purposes of at least one of those hospital owners'
2 hospitals.

3 (4) "Hospital system" means a hospital and one or more
4 other hospitals or hospital affiliates related by common
5 control or ownership.

6 (5) "Control" relating to hospital owners, hospital
7 affiliates, or hospital systems means possession, direct
8 or indirect, of the power to direct or cause the direction
9 of the management and policies of the entity, whether
10 through ownership of assets, membership interest, other
11 voting or governance rights, by contract or otherwise.

12 (6) "Hospital applicant" means a hospital owner or
13 hospital affiliate that files an application for an
14 exemption or renewal of exemption under this Section.

15 (7) "Relevant hospital entity" means (A) the hospital
16 owner, in the case of a hospital applicant that is a
17 hospital owner, and (B) at the election of a hospital
18 applicant that is a hospital affiliate, either (i) the
19 hospital affiliate or (ii) the hospital system to which the
20 hospital applicant belongs, including any hospitals or
21 hospital affiliates that are related by common control or
22 ownership.

23 (8) "Subject property" means property used for the
24 calculation under subsection (b) of this Section.

25 (9) "Hospital year" means the fiscal year of the
26 relevant hospital entity, or the fiscal year of one of the

1 hospital owners in the hospital system if the relevant
2 hospital entity is a hospital system with members with
3 different fiscal years, that ends in the year for which the
4 exemption is sought.

5 (Source: P.A. 97-688, eff. 6-14-12; revised 8-3-12.)

6 (35 ILCS 120/5) (from Ch. 120, par. 444)

7 Sec. 5. In case any person engaged in the business of
8 selling tangible personal property at retail fails to file a
9 return when and as herein required, but thereafter, prior to
10 the Department's issuance of a notice of tax liability under
11 this Section, files a return and pays the tax, he shall also
12 pay a penalty in an amount determined in accordance with
13 Section 3-3 of the Uniform Penalty and Interest Act.

14 In case any person engaged in the business of selling
15 tangible personal property at retail files the return at the
16 time required by this Act but fails to pay the tax, or any part
17 thereof, when due, a penalty in an amount determined in
18 accordance with Section 3-3 of the Uniform Penalty and Interest
19 Act shall be added thereto.

20 In case any person engaged in the business of selling
21 tangible personal property at retail fails to file a return
22 when and as herein required, but thereafter, prior to the
23 Department's issuance of a notice of tax liability under this
24 Section, files a return but fails to pay the entire tax, a
25 penalty in an amount determined in accordance with Section 3-3

1 of the Uniform Penalty and Interest Act shall be added thereto.

2 In case any person engaged in the business of selling
3 tangible personal property at retail fails to file a return,
4 the Department shall determine the amount of tax due from him
5 according to its best judgment and information, which amount so
6 fixed by the Department shall be prima facie correct and shall
7 be prima facie evidence of the correctness of the amount of tax
8 due, as shown in such determination. In making any such
9 determination of tax due, it shall be permissible for the
10 Department to show a figure that represents the tax due for any
11 given period of 6 months instead of showing the amount of tax
12 due for each month separately. Proof of such determination by
13 the Department may be made at any hearing before the Department
14 or in any legal proceeding by a reproduced copy or computer
15 print-out of the Department's record relating thereto in the
16 name of the Department under the certificate of the Director of
17 Revenue. If reproduced copies of the Department's records are
18 offered as proof of such determination, the Director must
19 certify that those copies are true and exact copies of records
20 on file with the Department. If computer print-outs of the
21 Department's records are offered as proof of such
22 determination, the Director must certify that those computer
23 print-outs are true and exact representations of records
24 properly entered into standard electronic computing equipment,
25 in the regular course of the Department's business, at or
26 reasonably near the time of the occurrence of the facts

1 recorded, from trustworthy and reliable information. Such
2 certified reproduced copy or certified computer print-out
3 shall, without further proof, be admitted into evidence before
4 the Department or in any legal proceeding and shall be prima
5 facie proof of the correctness of the amount of tax due, as
6 shown therein. The Department shall issue the taxpayer a notice
7 of tax liability for the amount of tax claimed by the
8 Department to be due, together with a penalty of 30% thereof.

9 However, where the failure to file any tax return required
10 under this Act on the date prescribed therefor (including any
11 extensions thereof), is shown to be unintentional and
12 nonfraudulent and has not occurred in the 2 years immediately
13 preceding the failure to file on the prescribed date or is due
14 to other reasonable cause the penalties imposed by this Act
15 shall not apply.

16 The taxpayer or the taxpayer's legal representative may,
17 within 60 days after such notice, file a protest to such notice
18 of tax liability with the Department and request a hearing
19 thereon. The Department shall give notice to such person or the
20 legal representative of such person of the time and place fixed
21 for such hearing, and shall hold a hearing in conformity with
22 the provisions of this Act, and pursuant thereto shall issue a
23 final assessment to such person or to the legal representative
24 of such person for the amount found to be due as a result of
25 such hearing. On and after July 1, 2013, protests concerning
26 matters that are under the jurisdiction of the Illinois

1 Independent Tax Tribunal shall be filed with the Illinois
2 Independent Tax Tribunal in accordance with the Illinois
3 Independent Tax Tribunal Act of 2012, and hearings concerning
4 those matters shall be held before the Tribunal in accordance
5 with that Act. With respect to protests filed with the Illinois
6 Independent Tax Tribunal, the Tribunal shall give notice to
7 that person or the legal representative of that person of the
8 time and place fixed for a hearing, and shall hold a hearing in
9 conformity with the provisions of this Act and the Illinois
10 Independent Tax Tribunal Act of 2012; and pursuant thereto the
11 Department shall issue a final assessment to such person or to
12 the legal representative of such person for the amount found to
13 be due as a result of the hearing. With respect to protests
14 filed with the Department prior to July 1, 2013 that would
15 otherwise be subject to the jurisdiction of the Illinois
16 Independent Tax Tribunal, the taxpayer may elect to be subject
17 to the provisions of the Illinois Independent Tax Tribunal Act
18 of 2012 at any time on or after July 1, 2013, but not later than
19 30 days after the date on which the protest was filed. If made,
20 the election shall be irrevocable.

21 If a protest to the notice of tax liability and a request
22 for a hearing thereon is not filed within 60 days after such
23 notice, such notice of tax liability shall become final without
24 the necessity of a final assessment being issued and shall be
25 deemed to be a final assessment.

26 After the issuance of a final assessment, or a notice of

1 tax liability which becomes final without the necessity of
2 actually issuing a final assessment as hereinbefore provided,
3 the Department, at any time before such assessment is reduced
4 to judgment, may (subject to rules of the Department) grant a
5 rehearing (or grant departmental review and hold an original
6 hearing if no previous hearing in the matter has been held)
7 upon the application of the person aggrieved. Pursuant to such
8 hearing or rehearing, the Department shall issue a revised
9 final assessment to such person or his legal representative for
10 the amount found to be due as a result of such hearing or
11 rehearing.

12 Except in case of failure to file a return, or with the
13 consent of the person to whom the notice of tax liability is to
14 be issued, no notice of tax liability shall be issued on and
15 after each July 1 and January 1 covering gross receipts
16 received during any month or period of time more than 3 years
17 prior to such July 1 and January 1, respectively, except that
18 if a return is not filed at the required time, a notice of tax
19 liability may be issued not later than 3 years after the time
20 the return is filed. The foregoing limitations upon the
21 issuance of a notice of tax liability shall not apply to the
22 issuance of any such notice with respect to any period of time
23 prior thereto in cases where the Department has, within the
24 period of limitation then provided, notified a person of the
25 amount of tax computed even though the Department had not
26 determined the amount of tax due from such person in the manner

1 required herein prior to the issuance of such notice, but in no
2 case shall the amount of any such notice of tax liability for
3 any period otherwise barred by this Act exceed for such period
4 the amount shown in the notice theretofore issued.

5 If, when a tax or penalty under this Act becomes due and
6 payable, the person alleged to be liable therefor is out of the
7 State, the notice of tax liability may be issued within the
8 times herein limited after his or her coming into or return to
9 the State; and if, after the tax or penalty under this Act
10 becomes due and payable, the person alleged to be liable
11 therefor departs from and remains out of the State, the time of
12 his or her absence is no part of the time limited for the
13 issuance of the notice of tax liability; but the foregoing
14 provisions concerning absence from the State shall not apply to
15 any case in which, at the time when a tax or penalty becomes
16 due under this Act, the person allegedly liable therefor is not
17 a resident of this State.

18 The time limitation period on the Department's right to
19 issue a notice of tax liability shall not run during any period
20 of time in which the order of any court has the effect of
21 enjoining or restraining the Department from issuing the notice
22 of tax liability.

23 In case of failure to pay the tax, or any portion thereof,
24 or any penalty provided for in this Act, or interest, when due,
25 the Department may bring suit to recover the amount of such
26 tax, or portion thereof, or penalty or interest; or, if the

1 taxpayer has died or become a person under legal disability,
2 may file a claim therefor against his estate; provided that no
3 such suit with respect to any tax, or portion thereof, or
4 penalty, or interest shall be instituted more than 6 years
5 after the date any proceedings in court for review thereof have
6 terminated or the time for the taking thereof has expired
7 without such proceedings being instituted, except with the
8 consent of the person from whom such tax or penalty or interest
9 is due; nor, except with such consent, shall such suit be
10 instituted more than 6 years after the date any return is filed
11 with the Department in cases where the return constitutes the
12 basis for the suit for unpaid tax, or portion thereof, or
13 penalty provided for in this Act, or interest: Provided that
14 the time limitation period on the Department's right to bring
15 any such suit shall not run during any period of time in which
16 the order of any court has the effect of enjoining or
17 restraining the Department from bringing such suit.

18 After the expiration of the period within which the person
19 assessed may file an action for judicial review under the
20 Administrative Review Law or the Illinois Independent Tax
21 Tribunal Act of 2012, as applicable, without such an action
22 being filed, a certified copy of the final assessment or
23 revised final assessment of the Department may be filed with
24 the Circuit Court of the county in which the taxpayer has his
25 principal place of business, or of Sangamon County in those
26 cases in which the taxpayer does not have his principal place

1 of business in this State. The certified copy of the final
2 assessment or revised final assessment shall be accompanied by
3 a certification which recites facts that are sufficient to show
4 that the Department complied with the jurisdictional
5 requirements of the Act in arriving at its final assessment or
6 its revised final assessment and that the taxpayer had his
7 opportunity for an administrative hearing and for judicial
8 review, whether he availed himself or herself of either or both
9 of these opportunities or not. If the court is satisfied that
10 the Department complied with the jurisdictional requirements
11 of the Act in arriving at its final assessment or its revised
12 final assessment and that the taxpayer had his opportunity for
13 an administrative hearing and for judicial review, whether he
14 availed himself of either or both of these opportunities or
15 not, the court shall render judgment in favor of the Department
16 and against the taxpayer for the amount shown to be due by the
17 final assessment or the revised final assessment, plus any
18 interest which may be due, and such judgment shall be entered
19 in the judgment docket of the court. Such judgment shall bear
20 the rate of interest as set by the Uniform Penalty and Interest
21 Act, but otherwise shall have the same effect as other
22 judgments. The judgment may be enforced, and all laws
23 applicable to sales for the enforcement of a judgment shall be
24 applicable to sales made under such judgments. The Department
25 shall file the certified copy of its assessment, as herein
26 provided, with the Circuit Court within 6 years after such

1 assessment becomes final except when the taxpayer consents in
2 writing to an extension of such filing period, and except that
3 the time limitation period on the Department's right to file
4 the certified copy of its assessment with the Circuit Court
5 shall not run during any period of time in which the order of
6 any court has the effect of enjoining or restraining the
7 Department from filing such certified copy of its assessment
8 with the Circuit Court.

9 If, when the cause of action for a proceeding in court
10 accrues against a person, he or she is out of the State, the
11 action may be commenced within the times herein limited, after
12 his or her coming into or return to the State; and if, after
13 the cause of action accrues, he or she departs from and remains
14 out of the State, the time of his or her absence is no part of
15 the time limited for the commencement of the action; but the
16 foregoing provisions concerning absence from the State shall
17 not apply to any case in which, at the time the cause of action
18 accrues, the party against whom the cause of action accrues is
19 not a resident of this State. The time within which a court
20 action is to be commenced by the Department hereunder shall not
21 run from the date the taxpayer files a petition in bankruptcy
22 under the Federal Bankruptcy Act until 30 days after notice of
23 termination or expiration of the automatic stay imposed by the
24 Federal Bankruptcy Act.

25 No claim shall be filed against the estate of any deceased
26 person or any person under legal disability for any tax or

1 penalty or part of either, or interest, except in the manner
2 prescribed and within the time limited by the Probate Act of
3 1975, as amended.

4 The collection of tax or penalty or interest by any means
5 provided for herein shall not be a bar to any prosecution under
6 this Act.

7 In addition to any penalty provided for in this Act, any
8 amount of tax which is not paid when due shall bear interest at
9 the rate and in the manner specified in Sections 3-2 and 3-9 of
10 the Uniform Penalty and Interest Act from the date when such
11 tax becomes past due until such tax is paid or a judgment
12 therefor is obtained by the Department. If the time for making
13 or completing an audit of a taxpayer's books and records is
14 extended with the taxpayer's consent, at the request of and for
15 the convenience of the Department, beyond the date on which the
16 statute of limitations upon the issuance of a notice of tax
17 liability by the Department otherwise would run, no interest
18 shall accrue during the period of such extension or until a
19 Notice of Tax Liability is issued, whichever occurs first.

20 In addition to any other remedy provided by this Act, and
21 regardless of whether the Department is making or intends to
22 make use of such other remedy, where a corporation or limited
23 liability company registered under this Act violates the
24 provisions of this Act or of any rule or regulation promulgated
25 thereunder, the Department may give notice to the Attorney
26 General of the identity of such a corporation or limited

1 liability company and of the violations committed by such a
2 corporation or limited liability company, for such action as is
3 not already provided for by this Act and as the Attorney
4 General may deem appropriate.

5 If the Department determines that an amount of tax or
6 penalty or interest was incorrectly assessed, whether as the
7 result of a mistake of fact or an error of law, the Department
8 shall waive the amount of tax or penalty or interest that
9 accrued due to the incorrect assessment.

10 (Source: P.A. 96-1383, eff. 1-1-11; 97-1129, eff. 8-28-12;
11 revised 10-10-12.)

12 (35 ILCS 120/12) (from Ch. 120, par. 451)

13 Sec. 12. The Department is authorized to make, promulgate
14 and enforce such reasonable rules and regulations relating to
15 the administration and enforcement of the provisions of this
16 Act as may be deemed expedient.

17 Whenever notice is required by this Act, such notice may be
18 given by United States registered or certified mail, addressed
19 to the person concerned at his last known address, and proof of
20 such mailing shall be sufficient for the purposes of this Act.
21 Notice of any hearing provided for by this Act shall be so
22 given not less than 7 days prior to the day fixed for the
23 hearing. Following the initial contact of a person represented
24 by an attorney, the Department shall not contact the person
25 concerned but shall only contact the attorney representing the

1 person concerned.

2 All hearings provided for in this Act with respect to or
3 concerning a taxpayer having his or her principal place of
4 business in this State other than in Cook County shall be held
5 at the Department's office nearest to the location of the
6 taxpayer's principal place of business: Provided that if the
7 taxpayer has his or her principal place of business in Cook
8 County, such hearing shall be held in Cook County; and
9 provided, further, that if the taxpayer does not have his or
10 her principal place of business in this State, such hearing
11 shall be held in Sangamon County.

12 The Circuit Court of the County wherein the taxpayer has
13 his or her principal place of business, or of Sangamon County
14 in those cases where the taxpayer does not have his or her
15 principal place of business in this State, shall have power to
16 review all final administrative decisions of the Department in
17 administering the provisions of this Act: Provided that if the
18 administrative proceeding which is to be reviewed judicially is
19 a claim for refund proceeding commenced in accordance with
20 Section 6 of this Act and Section 2a of "An Act in relation to
21 the payment and disposition of moneys received by officers and
22 employees of the State of Illinois by virtue of their office or
23 employment", approved June 9, 1911, as amended, the Circuit
24 Court having jurisdiction of the action for judicial review
25 under this Section and under the Administrative Review Law, as
26 amended, shall be the same court that entered the temporary

1 restraining order or preliminary injunction which is provided
2 for in Section 2a of "An Act in relation to the payment and
3 disposition of moneys received by officers and employees of the
4 State of Illinois by virtue of their office or employment", and
5 which enables such claim proceeding to be processed and
6 disposed of as a claim for refund proceeding rather than as a
7 claim for credit proceeding.

8 The provisions of the Administrative Review Law, and the
9 rules adopted pursuant thereto, shall apply to and govern all
10 proceedings for the judicial review of final administrative
11 decisions of the Department hereunder, except with respect to
12 protests and hearings held before the Illinois Independent Tax
13 Tribunal. The provisions of the Illinois Independent Tax
14 Tribunal Act of 2012, and the rules adopted pursuant thereto,
15 shall apply to and govern all proceedings for the judicial
16 review of administrative decisions of the Department that are
17 subject to the jurisdiction of the Illinois Independent Tax
18 Tribunal. The term "administrative decision" is defined as in
19 Section 3-101 of the Code of Civil Procedure.

20 Except with respect to decisions that are subject to the
21 jurisdiction of the Illinois Independent Tax Tribunal, any
22 person filing an action under the Administrative Review Law to
23 review a final assessment or revised final assessment issued by
24 the Department under this Act shall, within 20 days after
25 filing the complaint, file a bond with good and sufficient
26 surety or sureties residing in this State or licensed to do

1 business in this State or, instead of the bond, obtain an order
2 from the court imposing a lien upon the plaintiff's property as
3 hereinafter provided. If the person filing the complaint fails
4 to comply with this bonding requirement within 20 days after
5 filing the complaint, the Department shall file a motion to
6 dismiss and the court shall dismiss the action unless the
7 person filing the action complies with the bonding requirement
8 set out in this provision within 30 days after the filing of
9 the Department's motion to dismiss. Upon dismissal of any
10 complaint for failure to comply with the jurisdictional
11 prerequisites herein set forth, the court is empowered to and
12 shall enter judgment against the taxpayer and in favor of the
13 Department in the amount of the final assessment or revised
14 final assessment, together with any interest which may have
15 accrued since the Department issued the final assessment or
16 revised final assessment, and for costs, which judgment is
17 enforceable as other judgments for the payment of money. The
18 lien provided for in this Section shall not be applicable to
19 the real property of a corporate surety duly licensed to do
20 business in this State. The amount of such bond shall be fixed
21 and approved by the court, but shall not be less than the
22 amount of the tax and penalty claimed to be due by the
23 Department in its final assessment or revised final assessment
24 to the person filing such bond, plus the amount of interest due
25 from such person to the Department at the time when the
26 Department issued its final assessment to such person. Such

1 bond shall be executed to the Department of Revenue and shall
2 be conditioned on the taxpayer's payment within 30 days after
3 termination of the proceedings for judicial review of the
4 amount of tax and penalty and interest found by the court to be
5 due in such proceedings for judicial review. Such bond, when
6 filed and approved, shall, from such time until 2 years after
7 termination of the proceedings for judicial review in which the
8 bond is filed, be a lien against the real estate situated in
9 the county in which the bond is filed, of the person filing
10 such bond, and of the surety or sureties on such bond, until
11 the condition of the bond has been complied with or until the
12 bond has been canceled as hereinafter provided. If the person
13 filing any such bond fails to keep the condition thereof, such
14 bond shall thereupon be forfeited, and the Department may
15 institute an action upon such bond in its own name for the
16 entire amount of the bond and costs. Such action upon the bond
17 shall be in addition to any other remedy provided for herein.
18 If the person filing such bond complies with the condition
19 thereof, or if, in the proceedings for judicial review in which
20 such bond is filed, the court determines that no amount of tax
21 or penalty or interest is due, such bond shall be canceled.

22 If the court finds in a particular case that the plaintiff
23 cannot procure and furnish a satisfactory surety or sureties
24 for the kind of bond required herein, the court may relieve the
25 plaintiff of the obligation of filing such bond, if, upon the
26 timely application for a lien in lieu thereof and accompanying

1 proof therein submitted, the court is satisfied that any such
2 lien imposed would operate to secure the assessment in the
3 manner and to the degree as would a bond. Upon a finding that
4 such lien applied for would secure the assessment at issue, the
5 court shall enter an order, in lieu of such bond, subjecting
6 the plaintiff's real and personal property (including
7 subsequently acquired property), situated in the county in
8 which such order is entered, to a lien in favor of the
9 Department. Such lien shall be for the amount of the tax and
10 penalty claimed to be due by the Department in its final
11 assessment or revised final assessment, plus the amount of
12 interest due from such person to the Department at the time
13 when the Department issued its final assessment to such person,
14 and shall continue in full force and effect until the
15 termination of the proceedings for judicial review, or until
16 the plaintiff pays, to the Department, the tax and penalty and
17 interest to secure which the lien is given, whichever happens
18 first. In the exercise of its discretion, the court may impose
19 a lien regardless of the ratio of the taxpayer's assets to the
20 final assessment or revised final assessment plus the amount of
21 the interest and penalty. Nothing in this Section shall be
22 construed to give the Department a preference over the rights
23 of any bona fide purchaser, mortgagee, judgment creditor or
24 other lien holder arising prior to the entry of the order
25 creating such lien in favor of the Department: Provided,
26 however, that the word "bona fide", as used in this Section,

1 shall not include any mortgage of real or personal property or
2 any other credit transaction that results in the mortgagee or
3 the holder of the security acting as trustee for unsecured
4 creditors of the taxpayer mentioned in the order for lien who
5 executed such chattel or real property mortgage or the document
6 evidencing such credit transaction. Such lien shall be inferior
7 to the lien of general taxes, special assessments and special
8 taxes heretofore or hereafter levied by any political
9 subdivision of this State. Such lien shall not be effective
10 against any purchaser with respect to any item in a retailer's
11 stock in trade purchased from the retailer in the usual course
12 of such retailer's business, and such lien shall not be
13 enforced against the household effects, wearing apparel, or the
14 books, tools or implements of a trade or profession kept for
15 use by any person. Such lien shall not be effective against
16 real property whose title is registered under the provisions of
17 "An Act concerning land titles", approved May 1, 1897, as
18 amended, until the provisions of Section 85 of that Act are
19 complied with.

20 Service upon the Director of Revenue or the Assistant
21 Director of Revenue of the Department of Revenue of summons
22 issued in an action to review a final administrative decision
23 of the Department shall be service upon the Department. The
24 Department shall certify the record of its proceedings if the
25 taxpayer pays to it the sum of 75¢ per page of testimony taken
26 before the Department and 25¢ per page of all other matters

1 contained in such record, except that these charges may be
2 waived where the Department is satisfied that the aggrieved
3 party is a poor person who cannot afford to pay such charges.
4 If payment for such record is not made by the taxpayer within
5 30 days after notice from the Department or the Attorney
6 General of the cost thereof, the court in which the proceeding
7 is pending, on motion of the Department, shall dismiss the
8 complaint and (where the administrative decision as to which
9 the action for judicial review was filed is a final assessment
10 or revised final assessment) shall enter judgment against the
11 taxpayer and in favor of the Department for the amount of tax
12 and penalty shown by the Department's final assessment or
13 revised final assessment to be due, plus interest as provided
14 for in Section 5 of this Act from the date when the liability
15 upon which such interest accrued became delinquent until the
16 entry of the judgment in the action for judicial review under
17 the Administrative Review Law, and also for costs.

18 Whenever any proceeding provided by this Act is begun
19 before the Department, either by the Department or by a person
20 subject to this Act, and such person thereafter dies or becomes
21 a person under legal disability before such proceeding is
22 concluded, the legal representative of the deceased or person
23 under legal disability shall notify the Department of such
24 death or legal disability. Such legal representative, as such,
25 shall then be substituted by the Department for such person. If
26 the legal representative fails to notify the Department of his

1 or her appointment as such legal representative, the Department
2 may, upon its own motion, substitute such legal representative
3 in the proceeding pending before the Department for the person
4 who died or became a person under legal disability.

5 The changes made by this amendatory Act of 1995 apply to
6 all actions pending on and after the effective date of this
7 amendatory Act of 1995 to review a final assessment or revised
8 final assessment issued by the Department.

9 (Source: P.A. 97-1129, eff. 8-28-12; revised 10-10-12.)

10 Section 185. The Cigarette Machine Operators' Occupation
11 Tax Act is amended by changing Section 1-100 as follows:

12 (35 ILCS 128/1-100)

13 Sec. 1-100. Arrest and seizure. Any duly authorized
14 employee of the Department: may ~~may~~ arrest without warrant any
15 person committing in his presence a violation of any of the
16 provisions of this Act; may without a search warrant inspect
17 all cigarettes and cigarette machines located in any place of
18 business; and may seize any contraband cigarettes and any
19 cigarette machines in which such contraband cigarettes may be
20 found or may be made, and such packages or cigarette machines
21 so seized shall be subject to confiscation and forfeiture as
22 provided in Section 1-105 of this Act.

23 (Source: P.A. 97-688, eff. 6-14-12; revised 8-3-12.)

1 Section 190. The Cigarette Tax Act is amended by changing
2 Sections 3, 9a, and 9b as follows:

3 (35 ILCS 130/3) (from Ch. 120, par. 453.3)

4 Sec. 3. Affixing tax stamp; remitting tax to the
5 Department. Payment of the taxes imposed by Section 2 of this
6 Act shall (except as hereinafter provided) be evidenced by
7 revenue tax stamps affixed to each original package of
8 cigarettes. Each distributor of cigarettes, before delivering
9 or causing to be delivered any original package of cigarettes
10 in this State to a purchaser, shall firmly affix a proper stamp
11 or stamps to each such package, or (in case of manufacturers of
12 cigarettes in original packages which are contained inside a
13 sealed transparent wrapper) shall imprint the required
14 language on the original package of cigarettes beneath such
15 outside wrapper, as hereinafter provided.

16 No stamp or imprint may be affixed to, or made upon, any
17 package of cigarettes unless that package complies with all
18 requirements of the federal Cigarette Labeling and Advertising
19 Act, 15 U.S.C. 1331 and following, for the placement of labels,
20 warnings, or any other information upon a package of cigarettes
21 that is sold within the United States. Under the authority of
22 Section 6, the Department shall revoke the license of any
23 distributor that is determined to have violated this paragraph.
24 A person may not affix a stamp on a package of cigarettes,
25 cigarette papers, wrappers, or tubes if that individual package

1 has been marked for export outside the United States with a
2 label or notice in compliance with Section 290.185 of Title 27
3 of the Code of Federal Regulations. It is not a defense to a
4 proceeding for violation of this paragraph that the label or
5 notice has been removed, mutilated, obliterated, or altered in
6 any manner.

7 Only distributors licensed under this Act and
8 transporters, as defined in Section 9c of this Act, may possess
9 unstamped original packages of cigarettes. Prior to shipment to
10 a secondary distributor or an Illinois retailer, a stamp shall
11 be applied to each original package of cigarettes sold to the
12 secondary distributor or retailer. A distributor may apply tax
13 stamps only to original packages of cigarettes purchased or
14 obtained directly from an in-state maker, manufacturer, or
15 fabricator licensed as a distributor under Section 4 of this
16 Act or an out-of-state maker, manufacturer, or fabricator
17 holding a permit under Section 4b of this Act. A licensed
18 distributor may ship or otherwise cause to be delivered
19 unstamped original packages of cigarettes in, into, or from
20 this State. A licensed distributor may transport unstamped
21 original packages of cigarettes to a facility, wherever
22 located, owned or controlled by such distributor; however, a
23 distributor may not transport unstamped original packages of
24 cigarettes to a facility where retail sales of cigarettes take
25 place or to a facility where a secondary distributor makes
26 sales for resale. Any licensed distributor that ships or

1 otherwise causes to be delivered unstamped original packages of
2 cigarettes into, within, or from this State shall ensure that
3 the invoice or equivalent documentation and the bill of lading
4 or freight bill for the shipment identifies the true name and
5 address of the consignor or seller, the true name and address
6 of the consignee or purchaser, and the quantity by brand style
7 of the cigarettes so transported, provided that this Section
8 shall not be construed as to impose any requirement or
9 liability upon any common or contract carrier.

10 The Department, or any person authorized by the Department,
11 shall sell such stamps only to persons holding valid licenses
12 as distributors under this Act. On and after July 1, 2003,
13 payment for such stamps must be made by means of electronic
14 funds transfer. The Department may refuse to sell stamps to any
15 person who does not comply with the provisions of this Act.
16 Beginning on the effective date of this amendatory Act of the
17 92nd General Assembly and through June 30, 2002, persons
18 holding valid licenses as distributors may purchase cigarette
19 tax stamps up to an amount equal to 115% of the distributor's
20 average monthly cigarette tax stamp purchases over the 12
21 calendar months prior to the effective date of this amendatory
22 Act of the 92nd General Assembly.

23 Prior to December 1, 1985, the Department shall allow a
24 distributor 21 days in which to make final payment of the
25 amount to be paid for such stamps, by allowing the distributor
26 to make payment for the stamps at the time of purchasing them

1 with a draft which shall be in such form as the Department
2 prescribes, and which shall be payable within 21 days
3 thereafter: Provided that such distributor has filed with the
4 Department, and has received the Department's approval of, a
5 bond, which is in addition to the bond required under Section 4
6 of this Act, payable to the Department in an amount equal to
7 80% of such distributor's average monthly tax liability to the
8 Department under this Act during the preceding calendar year or
9 \$500,000, whichever is less. The Bond shall be joint and
10 several and shall be in the form of a surety company bond in
11 such form as the Department prescribes, or it may be in the
12 form of a bank certificate of deposit or bank letter of credit.
13 The bond shall be conditioned upon the distributor's payment of
14 amount of any 21-day draft which the Department accepts from
15 that distributor for the delivery of stamps to that distributor
16 under this Act. The distributor's failure to pay any such
17 draft, when due, shall also make such distributor automatically
18 liable to the Department for a penalty equal to 25% of the
19 amount of such draft.

20 On and after December 1, 1985 and until July 1, 2003, the
21 Department shall allow a distributor 30 days in which to make
22 final payment of the amount to be paid for such stamps, by
23 allowing the distributor to make payment for the stamps at the
24 time of purchasing them with a draft which shall be in such
25 form as the Department prescribes, and which shall be payable
26 within 30 days thereafter, and beginning on January 1, 2003 and

1 thereafter, the draft shall be payable by means of electronic
2 funds transfer: Provided that such distributor has filed with
3 the Department, and has received the Department's approval of,
4 a bond, which is in addition to the bond required under Section
5 4 of this Act, payable to the Department in an amount equal to
6 150% of such distributor's average monthly tax liability to the
7 Department under this Act during the preceding calendar year or
8 \$750,000, whichever is less, except that as to bonds filed on
9 or after January 1, 1987, such additional bond shall be in an
10 amount equal to 100% of such distributor's average monthly tax
11 liability under this Act during the preceding calendar year or
12 \$750,000, whichever is less. The bond shall be joint and
13 several and shall be in the form of a surety company bond in
14 such form as the Department prescribes, or it may be in the
15 form of a bank certificate of deposit or bank letter of credit.
16 The bond shall be conditioned upon the distributor's payment of
17 the amount of any 30-day draft which the Department accepts
18 from that distributor for the delivery of stamps to that
19 distributor under this Act. The distributor's failure to pay
20 any such draft, when due, shall also make such distributor
21 automatically liable to the Department for a penalty equal to
22 25% of the amount of such draft.

23 Every prior continuous compliance taxpayer shall be exempt
24 from all requirements under this Section concerning the
25 furnishing of such bond, as defined in this Section, as a
26 condition precedent to his being authorized to engage in the

1 business licensed under this Act. This exemption shall continue
2 for each such taxpayer until such time as he may be determined
3 by the Department to be delinquent in the filing of any
4 returns, or is determined by the Department (either through the
5 Department's issuance of a final assessment which has become
6 final under the Act, or by the taxpayer's filing of a return
7 which admits tax to be due that is not paid) to be delinquent
8 or deficient in the paying of any tax under this Act, at which
9 time that taxpayer shall become subject to the bond
10 requirements of this Section and, as a condition of being
11 allowed to continue to engage in the business licensed under
12 this Act, shall be required to furnish bond to the Department
13 in such form as provided in this Section. Such taxpayer shall
14 furnish such bond for a period of 2 years, after which, if the
15 taxpayer has not been delinquent in the filing of any returns,
16 or delinquent or deficient in the paying of any tax under this
17 Act, the Department may reinstate such person as a prior
18 continuance compliance taxpayer. Any taxpayer who fails to pay
19 an admitted or established liability under this Act may also be
20 required to post bond or other acceptable security with the
21 Department guaranteeing the payment of such admitted or
22 established liability.

23 Except as otherwise provided in this Section, any person
24 aggrieved by any decision of the Department under this Section
25 may, within the time allowed by law, protest and request a
26 hearing, whereupon the Department shall give notice and shall

1 hold a hearing in conformity with the provisions of this Act
2 and then issue its final administrative decision in the matter
3 to such person. On and after July 1, 2013, protests concerning
4 matters that are subject to the jurisdiction of the Illinois
5 Independent Tax Tribunal shall be filed with the Tribunal in
6 accordance with the Illinois Independent Tax Tribunal Act of
7 2012, and hearings on those matters shall be held before the
8 Tribunal in accordance with that Act. With respect to protests
9 filed with the Department prior to July 1, 2013 that would
10 otherwise be subject to the jurisdiction of the Illinois
11 Independent Tax Tribunal, the taxpayer may elect to be subject
12 to the provisions of the Illinois Independent Tax Tribunal Act
13 of 2012 at any time on or after July 1, 2013, but not later than
14 30 days after the date on which the protest was filed. If made,
15 the election shall be irrevocable. In the absence of such a
16 protest filed within the time allowed by law, the Department's
17 decision shall become final without any further determination
18 being made or notice given.

19 The Department shall discharge any surety and shall release
20 and return any bond or security deposited, assigned, pledged,
21 or otherwise provided to it by a taxpayer under this Section
22 within 30 days after:

23 (1) Such taxpayer becomes a prior continuous
24 compliance taxpayer; or

25 (2) Such taxpayer has ceased to collect receipts on
26 which he is required to remit tax to the Department, has

1 filed a final tax return, and has paid to the Department an
2 amount sufficient to discharge his remaining tax liability
3 as determined by the Department under this Act. The
4 Department shall make a final determination of the
5 taxpayer's outstanding tax liability as expeditiously as
6 possible after his final tax return has been filed. If the
7 Department cannot make such final determination within 45
8 days after receiving the final tax return, within such
9 period it shall so notify the taxpayer, stating its reasons
10 therefor.

11 The Department may authorize distributors to affix revenue
12 tax stamps by imprinting tax meter stamps upon original
13 packages of cigarettes. The Department shall adopt rules and
14 regulations relating to the imprinting of such tax meter stamps
15 as will result in payment of the proper taxes as herein
16 imposed. No distributor may affix revenue tax stamps to
17 original packages of cigarettes by imprinting tax meter stamps
18 thereon unless such distributor has first obtained permission
19 from the Department to employ this method of affixation. The
20 Department shall regulate the use of tax meters and may, to
21 assure the proper collection of the taxes imposed by this Act,
22 revoke or suspend the privilege, theretofore granted by the
23 Department to any distributor, to imprint tax meter stamps upon
24 original packages of cigarettes.

25 Illinois cigarette manufacturers who place their
26 cigarettes in original packages which are contained inside a

1 sealed transparent wrapper, and similar out-of-State cigarette
2 manufacturers who elect to qualify and are accepted by the
3 Department as distributors under Section 4b(a) of this Act,
4 shall pay the taxes imposed by this Act by remitting the amount
5 thereof to the Department by the 5th day of each month covering
6 cigarettes shipped or otherwise delivered in Illinois to
7 purchasers during the preceding calendar month. Such
8 manufacturers of cigarettes in original packages which are
9 contained inside a sealed transparent wrapper, before
10 delivering such cigarettes or causing such cigarettes to be
11 delivered in this State to purchasers, shall evidence their
12 obligation to remit the taxes due with respect to such
13 cigarettes by imprinting language to be prescribed by the
14 Department on each original package of such cigarettes
15 underneath the sealed transparent outside wrapper of such
16 original package, in such place thereon and in such manner as
17 the Department may designate. Such imprinted language shall
18 acknowledge the manufacturer's payment of or liability for the
19 tax imposed by this Act with respect to the distribution of
20 such cigarettes.

21 A distributor shall not affix, or cause to be affixed, any
22 stamp or imprint to a package of cigarettes, as provided for in
23 this Section, if the tobacco product manufacturer, as defined
24 in Section 10 of the Tobacco Product Manufacturers' Escrow Act,
25 that made or sold the cigarettes has failed to become a
26 participating manufacturer, as defined in subdivision (a)(1)

1 of Section 15 of the Tobacco Product Manufacturers' Escrow Act,
2 or has failed to create a qualified escrow fund for any
3 cigarettes manufactured by the tobacco product manufacturer
4 and sold in this State or otherwise failed to bring itself into
5 compliance with subdivision (a) (2) of Section 15 of the Tobacco
6 Product Manufacturers' Escrow Act.

7 (Source: P.A. 96-782, eff. 1-1-10; 96-1027, eff. 7-12-10;
8 97-1129, eff. 8-28-12; revised 10-10-12.)

9 (35 ILCS 130/9a) (from Ch. 120, par. 453.9a)

10 Sec. 9a. Examination and correction of returns.

11 (1) As soon as practicable after any return is filed, the
12 Department shall examine such return and shall correct such
13 return according to its best judgment and information, which
14 return so corrected by the Department shall be prima facie
15 correct and shall be prima facie evidence of the correctness of
16 the amount of tax due, as shown therein. Instead of requiring
17 the distributor to file an amended return, the Department may
18 simply notify the distributor of the correction or corrections
19 it has made. Proof of such correction by the Department may be
20 made at any hearing before the Department or in any legal
21 proceeding by a reproduced copy of the Department's record
22 relating thereto in the name of the Department under the
23 certificate of the Director of Revenue. Such reproduced copy
24 shall, without further proof, be admitted into evidence before
25 the Department or in any legal proceeding and shall be prima

1 facie proof of the correctness of the amount of tax due, as
2 shown therein. If the Department finds that any amount of tax
3 is due from the distributor, the Department shall issue the
4 distributor a notice of tax liability for the amount of tax
5 claimed by the Department to be due, together with a penalty in
6 an amount determined in accordance with Sections 3-3, 3-5 and
7 3-6 of the Uniform Penalty and Interest Act. If, in
8 administering the provisions of this Act, comparison of a
9 return or returns of a distributor with the books, records and
10 inventories of such distributor discloses a deficiency which
11 cannot be allocated by the Department to a particular month or
12 months, the Department shall issue the distributor a notice of
13 tax liability for the amount of tax claimed by the Department
14 to be due for a given period, but without any obligation upon
15 the Department to allocate such deficiency to any particular
16 month or months, together with a penalty in an amount
17 determined in accordance with Sections 3-3, 3-5 and 3-6 of the
18 Uniform Penalty and Interest Act, under which circumstances the
19 aforesaid notice of tax liability shall be prima facie correct
20 and shall be prima facie evidence of the correctness of the
21 amount of tax due, as shown therein; and proof of such
22 correctness may be made in accordance with, and the
23 admissibility of a reproduced copy of such notice of tax
24 liability shall be governed by, all the provisions of this Act
25 applicable to corrected returns. If any distributor filing any
26 return dies or becomes a person under legal disability at any

1 time before the Department issues its notice of tax liability,
2 such notice shall be issued to the administrator, executor or
3 other legal representative, as such, of such distributor.

4 (2) Except as otherwise provided in this Section, if,
5 within 60 days after such notice of tax liability, the
6 distributor or his or her legal representative files a protest
7 to such notice of tax liability and requests a hearing thereon,
8 the Department shall give notice to such distributor or legal
9 representative of the time and place fixed for such hearing,
10 and shall hold a hearing in conformity with the provisions of
11 this Act, and pursuant thereto shall issue a final assessment
12 to such distributor or legal representative for the amount
13 found to be due as a result of such hearing. On or after July 1,
14 2013, protests concerning matters that are subject to the
15 jurisdiction of the Illinois Independent Tax Tribunal shall be
16 filed in accordance with the Illinois Independent Tax Tribunal
17 Act of 2012, and hearings concerning those matters shall be
18 held before the Tribunal in accordance with that Act. With
19 respect to protests filed with the Department prior to July 1,
20 2013 that would otherwise be subject to the jurisdiction of the
21 Illinois Independent Tax Tribunal, the taxpayer may elect to be
22 subject to the provisions of the Illinois Independent Tax
23 Tribunal Act of 2012 at any time on or after July 1, 2013, but
24 not later than 30 days after the date on which the protest was
25 filed. If made, the election shall be irrevocable. If a protest
26 to the notice of tax liability and a request for a hearing

1 thereon is not filed within the time allowed by law, such
2 notice of tax liability shall become final without the
3 necessity of a final assessment being issued and shall be
4 deemed to be a final assessment.

5 (3) In case of failure to pay the tax, or any portion
6 thereof, or any penalty provided for in this Act, when due, the
7 Department may bring suit to recover the amount of such tax, or
8 portion thereof, or penalty; or, if the taxpayer dies or
9 becomes incompetent, by filing claim therefor against his
10 estate; provided that no such action with respect to any tax,
11 or portion thereof, or penalty, shall be instituted more than 2
12 years after the cause of action accrues, except with the
13 consent of the person from whom such tax or penalty is due.

14 After the expiration of the period within which the person
15 assessed may file an action for judicial review under the
16 Administrative Review Law without such an action being filed, a
17 certified copy of the final assessment or revised final
18 assessment of the Department may be filed with the Circuit
19 Court of the county in which the taxpayer has his or her
20 principal place of business, or of Sangamon County in those
21 cases in which the taxpayer does not have his principal place
22 of business in this State. The certified copy of the final
23 assessment or revised final assessment shall be accompanied by
24 a certification which recites facts that are sufficient to show
25 that the Department complied with the jurisdictional
26 requirements of the Law in arriving at its final assessment or

1 its revised final assessment and that the taxpayer had his or
2 her opportunity for an administrative hearing and for judicial
3 review, whether he availed himself or herself of either or both
4 of these opportunities or not. If the court is satisfied that
5 the Department complied with the jurisdictional requirements
6 of the Law in arriving at its final assessment or its revised
7 final assessment and that the taxpayer had his or her
8 opportunity for an administrative hearing and for judicial
9 review, whether he or she availed himself or herself of either
10 or both of these opportunities or not, the court shall enter
11 judgment in favor of the Department and against the taxpayer
12 for the amount shown to be due by the final assessment or the
13 revised final assessment, and such judgment shall be filed of
14 record in the court. Such judgment shall bear the rate of
15 interest set in the Uniform Penalty and Interest Act, but
16 otherwise shall have the same effect as other judgments. The
17 judgment may be enforced, and all laws applicable to sales for
18 the enforcement of a judgment shall be applicable to sales made
19 under such judgments. The Department shall file the certified
20 copy of its assessment, as herein provided, with the Circuit
21 Court within 2 years after such assessment becomes final except
22 when the taxpayer consents in writing to an extension of such
23 filing period.

24 If, when the cause of action for a proceeding in court
25 accrues against a person, he or she is out of the State, the
26 action may be commenced within the times herein limited, after

1 his or her coming into or return to the State; and if, after
2 the cause of action accrues, he or she departs from and remains
3 out of the State, the time of his or her absence is no part of
4 the time limited for the commencement of the action; but the
5 foregoing provisions concerning absence from the State shall
6 not apply to any case in which, at the time the cause of action
7 accrues, the party against whom the cause of action accrues is
8 not a resident of this State. The time within which a court
9 action is to be commenced by the Department hereunder shall not
10 run while the taxpayer is a debtor in any proceeding under the
11 Federal Bankruptcy Act nor thereafter until 90 days after the
12 Department is notified by such debtor of being discharged in
13 bankruptcy.

14 No claim shall be filed against the estate of any deceased
15 person or a person under legal disability for any tax or
16 penalty or part of either except in the manner prescribed and
17 within the time limited by the Probate Act of 1975, as amended.

18 The remedies provided for herein shall not be exclusive,
19 but all remedies available to creditors for the collection of
20 debts shall be available for the collection of any tax or
21 penalty due hereunder.

22 The collection of tax or penalty by any means provided for
23 herein shall not be a bar to any prosecution under this Act.

24 The certificate of the Director of the Department to the
25 effect that a tax or amount required to be paid by this Act has
26 not been paid, that a return has not been filed, or that

1 information has not been supplied pursuant to the provisions of
2 this Act, shall be prima facie evidence thereof.

3 All of the provisions of Sections 5a, 5b, 5c, 5d, 5e, 5f,
4 5g, 5i and 5j of the Retailers' Occupation Tax Act, which are
5 not inconsistent with this Act, and Section 3-7 of the Uniform
6 Penalty and Interest Act shall apply, as far as practicable, to
7 the subject matter of this Act to the same extent as if such
8 provisions were included herein. References in such
9 incorporated Sections of the "Retailers' Occupation Tax Act" to
10 retailers, to sellers or to persons engaged in the business of
11 selling tangible personal property shall mean distributors
12 when used in this Act.

13 (Source: P.A. 97-1129, eff. 8-28-12; revised 10-10-12.)

14 (35 ILCS 130/9b) (from Ch. 120, par. 453.9b)

15 Sec. 9b. Failure to file return; penalty; protest. In case
16 any person who is required to file a return under this Act
17 fails to file such return, the Department shall determine the
18 amount of tax due from him according to its best judgment and
19 information, which amount so fixed by the Department shall be
20 prima facie correct and shall be prima facie evidence of the
21 correctness of the amount of tax due, as shown in such
22 determination. Proof of such determination by the Department
23 may be made at any hearing before the Department or in any
24 legal proceeding by a reproduced copy of the Department's
25 record relating thereto in the name of the Department under the

1 certificate of the Director of Revenue. Such reproduced copy
2 shall, without further proof, be admitted into evidence before
3 the Department or in any legal proceeding and shall be prima
4 facie proof of the correctness of the amount of tax due, as
5 shown therein. The Department shall issue such person a notice
6 of tax liability for the amount of tax claimed by the
7 Department to be due, together with a penalty in an amount
8 determined in accordance with Sections 3-3, 3-5 and 3-6 of the
9 Uniform Penalty and Interest Act. If such person or the legal
10 representative of such person, within 60 days after such
11 notice, files a protest to such notice of tax liability and
12 requests a hearing thereon, the Department shall give notice to
13 such person or the legal representative of such person of the
14 time and place fixed for such hearing and shall hold a hearing
15 in conformity with the provisions of this Act, and pursuant
16 thereto shall issue a final assessment to such person or to the
17 legal representative of such person for the amount found to be
18 due as a result of such hearing. Hearings to protest a notice
19 of tax liability issued pursuant to this Section that are
20 conducted as a result of a protest filed with the Illinois
21 Independent Tax Tribunal on or after July 1, 2013 shall be
22 conducted pursuant to the Illinois Independent Tax Tribunal Act
23 of 2012. If a protest to the notice of tax liability and a
24 request for a hearing thereon is not filed within 60 days after
25 such notice of tax liability, such notice of tax liability
26 shall become final without the necessity of a final assessment

1 being issued and shall be deemed to be a final assessment.

2 (Source: P.A. 97-1129, eff. 8-28-12; revised 10-10-12.)

3 Section 195. The Property Tax Code is amended by changing
4 Sections 10-380 and 15-175 as follows:

5 (35 ILCS 200/10-380)

6 Sec. 10-380. For the taxable years 2006 and thereafter, the
7 chief county assessment officer in the county in which property
8 subject to a PPV Lease is located shall apply the provisions of
9 Sections 10-370(b)(i) and 10-375(c)(i) of this Division 14 in
10 assessing and determining the value of any PPV Lease for
11 purposes of the property tax laws of this State.

12 (Source: P.A. 97-942, eff. 8-10-12; revised 10-10-12.)

13 (35 ILCS 200/15-175)

14 Sec. 15-175. General homestead exemption.

15 (a) Except as provided in Sections 15-176 and 15-177,
16 homestead property is entitled to an annual homestead exemption
17 limited, except as described here with relation to
18 cooperatives, to a reduction in the equalized assessed value of
19 homestead property equal to the increase in equalized assessed
20 value for the current assessment year above the equalized
21 assessed value of the property for 1977, up to the maximum
22 reduction set forth below. If however, the 1977 equalized
23 assessed value upon which taxes were paid is subsequently

1 determined by local assessing officials, the Property Tax
2 Appeal Board, or a court to have been excessive, the equalized
3 assessed value which should have been placed on the property
4 for 1977 shall be used to determine the amount of the
5 exemption.

6 (b) Except as provided in Section 15-176, the maximum
7 reduction before taxable year 2004 shall be \$4,500 in counties
8 with 3,000,000 or more inhabitants and \$3,500 in all other
9 counties. Except as provided in Sections 15-176 and 15-177, for
10 taxable years 2004 through 2007, the maximum reduction shall be
11 \$5,000, for taxable year 2008, the maximum reduction is \$5,500,
12 and, for taxable years 2009 and thereafter, the maximum
13 reduction is \$6,000 in all counties. If a county has elected to
14 subject itself to the provisions of Section 15-176 as provided
15 in subsection (k) of that Section, then, for the first taxable
16 year only after the provisions of Section 15-176 no longer
17 apply, for owners who, for the taxable year, have not been
18 granted a senior citizens assessment freeze homestead
19 exemption under Section 15-172 or a long-time occupant
20 homestead exemption under Section 15-177, there shall be an
21 additional exemption of \$5,000 for owners with a household
22 income of \$30,000 or less.

23 (c) In counties with fewer than 3,000,000 inhabitants, if,
24 based on the most recent assessment, the equalized assessed
25 value of the homestead property for the current assessment year
26 is greater than the equalized assessed value of the property

1 for 1977, the owner of the property shall automatically receive
2 the exemption granted under this Section in an amount equal to
3 the increase over the 1977 assessment up to the maximum
4 reduction set forth in this Section.

5 (d) If in any assessment year beginning with the 2000
6 assessment year, homestead property has a pro-rata valuation
7 under Section 9-180 resulting in an increase in the assessed
8 valuation, a reduction in equalized assessed valuation equal to
9 the increase in equalized assessed value of the property for
10 the year of the pro-rata valuation above the equalized assessed
11 value of the property for 1977 shall be applied to the property
12 on a proportionate basis for the period the property qualified
13 as homestead property during the assessment year. The maximum
14 proportionate homestead exemption shall not exceed the maximum
15 homestead exemption allowed in the county under this Section
16 divided by 365 and multiplied by the number of days the
17 property qualified as homestead property.

18 (e) The chief county assessment officer may, when
19 considering whether to grant a leasehold exemption under this
20 Section, require the following conditions to be met:

21 (1) that a notarized application for the exemption,
22 signed by both the owner and the lessee of the property,
23 must be submitted each year during the application period
24 in effect for the county in which the property is located;

25 (2) that a copy of the lease must be filed with the
26 chief county assessment officer by the owner of the

1 property at the time the notarized application is
2 submitted;

3 (3) that the lease must expressly state that the lessee
4 is liable for the payment of property taxes; and

5 (4) that the lease must include the following language
6 in substantially the following form:

7 "Lessee shall be liable for the payment of real
8 estate taxes with respect to the residence in
9 accordance with the terms and conditions of Section
10 15-175 of the Property Tax Code (35 ILCS 200/15-175).
11 The permanent real estate index number for the premises
12 is (insert number), and, according to the most recent
13 property tax bill, the current amount of real estate
14 taxes associated with the premises is (insert amount)
15 per year. The parties agree that the monthly rent set
16 forth above shall be increased or decreased pro rata
17 (effective January 1 of each calendar year) to reflect
18 any increase or decrease in real estate taxes. Lessee
19 shall be deemed to be satisfying Lessee's liability for
20 the above mentioned real estate taxes with the monthly
21 rent payments as set forth above (or increased or
22 decreased as set forth herein)."

23 In addition, if there is a change in lessee, or if the
24 lessee vacates the property, then the chief county assessment
25 officer may require the owner of the property to notify the
26 chief county assessment officer of that change.

1 This subsection (e) does not apply to leasehold interests
2 in property owned by a municipality.

3 (f) "Homestead property" under this Section includes
4 residential property that is occupied by its owner or owners as
5 his or their principal dwelling place, or that is a leasehold
6 interest on which a single family residence is situated, which
7 is occupied as a residence by a person who has an ownership
8 interest therein, legal or equitable or as a lessee, and on
9 which the person is liable for the payment of property taxes.
10 For land improved with an apartment building owned and operated
11 as a cooperative or a building which is a life care facility as
12 defined in Section 15-170 and considered to be a cooperative
13 under Section 15-170, the maximum reduction from the equalized
14 assessed value shall be limited to the increase in the value
15 above the equalized assessed value of the property for 1977, up
16 to the maximum reduction set forth above, multiplied by the
17 number of apartments or units occupied by a person or persons
18 who is liable, by contract with the owner or owners of record,
19 for paying property taxes on the property and is an owner of
20 record of a legal or equitable interest in the cooperative
21 apartment building, other than a leasehold interest. For
22 purposes of this Section, the term "life care facility" has the
23 meaning stated in Section 15-170.

24 "Household", as used in this Section, means the owner, the
25 spouse of the owner, and all persons using the residence of the
26 owner as their principal place of residence.

1 "Household income", as used in this Section, means the
2 combined income of the members of a household for the calendar
3 year preceding the taxable year.

4 "Income", as used in this Section, has the same meaning as
5 provided in Section 3.07 of the Senior Citizens and Disabled
6 Persons Property Tax Relief Act, except that "income" does not
7 include veteran's benefits.

8 (g) In a cooperative where a homestead exemption has been
9 granted, the cooperative association or its management firm
10 shall credit the savings resulting from that exemption only to
11 the apportioned tax liability of the owner who qualified for
12 the exemption. Any person who willfully refuses to so credit
13 the savings shall be guilty of a Class B misdemeanor.

14 (h) Where married persons maintain and reside in separate
15 residences qualifying as homestead property, each residence
16 shall receive 50% of the total reduction in equalized assessed
17 valuation provided by this Section.

18 (i) In all counties, the assessor or chief county
19 assessment officer may determine the eligibility of
20 residential property to receive the homestead exemption and the
21 amount of the exemption by application, visual inspection,
22 questionnaire or other reasonable methods. The determination
23 shall be made in accordance with guidelines established by the
24 Department, provided that the taxpayer applying for an
25 additional general exemption under this Section shall submit to
26 the chief county assessment officer an application with an

1 affidavit of the applicant's total household income, age,
2 marital status (and, if married, the name and address of the
3 applicant's spouse, if known), and principal dwelling place of
4 members of the household on January 1 of the taxable year. The
5 Department shall issue guidelines establishing a method for
6 verifying the accuracy of the affidavits filed by applicants
7 under this paragraph. The applications shall be clearly marked
8 as applications for the Additional General Homestead
9 Exemption.

10 (j) In counties with fewer than 3,000,000 inhabitants, in
11 the event of a sale of homestead property the homestead
12 exemption shall remain in effect for the remainder of the
13 assessment year of the sale. The assessor or chief county
14 assessment officer may require the new owner of the property to
15 apply for the homestead exemption for the following assessment
16 year.

17 (k) Notwithstanding Sections 6 and 8 of the State Mandates
18 Act, no reimbursement by the State is required for the
19 implementation of any mandate created by this Section.

20 (Source: P.A. 97-689, eff. 6-14-12; 97-1125, eff. 8-28-12;
21 revised 9-20-12.)

22 Section 200. The Mobile Home Local Services Tax Act is
23 amended by changing Section 7 as follows:

24 (35 ILCS 515/7) (from Ch. 120, par. 1207)

1 Sec. 7. The local services tax for owners of mobile homes
2 who (a) are actually residing in such mobile homes, (b) hold
3 title to such mobile home as provided in the Illinois Vehicle
4 Code, and (c) are 65 years of age or older or are disabled
5 persons within the meaning of Section 3.14 of the "Senior
6 Citizens and Disabled Persons Property Tax Relief Act" on the
7 annual billing date shall be reduced to 80 percent of the tax
8 provided for in Section 3 of this Act. Proof that a claimant
9 has been issued an Illinois Person with a Disability
10 Identification Card stating that the claimant is under a Class
11 2 disability, as provided in Section 4A of the Illinois
12 Identification Card Act, shall constitute proof that the person
13 thereon named is a disabled person within the meaning of this
14 Act. An application for reduction of the tax shall be filed
15 with the county clerk by the individuals who are entitled to
16 the reduction. If the application is filed after May 1, the
17 reduction in tax shall begin with the next annual bill.
18 Application for the reduction in tax shall be done by
19 submitting proof that the applicant has been issued an Illinois
20 Person with a Disability Identification Card designating the
21 applicant's disability as a Class 2 disability, or by affidavit
22 in substantially the following form:

23 APPLICATION FOR REDUCTION OF MOBILE HOME LOCAL SERVICES TAX

24 I hereby make application for a reduction to 80% of the
25 total tax imposed under "An Act to provide for a local services
26 tax on mobile homes".

1 (1) Senior Citizens

2 (a) I actually reside in the mobile home

3 (b) I hold title to the mobile home as provided in the
4 Illinois Vehicle Code

5 (c) I reached the age of 65 on or before either January 1
6 (or July 1) of the year in which this statement is filed. My
7 date of birth is: ...

8 (2) Disabled Persons

9 (a) I actually reside in the mobile home...

10 (b) I hold title to the mobile home as provided in the
11 Illinois Vehicle Code

12 (c) I was totally disabled on ... and have remained
13 disabled until the date of this application. My Social
14 Security, Veterans, Railroad or Civil Service Total Disability
15 Claim Number is ... The undersigned declares under the penalty
16 of perjury that the above statements are true and correct.

17 Dated (insert date).

18

19 Signature of owner

20

21 (Address)

22

23 (City) (State) (Zip)

24 Approved by:

25

26 (Assessor)

1 This application shall be accompanied by a copy of the
2 applicant's most recent application filed with the Illinois
3 Department on Aging under the Senior Citizens and Disabled
4 Persons Property Tax Relief Act.

5 (Source: P.A. 96-804, eff. 1-1-10; 97-689, eff. 6-14-12;
6 97-1064, eff. 1-1-13; revised 9-20-12.)

7 Section 205. The Telecommunications Infrastructure
8 Maintenance Fee Act is amended by changing Sections 27.30 and
9 27.40 as follows:

10 (35 ILCS 635/27.30)

11 Sec. 27.30. Review under Administrative Review Law. The
12 Circuit Court of the county wherein a hearing is held shall
13 have power to review all final administrative decisions of the
14 Department in administering the provisions of this Act:
15 Provided that if the administrative proceeding that is to be
16 reviewed judicially is a claim for refund proceeding commenced
17 in accordance with this Act and Section 2a of the State
18 Officers and Employees Money Disposition Act, the Circuit Court
19 having jurisdiction of the action for judicial review under
20 this Section and under the Administrative Review Law shall be
21 the same court that entered the temporary restraining order or
22 preliminary injunction that is provided for in Section 2a of
23 the State Officers and Employees Money Disposition Act and that

1 enables such claim proceeding to be processed and disposed of
2 as a claim for refund proceeding rather than as a claim for
3 credit proceeding.

4 Except as otherwise provided in this Section with respect
5 to the Illinois Independent Tax Tribunal, the provisions of the
6 Administrative Review Law, and the rules adopted pursuant
7 thereto, shall apply to and govern all proceedings for the
8 judicial review of final administrative decisions of the
9 Department hereunder. The term "administrative decision" is
10 defined as in Section 3-101 of the Code of Civil Procedure.

11 The provisions of the Illinois Independent Tax Tribunal Act
12 of 2012, and the rules adopted pursuant thereto, shall apply to
13 and govern all proceedings for the judicial review of final
14 administrative decisions of the Department that are subject to
15 the jurisdiction of the Illinois Independent Tax Tribunal.

16 Service upon the Director or Assistant Director of the
17 Department of Revenue of summons issued in any action to review
18 a final administrative decision shall be service upon the
19 Department. The Department shall certify the record of its
20 proceedings if the telecommunications retailer shall pay to it
21 the sum of 75¢ per page of testimony taken before the
22 Department and 25¢ per page of all other matters contained in
23 such record, except that these charges may be waived where the
24 Department is satisfied that the aggrieved party is a poor
25 person who cannot afford to pay such charges.

26 (Source: P.A. 97-1129, eff. 8-28-12; revised 10-10-12.)

1 (35 ILCS 635/27.40)

2 Sec. 27.40. Application of Illinois Administrative
3 Procedure Act. The Illinois Administrative Procedure Act is
4 hereby expressly adopted and shall apply to all administrative
5 rules and procedures of the Department of Revenue under this
6 Act, except that (i) paragraph (b) of Section 5-10 of the
7 Administrative Procedure Act does not apply to final orders,
8 decisions, and opinions of the Department, (ii) subparagraph
9 (a)(ii) of Section 5-10 of the Administrative Procedure Act
10 does not apply to forms established by the Department for use
11 under this Act, and (iii) the provisions of Section 10-45 of
12 the Administrative Procedure Act regarding proposals for
13 decision are excluded and not applicable to the Department
14 under this Act to the extent Section 10-45 applies to hearings
15 not otherwise subject to the Illinois Independent Tax Tribunal
16 Act of 2012.

17 (Source: P.A. 97-1129, eff. 8-28-12; revised 10-10-12.)

18 Section 210. The Electricity Excise Tax Law is amended by
19 changing Section 2-14 as follows:

20 (35 ILCS 640/2-14)

21 Sec. 2-14. Rules and regulations; hearing; review under
22 Administrative Review Law; death or incompetency of party. The
23 Department may make, promulgate and enforce such reasonable

1 rules and regulations relating to the administration and
2 enforcement of this Law as may be deemed expedient.

3 Whenever notice to a purchaser or to a delivering supplier
4 is required by this Law, such notice may be personally served
5 or given by United States certified or registered mail,
6 addressed to the purchaser or delivering supplier concerned at
7 his or her last known address, and proof of such mailing shall
8 be sufficient for the purposes of this Law. In the case of a
9 notice of hearing, the notice shall be mailed not less than 21
10 days prior to the date fixed for the hearing.

11 All hearings provided for in this Law with respect to a
12 purchaser or to a delivering supplier having its principal
13 address or principal place of business in any of the several
14 counties of this State shall be held in the county wherein the
15 purchaser or delivering supplier has its principal address or
16 principal place of business. If the purchaser or delivering
17 supplier does not have its principal address or principal place
18 of business in this State, such hearings shall be held in
19 Sangamon County. Except as otherwise provided in this Section
20 with respect to the Illinois Independent Tax Tribunal, the
21 Circuit Court of any county wherein a hearing is held shall
22 have power to review all final administrative decisions of the
23 Department in administering the provisions of this Law. If,
24 however, the administrative proceeding which is to be reviewed
25 judicially is a claim for refund proceeding commenced in
26 accordance with this Law and Section 2a of the State Officers

1 and Employees Money Disposition Act, the Circuit Court having
2 jurisdiction of the action for judicial review under this
3 Section and under the Administrative Review Law shall be the
4 same court that entered the temporary restraining order or
5 preliminary injunction which is provided for in Section 2a of
6 the State Officers and Employees Money Disposition Act and
7 which enables such claim proceeding to be processed and
8 disposed of as a claim for refund proceeding rather than as a
9 claim for credit proceeding.

10 Except as otherwise provided with respect to the Illinois
11 Independent Tax Tribunal, the provisions of the Administrative
12 Review Law, and the rules adopted pursuant thereto, shall apply
13 to and govern all proceedings for the judicial review of final
14 administrative decisions of the Department hereunder. The term
15 "administrative decision" is defined as in Section 3-101 of the
16 Code of Civil Procedure.

17 The provisions of the Illinois Independent Tax Tribunal Act
18 of 2012, and the rules adopted pursuant thereto, shall apply to
19 and govern all proceedings for the judicial review of final
20 administrative decisions of the Department that are subject to
21 the jurisdiction of the Illinois Independent Tax Tribunal.

22 Service upon the Director or Assistant Director of the
23 Department of Revenue of summons issued in any action to review
24 a final administrative decision is service upon the Department.
25 The Department shall certify the record of its proceedings if
26 the person commencing such action shall pay to it the sum of 75

1 cents per page of testimony taken before the Department and 25
2 cents per page of all other matters contained in such record,
3 except that these charges may be waived where the Department is
4 satisfied that the aggrieved party is a poor person who cannot
5 afford to pay such charges.

6 Whenever any proceeding provided by this Law has been begun
7 by the Department or by a person subject thereto and such
8 person thereafter dies or becomes a person under legal
9 disability before the proceeding has been concluded, the legal
10 representative of the deceased person or a person under legal
11 disability shall notify the Department of such death or legal
12 disability. The legal representative, as such, shall then be
13 substituted by the Department in place of and for the person.

14 Within 20 days after notice to the legal representative of
15 the time fixed for that purpose, the proceeding may proceed in
16 all respects and with like effect as though the person had not
17 died or become a person under legal disability.

18 (Source: P.A. 97-1129, eff. 8-28-12; revised 10-10-12.)

19 Section 215. The Illinois Independent Tax Tribunal Act of
20 2012 is amended by changing the heading of Article 1 and
21 Sections 1-15, 1-45, 1-55, 1-75, and 1-85 as follows:

22 (35 ILCS 1010/Art. 1 heading)

23 ARTICLE 1. ILLINOIS INDEPENDENT TAX TRIBUNAL ACT OF 2012

24 (Source: P.A. 97-1129, eff. 8-28-12; revised 10-10-12.)

1 (35 ILCS 1010/1-15)

2 Sec. 1-15. Independent Tax Tribunal; establishment.

3 (a) For the purpose of effectuating the policy declared in
4 Section 1-5 of this Act, a State agency known as the Illinois
5 Independent Tax Tribunal is created. The Tax Tribunal shall
6 have the powers and duties enumerated in this Act, together
7 with such others conferred upon it by law. The Tax Tribunal
8 shall operate as an independent agency, and shall be separate
9 from the authority of the Director of Revenue and the
10 Department of Revenue.

11 (b) Except as otherwise limited by this Act, the Tax
12 Tribunal has all of the powers necessary or convenient to carry
13 out the purposes and provisions of this Act, including, without
14 limitation, each of the following:

15 (1) To have a seal, and to alter that seal at pleasure,
16 and to use it by causing it or a facsimile to be affixed or
17 impressed or reproduced in any other manner.

18 (2) To accept and expend appropriations.

19 (3) To obtain and employ personnel as required in this
20 Act, including any additional personnel necessary to
21 fulfill the Tax Tribunal's purposes, and to make
22 expenditures for personnel within the appropriations for
23 that purpose.

24 (4) To maintain offices at such places as required
25 under this Act, and elsewhere as the Tax Tribunal may

1 determine.

2 (5) To engage in any activity or operation that is
3 incidental to and in furtherance of efficient operation to
4 accomplish the Tax Tribunal's purposes.

5 (c) Unless otherwise stated, the Tax Tribunal is subject to
6 the provisions of all applicable laws, including, but not
7 limited to, each of the following:

8 (1) The State Records Act.

9 (2) The Illinois Procurement Code, except that the
10 Illinois Procurement Code does not apply to the hiring of
11 the chief administrative law judge or other administrative
12 law judges pursuant to Section 1-25 of this Act.

13 (3) The Freedom of Information Act, except as otherwise
14 provided in Section 7 of that Act.

15 (4) The State Property Control Act.

16 (5) The State Officials and Employees Ethics Act.

17 (6) The Illinois Administrative Procedure Act, to the
18 extent not inconsistent with the provisions of this Act.

19 (7) The Illinois State Auditing Act. For purposes of
20 the Illinois State Auditing Act, the Tax Tribunal is a
21 "State agency" within the meaning of the Act and is subject
22 to the jurisdiction of the Auditor General.

23 (d) The Tax Tribunal shall exercise its jurisdiction on and
24 after July 1, 2013, but the administrative law judges of the
25 Tax Tribunal may be appointed prior to that date and may take
26 any action prior to that date that is necessary to enable the

1 Tax Tribunal to properly exercise its jurisdiction on or after
2 that date. Any administrative proceeding commenced prior to
3 July 1, 2013, that would otherwise be subject to the
4 jurisdiction of the Illinois Independent Tax Tribunal may be
5 conducted according to the procedures set forth in this Act if
6 the taxpayer so elects. Such an election shall be irrevocable
7 and may be made on or after July 1, 2013, but no later than 30
8 days after the date on which the taxpayer's protest was filed.

9 (Source: P.A. 97-1129, eff. 8-28-12; revised 10-10-12.)

10 (35 ILCS 1010/1-45)

11 Sec. 1-45. Jurisdiction of the Tax Tribunal.

12 (a) Except as provided by the Constitution of the United
13 States, the Constitution of the State of Illinois, or any
14 statutes of this State, including, but not limited to, the
15 State Officers and Employees Money Disposition Act, the Tax
16 Tribunal shall have original jurisdiction over all
17 determinations of the Department reflected on a Notice of
18 Deficiency, Notice of Tax Liability, Notice of Claim Denial, or
19 Notice of Penalty Liability issued under the Illinois Income
20 Tax Act, the Use Tax Act, the Service Use Tax Act, the Service
21 Occupation Tax Act, the Retailers' Occupation Tax Act, the
22 Cigarette Tax Act, the Cigarette Use Tax Act, the Tobacco
23 Products Tax Act of 1995, the Hotel Operators' Occupation Tax
24 Act, the Motor Fuel Tax Law, the Automobile Renting Occupation
25 and Use Tax Act, the Coin-Operated Amusement Device and

1 Redemption Machine Tax Act, the Gas Revenue Tax Act, the Water
2 Company Invested Capital Tax Act, the Telecommunications
3 Excise Tax Act, the Telecommunications Infrastructure
4 Maintenance Fee Act, the Public Utilities Revenue Act, the
5 Electricity Excise Tax Law, the Aircraft Use Tax Law, the
6 Watercraft Use Tax Law, the Gas Use Tax Law, or the Uniform
7 Penalty and Interest Act. Jurisdiction of the Tax Tribunal is
8 limited to Notices of Tax Liability, Notices of Deficiency,
9 Notices of Claim Denial, and Notices of Penalty Liability where
10 the amount at issue in a notice, or the aggregate amount at
11 issue in multiple notices issued for the same tax year or audit
12 period, exceeds \$15,000, exclusive of penalties and interest.
13 In notices solely asserting either an interest or penalty
14 assessment, or both, the Tax Tribunal shall have jurisdiction
15 over cases where the combined total of all penalties or
16 interest assessed exceeds \$15,000.

17 (b) Except as otherwise permitted by this Act and by the
18 Constitution of the State of Illinois or otherwise by State
19 law, including, but not limited to, the State Officers and
20 Employees Money Disposition Act, no person shall contest any
21 matter within the jurisdiction of the Tax Tribunal in any
22 action, suit, or proceeding in the circuit court or any other
23 court of the State. If a person attempts to do so, then such
24 action, suit, or proceeding shall be dismissed without
25 prejudice. The improper commencement of any action, suit, or
26 proceeding does not extend the time period for commencing a

1 proceeding in the Tax Tribunal.

2 (c) The Tax Tribunal may require the taxpayer to post a
3 bond equal to 25% of the liability at issue (1) upon motion of
4 the Department and a showing that (A) the taxpayer's action is
5 frivolous or legally insufficient or (B) the taxpayer is acting
6 primarily for the purpose of delaying the collection of tax or
7 prejudicing the ability ultimately to collect the tax, or (2)
8 if, at any time during the proceedings, it is determined by the
9 Tax Tribunal that the taxpayer is not pursuing the resolution
10 of the case with due diligence. If the Tax Tribunal finds in a
11 particular case that the taxpayer cannot procure and furnish a
12 satisfactory surety or sureties for the kind of bond required
13 herein, the Tax Tribunal may relieve the taxpayer of the
14 obligation of filing such bond, if, upon the timely application
15 for a lien in lieu thereof and accompanying proof therein
16 submitted, the Tax Tribunal is satisfied that any such lien
17 imposed would operate to secure the assessment in the manner
18 and to the degree as would a bond. The Tax Tribunal shall adopt
19 rules for the procedures to be used in securing a bond or lien
20 under this Section.

21 (d) If, with or after the filing of a timely petition, the
22 taxpayer pays all or part of the tax or other amount in issue
23 before the Tax Tribunal has rendered a decision, the Tax
24 Tribunal shall treat the taxpayer's petition as a protest of a
25 denial of claim for refund of the amount so paid upon a written
26 motion filed by the taxpayer.

1 (e) The Tax Tribunal shall not have jurisdiction to review:

2 (1) any assessment made under the Property Tax Code;

3 (2) any decisions relating to the issuance or denial of
4 an exemption ruling for any entity claiming exemption from
5 any tax imposed under the Property Tax Code or any State
6 tax administered by the Department;

7 (3) a notice of proposed tax liability, notice of
8 proposed deficiency, or any other notice of proposed
9 assessment or notice of intent to take some action;

10 (4) any action or determination of the Department
11 regarding tax liabilities that have become finalized by
12 law, including but not limited to the issuance of liens,
13 levies, and revocations, suspensions, or denials of
14 licenses or certificates of registration or any other
15 collection activities;

16 (5) any proceedings of the Department's informal
17 administrative appeals function; and

18 (6) any challenge to an administrative subpoena issued
19 by the Department.

20 (f) The Tax Tribunal shall decide questions regarding the
21 constitutionality of statutes and rules adopted by the
22 Department as applied to the taxpayer, but shall not have the
23 power to declare a statute or rule unconstitutional or
24 otherwise invalid on its face. A taxpayer challenging the
25 constitutionality of a statute or rule on its face may present
26 such challenge to the Tax Tribunal for the sole purpose of

1 making a record for review by the Illinois Appellate Court.
2 Failure to raise a constitutional issue regarding the
3 application of a statute or regulations to the taxpayer shall
4 not preclude the taxpayer or the Department from raising those
5 issues at the appellate court level.

6 (Source: P.A. 97-1129, eff. 8-28-12; revised 10-10-12.)

7 (35 ILCS 1010/1-55)

8 Sec. 1-55. Fees.

9 (a) The Tax Tribunal shall impose a fee of \$500 for the
10 filing of petitions.

11 (b) The Tax Tribunal may fix a fee, not in excess of the
12 fees charged and collected by the clerk of the circuit courts,
13 for comparing, or for preparing and comparing, a transcript of
14 the record, or for copying any record, entry, or other paper
15 and the comparison and certification thereof.

16 (c) Fees collected under this Section shall be deposited
17 into the Illinois Independent Tax Tribunal Fund, a special fund
18 created in the State treasury. Moneys deposited into the Fund
19 shall be appropriated to the Tax Tribunal to reimburse the Tax
20 Tribunal for costs associated with administering and enforcing
21 the provisions of this Act.

22 (d) The Tax Tribunal shall not assign any costs or
23 attorney's fees incurred by one party against another party.
24 Claims for expenses and attorney's fees under Section 10-55 of
25 the Illinois Administrative Procedure Act shall first be made

1 to the Department of Revenue. If the claimant is dissatisfied
2 because of the Department's failure to make any award or
3 because of the insufficiency of the award, the claimant may
4 petition the Court of Claims for the amount deemed owed.

5 (Source: P.A. 97-1129, eff. 8-28-12; revised 10-10-12.)

6 (35 ILCS 1010/1-75)

7 Sec. 1-75. Appeals.

8 (a) The taxpayer and the Department are entitled to
9 judicial review of a final decision of the Tax Tribunal in the
10 Illinois Appellate Court, in accordance with Section 3-113 of
11 the Administrative Review Law.

12 (b) The record on judicial review shall include the
13 decision of the Tax Tribunal, the stenographic transcript of
14 the hearing before the Tax Tribunal, the pleadings and all
15 exhibits and documents admitted into evidence.

16 (Source: P.A. 97-1129, eff. 8-28-12; revised 10-10-12.)

17 (35 ILCS 1010/1-85)

18 Sec. 1-85. Publication of decisions and electronic
19 submission of documents.

20 (a) The Tax Tribunal shall, within 180 days of the issuance
21 of a decision, index and publish its final decision in such
22 print or electronic form as it deems best adapted for public
23 convenience. Such publications shall be made permanently
24 available and constitute the official reports of the Tax

1 Tribunal.

2 (b) All published decisions shall be edited by the Tax
3 Tribunal so that the identification number of the taxpayer and
4 any related entities or employees, and any trade secrets or
5 other intellectual property, are not disclosed or identified.

6 (c) Within 30 days following the issuance of any hearing
7 decision, the taxpayer affected by the decision may also
8 request that the Tax Tribunal omit specifically identified
9 trade secrets or other confidential or proprietary information
10 prior to publication of the decision. The Tax Tribunal shall
11 approve those requests if it determines that the requests are
12 reasonable and that the disclosure of such information would
13 potentially cause economic or other injury to the taxpayer.

14 (d) The Tax Tribunal shall provide, by rule, reasonable
15 requirements for the electronic submission of documents and
16 records and the method and type of symbol or security procedure
17 it will accept to authenticate electronic submissions or as a
18 legal signature.

19 (e) Each year, no later than October 1, the Tax Tribunal
20 shall report to the General Assembly regarding the Tax
21 Tribunal's operations during the prior fiscal year. Such report
22 shall include the number of cases opened and closed, the size
23 of its docket, the average age of cases, the dollar amount of
24 cases by tax type, the number of cases decided in favor of the
25 Department, the number of cases decided in favor of the
26 taxpayer, the number of cases resolved through mediation or

1 settlement, and such other statistics so as to apprise the
2 General Assembly of whether the Tax Tribunal has successfully
3 accomplished its mission to fairly and efficiently adjudicate
4 tax disputes.

5 (Source: P.A. 97-1129, eff. 8-28-12; revised 10-10-12.)

6 Section 220. The Illinois Pension Code is amended by
7 changing Sections 15-155, 16-106, and 16-133.4 and the heading
8 of Article 22A as follows:

9 (40 ILCS 5/15-155) (from Ch. 108 1/2, par. 15-155)

10 Sec. 15-155. Employer contributions.

11 (a) The State of Illinois shall make contributions by
12 appropriations of amounts which, together with the other
13 employer contributions from trust, federal, and other funds,
14 employee contributions, income from investments, and other
15 income of this System, will be sufficient to meet the cost of
16 maintaining and administering the System on a 90% funded basis
17 in accordance with actuarial recommendations.

18 The Board shall determine the amount of State contributions
19 required for each fiscal year on the basis of the actuarial
20 tables and other assumptions adopted by the Board and the
21 recommendations of the actuary, using the formula in subsection
22 (a-1).

23 (a-1) For State fiscal years 2012 through 2045, the minimum
24 contribution to the System to be made by the State for each

1 fiscal year shall be an amount determined by the System to be
2 sufficient to bring the total assets of the System up to 90% of
3 the total actuarial liabilities of the System by the end of
4 State fiscal year 2045. In making these determinations, the
5 required State contribution shall be calculated each year as a
6 level percentage of payroll over the years remaining to and
7 including fiscal year 2045 and shall be determined under the
8 projected unit credit actuarial cost method.

9 For State fiscal years 1996 through 2005, the State
10 contribution to the System, as a percentage of the applicable
11 employee payroll, shall be increased in equal annual increments
12 so that by State fiscal year 2011, the State is contributing at
13 the rate required under this Section.

14 Notwithstanding any other provision of this Article, the
15 total required State contribution for State fiscal year 2006 is
16 \$166,641,900.

17 Notwithstanding any other provision of this Article, the
18 total required State contribution for State fiscal year 2007 is
19 \$252,064,100.

20 For each of State fiscal years 2008 through 2009, the State
21 contribution to the System, as a percentage of the applicable
22 employee payroll, shall be increased in equal annual increments
23 from the required State contribution for State fiscal year
24 2007, so that by State fiscal year 2011, the State is
25 contributing at the rate otherwise required under this Section.

26 Notwithstanding any other provision of this Article, the

1 total required State contribution for State fiscal year 2010 is
2 \$702,514,000 and shall be made from the State Pensions Fund and
3 proceeds of bonds sold in fiscal year 2010 pursuant to Section
4 7.2 of the General Obligation Bond Act, less (i) the pro rata
5 share of bond sale expenses determined by the System's share of
6 total bond proceeds, (ii) any amounts received from the General
7 Revenue Fund in fiscal year 2010, (iii) any reduction in bond
8 proceeds due to the issuance of discounted bonds, if
9 applicable.

10 Notwithstanding any other provision of this Article, the
11 total required State contribution for State fiscal year 2011 is
12 the amount recertified by the System on or before April 1, 2011
13 pursuant to Section 15-165 and shall be made from the State
14 Pensions Fund and proceeds of bonds sold in fiscal year 2011
15 pursuant to Section 7.2 of the General Obligation Bond Act,
16 less (i) the pro rata share of bond sale expenses determined by
17 the System's share of total bond proceeds, (ii) any amounts
18 received from the General Revenue Fund in fiscal year 2011, and
19 (iii) any reduction in bond proceeds due to the issuance of
20 discounted bonds, if applicable.

21 Beginning in State fiscal year 2046, the minimum State
22 contribution for each fiscal year shall be the amount needed to
23 maintain the total assets of the System at 90% of the total
24 actuarial liabilities of the System.

25 Amounts received by the System pursuant to Section 25 of
26 the Budget Stabilization Act or Section 8.12 of the State

1 Finance Act in any fiscal year do not reduce and do not
2 constitute payment of any portion of the minimum State
3 contribution required under this Article in that fiscal year.
4 Such amounts shall not reduce, and shall not be included in the
5 calculation of, the required State contributions under this
6 Article in any future year until the System has reached a
7 funding ratio of at least 90%. A reference in this Article to
8 the "required State contribution" or any substantially similar
9 term does not include or apply to any amounts payable to the
10 System under Section 25 of the Budget Stabilization Act.

11 Notwithstanding any other provision of this Section, the
12 required State contribution for State fiscal year 2005 and for
13 fiscal year 2008 and each fiscal year thereafter, as calculated
14 under this Section and certified under Section 15-165, shall
15 not exceed an amount equal to (i) the amount of the required
16 State contribution that would have been calculated under this
17 Section for that fiscal year if the System had not received any
18 payments under subsection (d) of Section 7.2 of the General
19 Obligation Bond Act, minus (ii) the portion of the State's
20 total debt service payments for that fiscal year on the bonds
21 issued in fiscal year 2003 for the purposes of that Section
22 7.2, as determined and certified by the Comptroller, that is
23 the same as the System's portion of the total moneys
24 distributed under subsection (d) of Section 7.2 of the General
25 Obligation Bond Act. In determining this maximum for State
26 fiscal years 2008 through 2010, however, the amount referred to

1 in item (i) shall be increased, as a percentage of the
2 applicable employee payroll, in equal increments calculated
3 from the sum of the required State contribution for State
4 fiscal year 2007 plus the applicable portion of the State's
5 total debt service payments for fiscal year 2007 on the bonds
6 issued in fiscal year 2003 for the purposes of Section 7.2 of
7 the General Obligation Bond Act, so that, by State fiscal year
8 2011, the State is contributing at the rate otherwise required
9 under this Section.

10 (b) If an employee is paid from trust or federal funds, the
11 employer shall pay to the Board contributions from those funds
12 which are sufficient to cover the accruing normal costs on
13 behalf of the employee. However, universities having employees
14 who are compensated out of local auxiliary funds, income funds,
15 or service enterprise funds are not required to pay such
16 contributions on behalf of those employees. The local auxiliary
17 funds, income funds, and service enterprise funds of
18 universities shall not be considered trust funds for the
19 purpose of this Article, but funds of alumni associations,
20 foundations, and athletic associations which are affiliated
21 with the universities included as employers under this Article
22 and other employers which do not receive State appropriations
23 are considered to be trust funds for the purpose of this
24 Article.

25 (b-1) The City of Urbana and the City of Champaign shall
26 each make employer contributions to this System for their

1 respective firefighter employees who participate in this
2 System pursuant to subsection (h) of Section 15-107. The rate
3 of contributions to be made by those municipalities shall be
4 determined annually by the Board on the basis of the actuarial
5 assumptions adopted by the Board and the recommendations of the
6 actuary, and shall be expressed as a percentage of salary for
7 each such employee. The Board shall certify the rate to the
8 affected municipalities as soon as may be practical. The
9 employer contributions required under this subsection shall be
10 remitted by the municipality to the System at the same time and
11 in the same manner as employee contributions.

12 (c) Through State fiscal year 1995: The total employer
13 contribution shall be apportioned among the various funds of
14 the State and other employers, whether trust, federal, or other
15 funds, in accordance with actuarial procedures approved by the
16 Board. State of Illinois contributions for employers receiving
17 State appropriations for personal services shall be payable
18 from appropriations made to the employers or to the System. The
19 contributions for Class I community colleges covering earnings
20 other than those paid from trust and federal funds, shall be
21 payable solely from appropriations to the Illinois Community
22 College Board or the System for employer contributions.

23 (d) Beginning in State fiscal year 1996, the required State
24 contributions to the System shall be appropriated directly to
25 the System and shall be payable through vouchers issued in
26 accordance with subsection (c) of Section 15-165, except as

1 provided in subsection (g).

2 (e) The State Comptroller shall draw warrants payable to
3 the System upon proper certification by the System or by the
4 employer in accordance with the appropriation laws and this
5 Code.

6 (f) Normal costs under this Section means liability for
7 pensions and other benefits which accrues to the System because
8 of the credits earned for service rendered by the participants
9 during the fiscal year and expenses of administering the
10 System, but shall not include the principal of or any
11 redemption premium or interest on any bonds issued by the Board
12 or any expenses incurred or deposits required in connection
13 therewith.

14 (g) If the amount of a participant's earnings for any
15 academic year used to determine the final rate of earnings,
16 determined on a full-time equivalent basis, exceeds the amount
17 of his or her earnings with the same employer for the previous
18 academic year, determined on a full-time equivalent basis, by
19 more than 6%, the participant's employer shall pay to the
20 System, in addition to all other payments required under this
21 Section and in accordance with guidelines established by the
22 System, the present value of the increase in benefits resulting
23 from the portion of the increase in earnings that is in excess
24 of 6%. This present value shall be computed by the System on
25 the basis of the actuarial assumptions and tables used in the
26 most recent actuarial valuation of the System that is available

1 at the time of the computation. The System may require the
2 employer to provide any pertinent information or
3 documentation.

4 Whenever it determines that a payment is or may be required
5 under this subsection (g), the System shall calculate the
6 amount of the payment and bill the employer for that amount.
7 The bill shall specify the calculations used to determine the
8 amount due. If the employer disputes the amount of the bill, it
9 may, within 30 days after receipt of the bill, apply to the
10 System in writing for a recalculation. The application must
11 specify in detail the grounds of the dispute and, if the
12 employer asserts that the calculation is subject to subsection
13 (h) or (i) of this Section, must include an affidavit setting
14 forth and attesting to all facts within the employer's
15 knowledge that are pertinent to the applicability of subsection
16 (h) or (i). Upon receiving a timely application for
17 recalculation, the System shall review the application and, if
18 appropriate, recalculate the amount due.

19 The employer contributions required under this subsection
20 (g) ~~(f)~~ may be paid in the form of a lump sum within 90 days
21 after receipt of the bill. If the employer contributions are
22 not paid within 90 days after receipt of the bill, then
23 interest will be charged at a rate equal to the System's annual
24 actuarially assumed rate of return on investment compounded
25 annually from the 91st day after receipt of the bill. Payments
26 must be concluded within 3 years after the employer's receipt

1 of the bill.

2 (h) This subsection (h) applies only to payments made or
3 salary increases given on or after June 1, 2005 but before July
4 1, 2011. The changes made by Public Act 94-1057 shall not
5 require the System to refund any payments received before July
6 31, 2006 (the effective date of Public Act 94-1057).

7 When assessing payment for any amount due under subsection
8 (g), the System shall exclude earnings increases paid to
9 participants under contracts or collective bargaining
10 agreements entered into, amended, or renewed before June 1,
11 2005.

12 When assessing payment for any amount due under subsection
13 (g), the System shall exclude earnings increases paid to a
14 participant at a time when the participant is 10 or more years
15 from retirement eligibility under Section 15-135.

16 When assessing payment for any amount due under subsection
17 (g), the System shall exclude earnings increases resulting from
18 overload work, including a contract for summer teaching, or
19 overtime when the employer has certified to the System, and the
20 System has approved the certification, that: (i) in the case of
21 overloads (A) the overload work is for the sole purpose of
22 academic instruction in excess of the standard number of
23 instruction hours for a full-time employee occurring during the
24 academic year that the overload is paid and (B) the earnings
25 increases are equal to or less than the rate of pay for
26 academic instruction computed using the participant's current

1 salary rate and work schedule; and (ii) in the case of
2 overtime, the overtime was necessary for the educational
3 mission.

4 When assessing payment for any amount due under subsection
5 (g), the System shall exclude any earnings increase resulting
6 from (i) a promotion for which the employee moves from one
7 classification to a higher classification under the State
8 Universities Civil Service System, (ii) a promotion in academic
9 rank for a tenured or tenure-track faculty position, or (iii) a
10 promotion that the Illinois Community College Board has
11 recommended in accordance with subsection (k) of this Section.
12 These earnings increases shall be excluded only if the
13 promotion is to a position that has existed and been filled by
14 a member for no less than one complete academic year and the
15 earnings increase as a result of the promotion is an increase
16 that results in an amount no greater than the average salary
17 paid for other similar positions.

18 (i) When assessing payment for any amount due under
19 subsection (g), the System shall exclude any salary increase
20 described in subsection (h) of this Section given on or after
21 July 1, 2011 but before July 1, 2014 under a contract or
22 collective bargaining agreement entered into, amended, or
23 renewed on or after June 1, 2005 but before July 1, 2011.
24 Notwithstanding any other provision of this Section, any
25 payments made or salary increases given after June 30, 2014
26 shall be used in assessing payment for any amount due under

1 subsection (g) of this Section.

2 (j) The System shall prepare a report and file copies of
3 the report with the Governor and the General Assembly by
4 January 1, 2007 that contains all of the following information:

5 (1) The number of recalculations required by the
6 changes made to this Section by Public Act 94-1057 for each
7 employer.

8 (2) The dollar amount by which each employer's
9 contribution to the System was changed due to
10 recalculations required by Public Act 94-1057.

11 (3) The total amount the System received from each
12 employer as a result of the changes made to this Section by
13 Public Act 94-4.

14 (4) The increase in the required State contribution
15 resulting from the changes made to this Section by Public
16 Act 94-1057.

17 (k) The Illinois Community College Board shall adopt rules
18 for recommending lists of promotional positions submitted to
19 the Board by community colleges and for reviewing the
20 promotional lists on an annual basis. When recommending
21 promotional lists, the Board shall consider the similarity of
22 the positions submitted to those positions recognized for State
23 universities by the State Universities Civil Service System.
24 The Illinois Community College Board shall file a copy of its
25 findings with the System. The System shall consider the
26 findings of the Illinois Community College Board when making

1 determinations under this Section. The System shall not exclude
2 any earnings increases resulting from a promotion when the
3 promotion was not submitted by a community college. Nothing in
4 this subsection (k) shall require any community college to
5 submit any information to the Community College Board.

6 (l) For purposes of determining the required State
7 contribution to the System, the value of the System's assets
8 shall be equal to the actuarial value of the System's assets,
9 which shall be calculated as follows:

10 As of June 30, 2008, the actuarial value of the System's
11 assets shall be equal to the market value of the assets as of
12 that date. In determining the actuarial value of the System's
13 assets for fiscal years after June 30, 2008, any actuarial
14 gains or losses from investment return incurred in a fiscal
15 year shall be recognized in equal annual amounts over the
16 5-year period following that fiscal year.

17 (m) For purposes of determining the required State
18 contribution to the system for a particular year, the actuarial
19 value of assets shall be assumed to earn a rate of return equal
20 to the system's actuarially assumed rate of return.

21 (Source: P.A. 96-43, eff. 7-15-09; 96-1497, eff. 1-14-11;
22 96-1511, eff. 1-27-11; 96-1554, eff. 3-18-11; 97-813, eff.
23 7-13-12; revised 10-17-12.)

24 (40 ILCS 5/16-106) (from Ch. 108 1/2, par. 16-106)

25 Sec. 16-106. Teacher. "Teacher": The following

1 individuals, provided that, for employment prior to July 1,
2 1990, they are employed on a full-time basis, or if not
3 full-time, on a permanent and continuous basis in a position in
4 which services are expected to be rendered for at least one
5 school term:

6 (1) Any educational, administrative, professional or
7 other staff employed in the public common schools included
8 within this system in a position requiring certification
9 under the law governing the certification of teachers;

10 (2) Any educational, administrative, professional or
11 other staff employed in any facility of the Department of
12 Children and Family Services or the Department of Human
13 Services, in a position requiring certification under the
14 law governing the certification of teachers, and any person
15 who (i) works in such a position for the Department of
16 Corrections, (ii) was a member of this System on May 31,
17 1987, and (iii) did not elect to become a member of the
18 State Employees' Retirement System pursuant to Section
19 14-108.2 of this Code; except that "teacher" does not
20 include any person who (A) becomes a security employee of
21 the Department of Human Services, as defined in Section
22 14-110, after June 28, 2001 (the effective date of Public
23 Act 92-14), or (B) becomes a member of the State Employees'
24 Retirement System pursuant to Section 14-108.2c of this
25 Code;

26 (3) Any regional superintendent of schools, assistant

1 regional superintendent of schools, State Superintendent
2 of Education; any person employed by the State Board of
3 Education as an executive; any executive of the boards
4 engaged in the service of public common school education in
5 school districts covered under this system of which the
6 State Superintendent of Education is an ex-officio member;

7 (4) Any employee of a school board association
8 operating in compliance with Article 23 of the School Code
9 who is certificated under the law governing the
10 certification of teachers;

11 (5) Any person employed by the retirement system who:

12 (i) was an employee of and a participant in the
13 system on August 17, 2001 (the effective date of Public
14 Act 92-416), or

15 (ii) becomes an employee of the system on or after
16 August 17, 2001;

17 (6) Any educational, administrative, professional or
18 other staff employed by and under the supervision and
19 control of a regional superintendent of schools, provided
20 such employment position requires the person to be
21 certificated under the law governing the certification of
22 teachers and is in an educational program serving 2 or more
23 districts in accordance with a joint agreement authorized
24 by the School Code or by federal legislation;

25 (7) Any educational, administrative, professional or
26 other staff employed in an educational program serving 2 or

1 more school districts in accordance with a joint agreement
2 authorized by the School Code or by federal legislation and
3 in a position requiring certification under the laws
4 governing the certification of teachers;

5 (8) Any officer or employee of a statewide teacher
6 organization or officer of a national teacher organization
7 who is certified under the law governing certification of
8 teachers, provided: (i) the individual had previously
9 established creditable service under this Article, (ii)
10 the individual files with the system an irrevocable
11 election to become a member before the effective date of
12 this amendatory Act of the 97th General Assembly, (iii) the
13 individual does not receive credit for such service under
14 any other Article of this Code, and (iv) the individual
15 first became an officer or employee of the teacher
16 organization and becomes a member before the effective date
17 of this amendatory Act of the 97th General Assembly;

18 (9) Any educational, administrative, professional, or
19 other staff employed in a charter school operating in
20 compliance with the Charter Schools Law who is certificated
21 under the law governing the certification of teachers; ; -

22 (10) Any person employed, on the effective date of this
23 amendatory Act of the 94th General Assembly, by the
24 Macon-Piatt Regional Office of Education in a
25 birth-through-age-three pilot program receiving funds
26 under Section 2-389 of the School Code who is required by

1 the Macon-Piatt Regional Office of Education to hold a
2 teaching certificate, provided that the Macon-Piatt
3 Regional Office of Education makes an election, within 6
4 months after the effective date of this amendatory Act of
5 the 94th General Assembly, to have the person participate
6 in the system. Any service established prior to the
7 effective date of this amendatory Act of the 94th General
8 Assembly for service as an employee of the Macon-Piatt
9 Regional Office of Education in a birth-through-age-three
10 pilot program receiving funds under Section 2-389 of the
11 School Code shall be considered service as a teacher if
12 employee and employer contributions have been received by
13 the system and the system has not refunded those
14 contributions.

15 An annuitant receiving a retirement annuity under this
16 Article or under Article 17 of this Code who is employed by a
17 board of education or other employer as permitted under Section
18 16-118 or 16-150.1 is not a "teacher" for purposes of this
19 Article. A person who has received a single-sum retirement
20 benefit under Section 16-136.4 of this Article is not a
21 "teacher" for purposes of this Article.

22 (Source: P.A. 97-651, eff. 1-5-12; revised 8-3-12.)

23 (40 ILCS 5/16-133.4) (from Ch. 108 1/2, par. 16-133.4)

24 Sec. 16-133.4. Early retirement incentives for teachers.

25 (a) To be eligible for the benefits provided in this

1 Section, a member must:

2 (1) be a member of this System who, on or after May 1,
3 1993, is (i) in active payroll status as a full-time
4 teacher employed by an employer under this Article, or (ii)
5 on layoff status from such a position with a right of
6 re-employment or recall to service, or (iii) on disability
7 or a leave of absence from such a position, but only if the
8 member has not been receiving benefits under Section 16-149
9 or 16-149.1 for a continuous period of 2 years or more as
10 of the date of application;

11 (2) have never previously received a retirement
12 annuity under this Article, except that receipt of a
13 disability retirement annuity does not disqualify a member
14 if the annuity has been terminated and the member has
15 returned to full-time employment under this Article before
16 the effective date of this Section;

17 (3) file with the Board before March 1, 1993, an
18 application requesting the benefits provided in this
19 Section;

20 (4) in the case of an employee of an employer that is
21 not a ~~not~~ State agency, be eligible to receive a retirement
22 annuity under this Article (for which purpose any age
23 enhancement or creditable service received under this
24 Section may be used), and elect to receive the retirement
25 annuity beginning not earlier than June 1, 1993 and not
26 later than September 1, 1993 (September 1, 1994 if

1 retirement is delayed under subsection (e) of this
2 Section);

3 (5) in the case of an employee of an employer that is a
4 State agency, be eligible to receive a retirement annuity
5 under this Article (for which purpose any age enhancement
6 or creditable service received under this Section may be
7 used), and elect to receive the retirement annuity
8 beginning not earlier than July 1, 1993 and not later than
9 March 1, 1994 (March 1, 1995 if retirement is delayed under
10 subsection (e) of this Section);

11 (6) have attained age 50 (without the use of any age
12 enhancement received under this Section) by the effective
13 date of the retirement annuity;

14 (7) have at least 5 years of creditable service under
15 this System or any of the participating systems under the
16 Retirement Systems Reciprocal Act (without the use of any
17 creditable service received under this Section) by the
18 effective date of the retirement annuity.

19 (b) An eligible person may establish up to 5 years of
20 creditable service under this Section. In addition, for each
21 period of creditable service established under this Section, a
22 person shall have his or her age at retirement deemed enhanced
23 by an equivalent period.

24 The creditable service established under this Section may
25 be used for all purposes under this Article and the Retirement
26 Systems Reciprocal Act, except for the computation of final

1 average salary, the determination of salary or compensation
2 under this or any other Article of the Code, or the
3 determination of eligibility for and the computation of
4 benefits under Section 16-133.2 of this Article.

5 The age enhancement established under this Section may be
6 used for all purposes under this Article (including calculation
7 of a proportionate annuity payable by this System under the
8 Retirement Systems Reciprocal Act), except for purposes of a
9 reversionary annuity under Section 16-136, the retirement
10 annuity under Section 16-133(a) (A), the required distributions
11 under Section 16-142.3, and the determination of eligibility
12 for and the computation of benefits under Section 16-133.2 of
13 this Article. However, age enhancement established under this
14 Section shall not be used in determining benefits payable under
15 other Articles of this Code under the Retirement Systems
16 Reciprocal Act.

17 (c) For all creditable service established under this
18 Section by an employee of an employer that is not a State
19 agency, the employer must pay to the System an employer
20 contribution consisting of 20% of the member's highest annual
21 salary rate used in the determination of the average salary for
22 retirement annuity purposes for each year of creditable service
23 granted under this Section. No employer contribution is
24 required under this Section from any employer that is a State
25 agency.

26 The employer contribution shall be paid to the System in

1 one of the following ways: (i) in a single sum at the time of
2 the member's retirement, (ii) in equal quarterly installments
3 over a period of 5 years from the date of retirement, or (iii)
4 subject to the approval of the Board of the System, in unequal
5 installments over a period of no more than 5 years from the
6 date of retirement, as provided in a payment plan designed by
7 the System to accommodate the needs of the employer. The
8 employer's failure to make the required contributions in a
9 timely manner shall not affect the payment of the retirement
10 annuity.

11 For all creditable service established under this Section,
12 the employee must pay to the System an employee contribution
13 consisting of 4% of the member's highest annual salary rate
14 used in the determination of the retirement annuity for each
15 year of creditable service granted under this Section. The
16 employee may elect either to pay the employee contribution in
17 full before the retirement annuity commences, or to have it
18 deducted from the retirement annuity in 24 monthly
19 installments.

20 (d) An annuitant who has received any age enhancement or
21 creditable service under this Section and who re-enters
22 contributing service under this Article shall thereby forfeit
23 the age enhancement and creditable service, and upon
24 re-retirement the annuity shall be recomputed. The forfeiture
25 of creditable service under this subsection shall not entitle
26 the employer to a refund of the employer contribution paid

1 under this Section, nor to forgiveness of any part of that
2 contribution that remains unpaid. The forfeiture of creditable
3 service under this subsection shall not entitle the employee to
4 a refund of the employee contribution paid under this Section.

5 (e) If the number of employees of an employer that actually
6 apply for early retirement under this Section exceeds 30% of
7 those eligible, the employer may require that, for the number
8 of applicants in excess of that 30%, the starting date of the
9 retirement annuity enhanced under this Section may not be
10 earlier than June 1, 1994. The right to have the retirement
11 annuity begin before that date shall be allocated among the
12 applicants on the basis of seniority in the service of that
13 employer.

14 This delay applies only to persons who are applying for
15 early retirement incentives under this Section, and does not
16 prevent a person whose application for early retirement
17 incentives has been withdrawn from receiving a retirement
18 annuity on the earliest date upon which the person is otherwise
19 eligible under this Article.

20 (f) For a member who is notified after February 15, 1993,
21 but before September 15, 1993, that he or she will be laid off
22 in the 1993-1994 school year: (1) the March 1 application
23 deadline in subdivision (a) (3) of this Section is extended to a
24 date 15 days after the date of issuance of the layoff notice,
25 and (2) the member shall not be included in the calculation of
26 the 30% under subsection (e) and is not subject to delay in

1 retirement under that subsection.

2 (g) A member who receives any early retirement incentive
3 under Section 16-133.5 may not receive any early retirement
4 incentive under this Section.

5 (Source: P.A. 87-1265; revised 8-3-12.)

6 (40 ILCS 5/Art. 22A heading)

7 ARTICLE 22A. INVESTMENT BOARD

8 (Source: P.A. 76-1829; revised 8-3-12.)

9 Section 225. The Illinois Police Training Act is amended by
10 changing Section 7 as follows:

11 (50 ILCS 705/7) (from Ch. 85, par. 507)

12 Sec. 7. Rules and standards for schools. The Board shall
13 adopt rules and minimum standards for such schools which shall
14 include but not be limited to the following:

15 a. The curriculum for probationary police officers which
16 shall be offered by all certified schools shall include but not
17 be limited to courses of arrest, search and seizure, civil
18 rights, human relations, cultural diversity, including racial
19 and ethnic sensitivity, criminal law, law of criminal
20 procedure, vehicle and traffic law including uniform and
21 non-discriminatory enforcement of the Illinois Vehicle Code,
22 traffic control and accident investigation, techniques of
23 obtaining physical evidence, court testimonies, statements,

1 reports, firearms training, first-aid (including
2 cardiopulmonary resuscitation), handling of juvenile
3 offenders, recognition of mental conditions which require
4 immediate assistance and methods to safeguard and provide
5 assistance to a person in need of mental treatment, recognition
6 of elder abuse and neglect, as defined in Section 2 of the
7 Elder Abuse and Neglect Act, crimes against the elderly, law of
8 evidence, the hazards of high-speed police vehicle chases with
9 an emphasis on alternatives to the high-speed chase, and
10 physical training. The curriculum shall include specific
11 training in techniques for immediate response to and
12 investigation of cases of domestic violence and of sexual
13 assault of adults and children. The curriculum shall include
14 training in techniques designed to promote effective
15 communication at the initial contact with crime victims and
16 ways to comprehensively explain to victims and witnesses their
17 rights under the Rights of Crime Victims and Witnesses Act and
18 the Crime Victims Compensation Act. The curriculum shall also
19 include a block of instruction aimed at identifying and
20 interacting with persons with autism and other developmental
21 disabilities, reducing barriers to reporting crimes against
22 persons with autism, and addressing the unique challenges
23 presented by cases involving victims or witnesses with autism
24 and other developmental disabilities. The curriculum for
25 permanent police officers shall include but not be limited to
26 (1) refresher and in-service training in any of the courses

1 listed above in this subparagraph, (2) advanced courses in any
2 of the subjects listed above in this subparagraph, (3) training
3 for supervisory personnel, and (4) specialized training in
4 subjects and fields to be selected by the board.

5 b. Minimum courses of study, attendance requirements and
6 equipment requirements.

7 c. Minimum requirements for instructors.

8 d. Minimum basic training requirements, which a
9 probationary police officer must satisfactorily complete
10 before being eligible for permanent employment as a local law
11 enforcement officer for a participating local governmental
12 agency. Those requirements shall include training in first aid
13 (including cardiopulmonary resuscitation).

14 e. Minimum basic training requirements, which a
15 probationary county corrections officer must satisfactorily
16 complete before being eligible for permanent employment as a
17 county corrections officer for a participating local
18 governmental agency.

19 f. Minimum basic training requirements which a
20 probationary court security officer must satisfactorily
21 complete before being eligible for permanent employment as a
22 court security officer for a participating local governmental
23 agency. The Board shall establish those training requirements
24 which it considers appropriate for court security officers and
25 shall certify schools to conduct that training.

26 A person hired to serve as a court security officer must

1 obtain from the Board a certificate (i) attesting to his or her
2 successful completion of the training course; (ii) attesting to
3 his or her satisfactory completion of a training program of
4 similar content and number of hours that has been found
5 acceptable by the Board under the provisions of this Act; or
6 (iii) attesting to the Board's determination that the training
7 course is unnecessary because of the person's extensive prior
8 law enforcement experience.

9 Individuals who currently serve as court security officers
10 shall be deemed qualified to continue to serve in that capacity
11 so long as they are certified as provided by this Act within 24
12 months of the effective date of this amendatory Act of 1996.
13 Failure to be so certified, absent a waiver from the Board,
14 shall cause the officer to forfeit his or her position.

15 All individuals hired as court security officers on or
16 after the effective date of this amendatory Act of 1996 shall
17 be certified within 12 months of the date of their hire, unless
18 a waiver has been obtained by the Board, or they shall forfeit
19 their positions.

20 The Sheriff's Merit Commission, if one exists, or the
21 Sheriff's Office if there is no Sheriff's Merit Commission,
22 shall maintain a list of all individuals who have filed
23 applications to become court security officers and who meet the
24 eligibility requirements established under this Act. Either
25 the Sheriff's Merit Commission, or the Sheriff's Office if no
26 Sheriff's Merit Commission exists, shall establish a schedule

1 of reasonable intervals for verification of the applicants'
2 qualifications under this Act and as established by the Board.
3 (Source: P.A. 97-815, eff. 1-1-13; 97-862, eff. 1-1-13; revised
4 8-3-12.)

5 Section 230. The Counties Code is amended by changing
6 Section 5-1014.3 as follows:

7 (55 ILCS 5/5-1014.3)

8 Sec. 5-1014.3. Agreements to share or rebate occupation
9 taxes.

10 (a) On and after June 1, 2004, a county board shall not
11 enter into any agreement to share or rebate any portion of
12 retailers' occupation taxes generated by retail sales of
13 tangible personal property if: (1) the tax on those retail
14 sales, absent the agreement, would have been paid to another
15 unit of local government; and (2) the retailer maintains,
16 within that other unit of local government, a retail location
17 from which the tangible personal property is delivered to
18 purchasers, or a warehouse from which the tangible personal
19 property is delivered to purchasers. Any unit of local
20 government denied retailers' occupation tax revenue because of
21 an agreement that violates this Section may file an action in
22 circuit court against only the county. Any agreement entered
23 into prior to June 1, 2004 is not affected by this amendatory
24 Act of the 93rd General Assembly. Any unit of local government

1 that prevails in the circuit court action is entitled to
2 damages in the amount of the tax revenue it was denied as a
3 result of the agreement, statutory interest, costs, reasonable
4 attorney's fees, and an amount equal to 50% of the tax.

5 (b) On and after the effective date of this amendatory Act
6 of the 93rd General Assembly, a home rule unit shall not enter
7 into any agreement prohibited by this Section. This Section is
8 a denial and limitation of home rule powers and functions under
9 subsection (g) of Section 6 of Article VII of the Illinois
10 Constitution.

11 (c) Any county that enters into an agreement to share or
12 rebate any portion of retailers' occupation taxes generated by
13 retail sales of tangible personal property must complete and
14 submit a report by electronic filing to the Department of
15 Revenue within 30 days after the execution of the agreement.
16 Any county that has entered into such an agreement before the
17 effective date of this amendatory Act of the 97th General
18 Assembly that has not been terminated or expired as of the
19 effective date of this amendatory Act of the 97th General
20 Assembly shall submit a report with respect to the agreements
21 within 90 days after the effective date of this amendatory Act
22 of the 97th General Assembly.

23 (d) The report described in this Section shall be made on a
24 form to be supplied by the Department of Revenue and shall
25 contain the following:

26 (1) the names of the county and the business entering

1 into the agreement;

2 (2) the location or locations of the business within
3 the county;

4 (3) ~~the form shall also contain~~ a statement, to be
5 answered in the affirmative or negative, as to whether or
6 not the company maintains additional places of business in
7 the State other than those described pursuant to paragraph
8 (2);

9 (4) the terms of the agreement, including (i) the
10 manner in which the amount of any retailers' occupation tax
11 to be shared, rebated, or refunded is to be determined each
12 year for the duration of the agreement, (ii) the duration
13 of the agreement, and (iii) the name of any business who is
14 not a party to the agreement but who directly or indirectly
15 receives a share, refund, or rebate of the retailers'
16 occupation tax; and

17 (5) a copy of the agreement to share or rebate any
18 portion of retailers' occupation taxes generated by retail
19 sales of tangible personal property.

20 An updated report must be filed by the county within 30
21 days after the execution of any amendment made to an agreement.

22 Reports filed with the Department pursuant to this Section
23 shall not constitute tax returns.

24 (e) The Department and the county shall redact the sales
25 figures, the amount of sales tax collected, and the amount of
26 sales tax rebated prior to disclosure of information contained

1 in a report required by this Section or the Freedom of
2 Information Act. The information redacted shall be exempt from
3 the provisions of the Freedom of Information Act.

4 (f) All reports, except the copy of the agreement, required
5 to be filed with the Department of Revenue pursuant to this
6 Section shall be posted on the Department's website within 6
7 months after the effective date of this amendatory Act of the
8 97th General Assembly. The website shall be updated on a
9 monthly basis to include newly received reports.

10 (Source: P.A. 97-976, eff. 1-1-13; revised 10-17-12.)

11 Section 235. The County Economic Development Project Area
12 Property Tax Allocation Act is amended by changing Section 7 as
13 follows:

14 (55 ILCS 85/7) (from Ch. 34, par. 7007)

15 Sec. 7. Creation of special tax allocation fund. If a
16 county has adopted property tax allocation financing by
17 ordinance for an economic development project area, the
18 Department has approved and certified the economic development
19 project area, and the county clerk has thereafter certified the
20 "total initial equalized value" of the taxable real property
21 within such economic development project area in the manner
22 provided in subsection (b) of Section 6 of this Act, each year
23 after the date of the certification by the county clerk of the
24 "initial equalized assessed value" until economic development

1 project costs and all county obligations financing economic
2 development project costs have been paid, the ad valorem taxes,
3 if any, arising from the levies upon the taxable real property
4 in the economic development project area by taxing districts
5 and tax rates determined in the manner provided in subsection
6 (b) of Section 6 of this Act shall be divided as follows:

7 (1) That portion of the taxes levied upon each taxable
8 lot, block, tract or parcel of real property which is
9 attributable to the lower of the current equalized assessed
10 value or the initial equalized assessed value of each such
11 taxable lot, block, tract, or parcel of real property
12 existing at the time property tax allocation financing was
13 adopted shall be allocated and when collected shall be paid
14 by the county collector to the respective affected taxing
15 districts in the manner required by the law in the absence
16 of the adoption of property tax allocation financing.

17 (2) That portion, if any, of those taxes which is
18 attributable to the increase in the current equalized
19 assessed valuation of each taxable lot, block, tract, or
20 parcel of real property in the economic development project
21 are, over and above the initial equalized assessed value of
22 each property existing at the time property tax allocation
23 financing was adopted shall be allocated to and when
24 collected shall be paid to the county treasurer, who shall
25 deposit those taxes into a special fund called the special
26 tax allocation fund of the county for the purpose of paying

1 economic development project costs and obligations
2 incurred in the payment thereof.

3 The county, by an ordinance adopting property tax
4 allocation financing, may pledge the funds in and to be
5 deposited in the special tax allocation fund for the payment of
6 obligations issued under this Act and for the payment of
7 economic development project costs. No part of the current
8 equalized assessed valuation of each property in the economic
9 development project area attributable to any increase above the
10 total initial equalized assessed value of such properties shall
11 be used in calculating the general State school aid formula,
12 provided for in Section 18-8 of the School Code, until such
13 time as all economic development projects costs have been paid
14 as provided for in this Section.

15 Whenever a county issues bonds for the purpose of financing
16 economic development project costs, the county may provide by
17 ordinance for the appointment of a trustee, which may be any
18 trust company within the State, and for the establishment of
19 the funds or accounts to be maintained by such trustee as the
20 county shall deem necessary to provide for the security and
21 payment of the bonds. If the county provides for the
22 appointment of a trustee, the trustee shall be considered the
23 assignee of any payments assigned by the county pursuant to the
24 ordinance and this Section. Any amounts paid to the trustee as
25 assignee shall be deposited in the funds or accounts
26 established pursuant to the trust agreement, and shall be held

1 by the trustee in trust for the benefit of the holders of the
2 bonds, and the holders shall have a lien on and a security
3 interest in those bonds or accounts so long as the bonds remain
4 outstanding and unpaid. Upon retirement of the bonds, the
5 trustee shall pay over any excess amounts held to the county
6 for deposit in the special tax allocation fund.

7 When the economic development project costs, including
8 without limitation all county obligations financing economic
9 development project costs incurred under this Act, have been
10 paid, all surplus funds then remaining in the special tax
11 allocation funds shall be distributed by being paid by the
12 county treasurer to the county collector, who shall immediately
13 thereafter pay those funds to the taxing districts having
14 taxable property in the economic development project area in
15 the same manner and proportion as the most recent distribution
16 by the county collector to those taxing districts of real
17 property taxes from real property in the economic development
18 project area.

19 Upon the payment of all economic development project costs,
20 retirement of obligations and the distribution of any excess
21 monies pursuant to this Section and not later than 23 years
22 from the date of adoption of the ordinance adopting property
23 tax allocation financing, the county shall adopt an ordinance
24 dissolving the special tax allocation fund for the economic
25 development project area and terminating the designation of the
26 economic development project area as an economic development

1 project area. Thereafter the rates of the taxing districts
2 shall be extended and taxes levied, collected and distributed
3 in the manner applicable in the absence of the adoption of
4 property tax allocation financing.

5 Nothing in this Section shall be construed as relieving
6 property in economic development project areas from being
7 assessed as provided in the Property Tax Code or as relieving
8 owners of that property from paying a uniform rate of taxes, as
9 required by Section 4 of Article IX ¶ of the Illinois
10 Constitution of 1970.

11 (Source: P.A. 88-670, eff. 12-2-94; revised 10-17-12.)

12 Section 240. The County Economic Development Project Area
13 Tax Increment Allocation Act of 1991 is amended by changing
14 Section 50 as follows:

15 (55 ILCS 90/50) (from Ch. 34, par. 8050)

16 Sec. 50. Special tax allocation fund.

17 (a) If a county clerk has certified the "total initial
18 equalized assessed value" of the taxable real property within
19 an economic development project area in the manner provided in
20 Section 45, each year after the date of the certification by
21 the county clerk of the "total initial equalized assessed
22 value", until economic development project costs and all county
23 obligations financing economic development project costs have
24 been paid, the ad valorem taxes, if any, arising from the

1 levies upon the taxable real property in the economic
2 development project area by taxing districts and tax rates
3 determined in the manner provided in subsection (b) of Section
4 45 shall be divided as follows:

5 (1) That portion of the taxes levied upon each taxable
6 lot, block, tract, or parcel of real property that is
7 attributable to the lower of the current equalized assessed
8 value or the initial equalized assessed value of each
9 taxable lot, block, tract, or parcel of real property
10 existing at the time tax increment financing was adopted
11 shall be allocated to (and when collected shall be paid by
12 the county collector to) the respective affected taxing
13 districts in the manner required by law in the absence of
14 the adoption of tax increment allocation financing.

15 (2) That portion, if any, of the taxes that is
16 attributable to the increase in the current equalized
17 assessed valuation of each taxable lot, block, tract, or
18 parcel of real property in the economic development project
19 area, over and above the initial equalized assessed value
20 of each property existing at the time tax increment
21 financing was adopted, shall be allocated to (and when
22 collected shall be paid to) the county treasurer, who shall
23 deposit the taxes into a special fund (called the special
24 tax allocation fund of the county) for the purpose of
25 paying economic development project costs and obligations
26 incurred in the payment of those costs.

1 (b) The county, by an ordinance adopting tax increment
2 allocation financing, may pledge the monies in and to be
3 deposited into the special tax allocation fund for the payment
4 of obligations issued under this Act and for the payment of
5 economic development project costs. No part of the current
6 equalized assessed valuation of each property in the economic
7 development project area attributable to any increase above the
8 total initial equalized assessed value of those properties
9 shall be used in calculating the general State school aid
10 formula under Section 18-8 of the School Code until all
11 economic development projects costs have been paid as provided
12 for in this Section.

13 (c) When the economic development projects costs,
14 including without limitation all county obligations financing
15 economic development project costs incurred under this Act,
16 have been paid, all surplus monies then remaining in the
17 special tax allocation fund shall be distributed by being paid
18 by the county treasurer to the county collector, who shall
19 immediately pay the monies to the taxing districts having
20 taxable property in the economic development project area in
21 the same manner and proportion as the most recent distribution
22 by the county collector to those taxing districts of real
23 property taxes from real property in the economic development
24 project area.

25 (d) Upon the payment of all economic development project
26 costs, retirement of obligations, and distribution of any

1 excess monies under this Section, the county shall adopt an
2 ordinance dissolving the special tax allocation fund for the
3 economic development project area and terminating the
4 designation of the economic development project area as an
5 economic development project area. Thereafter, the rates of the
6 taxing districts shall be extended and taxes shall be levied,
7 collected, and distributed in the manner applicable in the
8 absence of the adoption of tax increment allocation financing.

9 (e) Nothing in this Section shall be construed as relieving
10 property in the economic development project areas from being
11 assessed as provided in the Property Tax Code or as relieving
12 owners of that property from paying a uniform rate of taxes as
13 required by Section 4 of Article IX ~~9~~ of the Illinois
14 Constitution.

15 (Source: P.A. 87-1; 88-670, eff. 12-2-94; revised 10-17-12.)

16 Section 245. The Illinois Municipal Code is amended by
17 changing Sections 8-11-21, 11-74.4-3.5, and 11-74.4-8 as
18 follows:

19 (65 ILCS 5/8-11-21)

20 Sec. 8-11-21. Agreements to share or rebate occupation
21 taxes.

22 (a) On and after June 1, 2004, the corporate authorities of
23 a municipality shall not enter into any agreement to share or
24 rebate any portion of retailers' occupation taxes generated by

1 retail sales of tangible personal property if: (1) the tax on
2 those retail sales, absent the agreement, would have been paid
3 to another unit of local government; and (2) the retailer
4 maintains, within that other unit of local government, a retail
5 location from which the tangible personal property is delivered
6 to purchasers, or a warehouse from which the tangible personal
7 property is delivered to purchasers. Any unit of local
8 government denied retailers' occupation tax revenue because of
9 an agreement that violates this Section may file an action in
10 circuit court against only the municipality. Any agreement
11 entered into prior to June 1, 2004 is not affected by this
12 amendatory Act of the 93rd General Assembly. Any unit of local
13 government that prevails in the circuit court action is
14 entitled to damages in the amount of the tax revenue it was
15 denied as a result of the agreement, statutory interest, costs,
16 reasonable attorney's fees, and an amount equal to 50% of the
17 tax.

18 (b) On and after the effective date of this amendatory Act
19 of the 93rd General Assembly, a home rule unit shall not enter
20 into any agreement prohibited by this Section. This Section is
21 a denial and limitation of home rule powers and functions under
22 subsection (g) of Section 6 of Article VII of the Illinois
23 Constitution.

24 (c) Any municipality that enters into an agreement to share
25 or rebate any portion of retailers' occupation taxes generated
26 by retail sales of tangible personal property must complete and

1 submit a report by electronic filing to the Department of
2 Revenue within 30 days after the execution of the agreement.
3 Any municipality that has entered into such an agreement before
4 the effective date of this amendatory Act of the 97th General
5 Assembly that has not been terminated or expired as of the
6 effective date of this amendatory Act of the 97th General
7 Assembly shall submit a report with respect to the agreements
8 within 90 days after the effective date of this amendatory Act
9 of the 97th General Assembly.

10 (d) The report described in this Section shall be made on a
11 form to be supplied by the Department of Revenue and shall
12 contain the following:

13 (1) the names of the municipality and the business
14 entering into the agreement;

15 (2) the location or locations of the business within
16 the municipality;

17 (3) ~~the form shall also contain~~ a statement, to be
18 answered in the affirmative or negative, as to whether or
19 not the company maintains additional places of business in
20 the State other than those described pursuant to paragraph
21 (2);

22 (4) the terms of the agreement, including (i) the
23 manner in which the amount of any retailers' occupation tax
24 to be shared, rebated, or refunded is to be determined each
25 year for the duration of the agreement, (ii) the duration
26 of the agreement, and (iii) the name of any business who is

1 not a party to the agreement but who directly or indirectly
2 receives a share, refund, or rebate of the retailers'
3 occupation tax; and

4 (5) a copy of the agreement to share or rebate any
5 portion of retailers' occupation taxes generated by retail
6 sales of tangible personal property.

7 An updated report must be filed by the municipality within
8 30 days after the execution of any amendment made to an
9 agreement.

10 Reports filed with the Department pursuant to this Section
11 shall not constitute tax returns.

12 (e) The Department and the municipality shall redact the
13 sales figures, the amount of sales tax collected, and the
14 amount of sales tax rebated prior to disclosure of information
15 contained in a report required by this Section or the Freedom
16 of Information Act. The information redacted shall be exempt
17 from the provisions of the Freedom of Information Act.

18 (f) All reports, except the copy of the agreement, required
19 to be filed with the Department of Revenue pursuant to this
20 Section shall be posted on the Department's website within 6
21 months after the effective date of this amendatory Act of the
22 97th General Assembly. The website shall be updated on a
23 monthly basis to include newly received reports.

24 (Source: P.A. 97-976, eff. 1-1-13; revised 10-17-12.)

25 (65 ILCS 5/11-74.4-3.5)

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

3 (a) Unless otherwise stated in this Section, the estimated
4 dates of completion of the redevelopment project and retirement
5 of obligations issued to finance redevelopment project costs
6 (including refunding bonds under Section 11-74.4-7) may not be
7 later than December 31 of the year in which the payment to the
8 municipal treasurer, as provided in subsection (b) of Section
9 11-74.4-8 of this Act, is to be made with respect to ad valorem
10 taxes levied in the 23rd calendar year after the year in which
11 the ordinance approving the redevelopment project area was
12 adopted if the ordinance was adopted on or after January 15,
13 1981.

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

24 The estimated dates of completion of the redevelopment
25 project and retirement of obligations issued to finance
26 redevelopment project costs (including refunding bonds under

1 Section 11-74.4-7) may not be later than December 31 of the
2 year in which the payment to the municipal treasurer as
3 provided in subsection (b) of Section 11-74.4-8 of this Act is
4 to be made with respect to ad valorem taxes levied in the 33rd
5 calendar year after the year in which the ordinance approving
6 the redevelopment project area was adopted~~7~~ if the ordinance
7 was adopted on May 20, 1985 by the Village of Wheeling.

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

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

1 (1) if the ordinance was adopted before January 15,
2 1981;

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

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

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

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

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

15 (7) if the ordinance was adopted on December 31, 1986
16 by a municipality located in Clinton County for which at
17 least \$250,000 of tax increment bonds were authorized on
18 June 17, 1997, or if the ordinance was adopted on December
19 31, 1986 by a municipality with a population in 1990 of
20 less than 3,600 that is located in a county with a
21 population in 1990 of less than 34,000 and for which at
22 least \$250,000 of tax increment bonds were authorized on
23 June 17, 1997;

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

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

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

5 (11) if the ordinance was adopted before December 18,
6 1986 by the City of Moline;

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (25) if the ordinance was adopted on September 14, 1994
9 by the City of Alton;

10 (26) if the ordinance was adopted on November 11, 1996
11 by the City of Lexington;

12 (27) if the ordinance was adopted on November 5, 1984
13 by the City of LeRoy;

14 (28) if the ordinance was adopted on April 3, 1991 or
15 June 3, 1992 by the City of Markham;

16 (29) if the ordinance was adopted on November 11, 1986
17 by the City of Pekin;

18 (30) if the ordinance was adopted on December 15, 1981
19 by the City of Champaign;

20 (31) if the ordinance was adopted on December 15, 1986
21 by the City of Urbana;

22 (32) if the ordinance was adopted on December 15, 1986
23 by the Village of Heyworth;

24 (33) if the ordinance was adopted on February 24, 1992
25 by the Village of Heyworth;

26 (34) if the ordinance was adopted on March 16, 1995 by

1 the Village of Heyworth;

2 (35) if the ordinance was adopted on December 23, 1986
3 by the Town of Cicero;

4 (36) if the ordinance was adopted on December 30, 1986
5 by the City of Effingham;

6 (37) if the ordinance was adopted on May 9, 1991 by the
7 Village of Tilton;

8 (38) if the ordinance was adopted on October 20, 1986
9 by the City of Elmhurst;

10 (39) if the ordinance was adopted on January 19, 1988
11 by the City of Waukegan;

12 (40) if the ordinance was adopted on September 21, 1998
13 by the City of Waukegan;

14 (41) if the ordinance was adopted on December 31, 1986
15 by the City of Sullivan;

16 (42) if the ordinance was adopted on December 23, 1991
17 by the City of Sullivan;

18 (43) if the ordinance was adopted on December 31, 1986
19 by the City of Oglesby;

20 (44) if the ordinance was adopted on July 28, 1987 by
21 the City of Marion;

22 (45) if the ordinance was adopted on April 23, 1990 by
23 the City of Marion;

24 (46) if the ordinance was adopted on August 20, 1985 by
25 the Village of Mount Prospect;

26 (47) if the ordinance was adopted on February 2, 1998

1 by the Village of Woodhull;

2 (48) if the ordinance was adopted on April 20, 1993 by
3 the Village of Princeville;

4 (49) if the ordinance was adopted on July 1, 1986 by
5 the City of Granite City;

6 (50) if the ordinance was adopted on February 2, 1989
7 by the Village of Lombard;

8 (51) if the ordinance was adopted on December 29, 1986
9 by the Village of Gardner;

10 (52) if the ordinance was adopted on July 14, 1999 by
11 the Village of Paw Paw;

12 (53) if the ordinance was adopted on November 17, 1986
13 by the Village of Franklin Park;

14 (54) if the ordinance was adopted on November 20, 1989
15 by the Village of South Holland;

16 (55) if the ordinance was adopted on July 14, 1992 by
17 the Village of Riverdale;

18 (56) if the ordinance was adopted on December 29, 1986
19 by the City of Galesburg;

20 (57) if the ordinance was adopted on April 1, 1985 by
21 the City of Galesburg;

22 (58) if the ordinance was adopted on May 21, 1990 by
23 the City of West Chicago;

24 (59) if the ordinance was adopted on December 16, 1986
25 by the City of Oak Forest;

26 (60) if the ordinance was adopted in 1999 by the City

1 of Villa Grove;

2 (61) if the ordinance was adopted on January 13, 1987
3 by the Village of Mt. Zion;

4 (62) if the ordinance was adopted on December 30, 1986
5 by the Village of Manteno;

6 (63) if the ordinance was adopted on April 3, 1989 by
7 the City of Chicago Heights;

8 (64) if the ordinance was adopted on January 6, 1999 by
9 the Village of Rosemont;

10 (65) if the ordinance was adopted on December 19, 2000
11 by the Village of Stone Park;

12 (66) if the ordinance was adopted on December 22, 1986
13 by the City of DeKalb;

14 (67) if the ordinance was adopted on December 2, 1986
15 by the City of Aurora;

16 (68) if the ordinance was adopted on December 31, 1986
17 by the Village of Milan;

18 (69) if the ordinance was adopted on September 8, 1994
19 by the City of West Frankfort;

20 (70) if the ordinance was adopted on December 23, 1986
21 by the Village of Libertyville;

22 (71) if the ordinance was adopted on December 22, 1986
23 by the Village of Hoffman Estates;

24 (72) if the ordinance was adopted on September 17, 1986
25 by the Village of Sherman;

26 (73) if the ordinance was adopted on December 16, 1986

1 by the City of Macomb;

2 (74) if the ordinance was adopted on June 11, 2002 by
3 the City of East Peoria to create the West Washington
4 Street TIF;

5 (75) if the ordinance was adopted on June 11, 2002 by
6 the City of East Peoria to create the Camp Street TIF;

7 (76) if the ordinance was adopted on August 7, 2000 by
8 the City of Des Plaines;

9 (77) if the ordinance was adopted on December 22, 1986
10 by the City of Washington to create the Washington Square
11 TIF #2;

12 (78) if the ordinance was adopted on December 29, 1986
13 by the City of Morris;

14 (79) if the ordinance was adopted on July 6, 1998 by
15 the Village of Steeleville;

16 (80) if the ordinance was adopted on December 29, 1986
17 by the City of Pontiac to create TIF I (the Main St TIF);

18 (81) if the ordinance was adopted on December 29, 1986
19 by the City of Pontiac to create TIF II (the Interstate
20 TIF);

21 (82) if the ordinance was adopted on November 6, 2002
22 by the City of Chicago to create the Madden/Wells TIF
23 District;

24 (83) if the ordinance was adopted on November 4, 1998
25 by the City of Chicago to create the Roosevelt/Racine TIF
26 District;

1 (84) if the ordinance was adopted on June 10, 1998 by
2 the City of Chicago to create the Stony Island
3 Commercial/Burnside Industrial Corridors TIF District;

4 (85) if the ordinance was adopted on November 29, 1989
5 by the City of Chicago to create the Englewood Mall TIF
6 District;

7 (86) if the ordinance was adopted on December 27, 1986
8 by the City of Mendota;

9 (87) if the ordinance was adopted on December 31, 1986
10 by the Village of Cahokia;

11 (88) if the ordinance was adopted on September 20, 1999
12 by the City of Belleville;

13 (89) if the ordinance was adopted on December 30, 1986
14 by the Village of Bellevue to create the Bellevue TIF
15 District 1;

16 (90) if the ordinance was adopted on December 13, 1993
17 by the Village of Crete;

18 (91) if the ordinance was adopted on February 12, 2001
19 by the Village of Crete;

20 (92) if the ordinance was adopted on April 23, 2001 by
21 the Village of Crete;

22 (93) if the ordinance was adopted on December 16, 1986
23 by the City of Champaign;

24 (94) if the ordinance was adopted on December 20, 1986
25 by the City of Charleston;

26 (95) if the ordinance was adopted on June 6, 1989 by

1 the Village of Romeoville;

2 (96) if the ordinance was adopted on October 14, 1993
3 and amended on August 2, 2010 by the City of Venice;

4 (97) if the ordinance was adopted on June 1, 1994 by
5 the City of Markham;

6 (98) if the ordinance was adopted on May 19, 1998 by
7 the Village of Bensenville;

8 (99) if the ordinance was adopted on November 12, 1987
9 by the City of Dixon;

10 (100) if the ordinance was adopted on December 20, 1988
11 by the Village of Lansing;

12 (101) if the ordinance was adopted on October 27, 1998
13 by the City of Moline; ~~or~~

14 (102) if the ordinance was adopted on May 21, 1991 by
15 the Village of Glenwood; ~~or~~

16 (103) ~~(102)~~ if the ordinance was adopted on January 28,
17 1992 by the City of East Peoria; or

18 (104) ~~(103)~~ if the ordinance was adopted on December
19 14, 1998 by the City of Carlyle.

20 (d) For redevelopment project areas for which bonds were
21 issued before July 29, 1991, or for which contracts were
22 entered into before June 1, 1988, in connection with a
23 redevelopment project in the area within the State Sales Tax
24 Boundary, the estimated dates of completion of the
25 redevelopment project and retirement of obligations to finance
26 redevelopment project costs (including refunding bonds under

1 Section 11-74.4-7) may be extended by municipal ordinance to
2 December 31, 2013. The termination procedures of subsection (b)
3 of Section 11-74.4-8 are not required for these redevelopment
4 project areas in 2009 but are required in 2013. The extension
5 allowed by Public Act 87-1272 shall not apply to real property
6 tax increment allocation financing under Section 11-74.4-8.

7 (e) Those dates, for purposes of real property tax
8 increment allocation financing pursuant to Section 11-74.4-8
9 only, shall be not more than 35 years for redevelopment project
10 areas that were adopted on or after December 16, 1986 and for
11 which at least \$8 million worth of municipal bonds were
12 authorized on or after December 19, 1989 but before January 1,
13 1990; provided that the municipality elects to extend the life
14 of the redevelopment project area to 35 years by the adoption
15 of an ordinance after at least 14 but not more than 30 days'
16 written notice to the taxing bodies, that would otherwise
17 constitute the joint review board for the redevelopment project
18 area, before the adoption of the ordinance.

19 (f) Those dates, for purposes of real property tax
20 increment allocation financing pursuant to Section 11-74.4-8
21 only, shall be not more than 35 years for redevelopment project
22 areas that were established on or after December 1, 1981 but
23 before January 1, 1982 and for which at least \$1,500,000 worth
24 of tax increment revenue bonds were authorized on or after
25 September 30, 1990 but before July 1, 1991; provided that the
26 municipality elects to extend the life of the redevelopment

1 project area to 35 years by the adoption of an ordinance after
2 at least 14 but not more than 30 days' written notice to the
3 taxing bodies, that would otherwise constitute the joint review
4 board for the redevelopment project area, before the adoption
5 of the ordinance.

6 (g) In consolidating the material relating to completion
7 dates from Sections 11-74.4-3 and 11-74.4-7 into this Section,
8 it is not the intent of the General Assembly to make any
9 substantive change in the law, except for the extension of the
10 completion dates for the City of Aurora, the Village of Milan,
11 the City of West Frankfort, the Village of Libertyville, and
12 the Village of Hoffman Estates set forth under items (67),
13 (68), (69), (70), and (71) of subsection (c) of this Section.

14 (Source: P.A. 96-127, eff. 8-4-09; 96-182, eff. 8-10-09;
15 96-208, eff. 8-10-09; 96-209, eff. 1-1-10; 96-213, eff.
16 8-10-09; 96-264, eff. 8-11-09; 96-328, eff. 8-11-09; 96-439,
17 eff. 8-14-09; 96-454, eff. 8-14-09; 96-722, eff. 8-25-09;
18 96-773, eff. 8-28-09; 96-830, eff. 12-4-09; 96-837, eff.
19 12-16-09; 96-1000, eff. 7-2-10; 96-1359, eff. 7-28-10;
20 96-1494, eff. 12-30-10; 96-1514, eff. 2-4-11; 96-1552, eff.
21 3-10-11; 97-93, eff. 1-1-12; 97-372, eff. 8-15-11; 97-600, eff.
22 8-26-11; 97-633, eff. 12-16-11; 97-635, eff. 12-16-11; 97-807,
23 eff. 7-13-12; 97-1114, eff. 8-27-12; revised 9-20-12.)

24 (65 ILCS 5/11-74.4-8) (from Ch. 24, par. 11-74.4-8)

25 Sec. 11-74.4-8. Tax increment allocation financing. A

1 municipality may not adopt tax increment financing in a
2 redevelopment project area after the effective date of this
3 amendatory Act of 1997 that will encompass an area that is
4 currently included in an enterprise zone created under the
5 Illinois Enterprise Zone Act unless that municipality,
6 pursuant to Section 5.4 of the Illinois Enterprise Zone Act,
7 amends the enterprise zone designating ordinance to limit the
8 eligibility for tax abatements as provided in Section 5.4.1 of
9 the Illinois Enterprise Zone Act. A municipality, at the time a
10 redevelopment project area is designated, may adopt tax
11 increment allocation financing by passing an ordinance
12 providing that the ad valorem taxes, if any, arising from the
13 levies upon taxable real property in such redevelopment project
14 area by taxing districts and tax rates determined in the manner
15 provided in paragraph (c) of Section 11-74.4-9 each year after
16 the effective date of the ordinance until redevelopment project
17 costs and all municipal obligations financing redevelopment
18 project costs incurred under this Division have been paid shall
19 be divided as follows:

20 (a) That portion of taxes levied upon each taxable lot,
21 block, tract or parcel of real property which is attributable
22 to the lower of the current equalized assessed value or the
23 initial equalized assessed value of each such taxable lot,
24 block, tract or parcel of real property in the redevelopment
25 project area shall be allocated to and when collected shall be
26 paid by the county collector to the respective affected taxing

1 districts in the manner required by law in the absence of the
2 adoption of tax increment allocation financing.

3 (b) Except from a tax levied by a township to retire bonds
4 issued to satisfy court-ordered damages, that portion, if any,
5 of such taxes which is attributable to the increase in the
6 current equalized assessed valuation of each taxable lot,
7 block, tract or parcel of real property in the redevelopment
8 project area over and above the initial equalized assessed
9 value of each property in the project area shall be allocated
10 to and when collected shall be paid to the municipal treasurer
11 who shall deposit said taxes into a special fund called the
12 special tax allocation fund of the municipality for the purpose
13 of paying redevelopment project costs and obligations incurred
14 in the payment thereof. In any county with a population of
15 3,000,000 or more that has adopted a procedure for collecting
16 taxes that provides for one or more of the installments of the
17 taxes to be billed and collected on an estimated basis, the
18 municipal treasurer shall be paid for deposit in the special
19 tax allocation fund of the municipality, from the taxes
20 collected from estimated bills issued for property in the
21 redevelopment project area, the difference between the amount
22 actually collected from each taxable lot, block, tract, or
23 parcel of real property within the redevelopment project area
24 and an amount determined by multiplying the rate at which taxes
25 were last extended against the taxable lot, block, track, or
26 parcel of real property in the manner provided in subsection

1 (c) of Section 11-74.4-9 by the initial equalized assessed
2 value of the property divided by the number of installments in
3 which real estate taxes are billed and collected within the
4 county; provided that the payments on or before December 31,
5 1999 to a municipal treasurer shall be made only if each of the
6 following conditions are met:

7 (1) The total equalized assessed value of the
8 redevelopment project area as last determined was not less
9 than 175% of the total initial equalized assessed value.

10 (2) Not more than 50% of the total equalized assessed
11 value of the redevelopment project area as last determined
12 is attributable to a piece of property assigned a single
13 real estate index number.

14 (3) The municipal clerk has certified to the county
15 clerk that the municipality has issued its obligations to
16 which there has been pledged the incremental property taxes
17 of the redevelopment project area or taxes levied and
18 collected on any or all property in the municipality or the
19 full faith and credit of the municipality to pay or secure
20 payment for all or a portion of the redevelopment project
21 costs. The certification shall be filed annually no later
22 than September 1 for the estimated taxes to be distributed
23 in the following year; however, for the year 1992 the
24 certification shall be made at any time on or before March
25 31, 1992.

26 (4) The municipality has not requested that the total

1 initial equalized assessed value of real property be
2 adjusted as provided in subsection (b) of Section
3 11-74.4-9.

4 The conditions of paragraphs (1) through (4) do not apply
5 after December 31, 1999 to payments to a municipal treasurer
6 made by a county with 3,000,000 or more inhabitants that has
7 adopted an estimated billing procedure for collecting taxes. If
8 a county that has adopted the estimated billing procedure makes
9 an erroneous overpayment of tax revenue to the municipal
10 treasurer, then the county may seek a refund of that
11 overpayment. The county shall send the municipal treasurer a
12 notice of liability for the overpayment on or before the
13 mailing date of the next real estate tax bill within the
14 county. The refund shall be limited to the amount of the
15 overpayment.

16 It is the intent of this Division that after the effective
17 date of this amendatory Act of 1988 a municipality's own ad
18 valorem tax arising from levies on taxable real property be
19 included in the determination of incremental revenue in the
20 manner provided in paragraph (c) of Section 11-74.4-9. If the
21 municipality does not extend such a tax, it shall annually
22 deposit in the municipality's Special Tax Increment Fund an
23 amount equal to 10% of the total contributions to the fund from
24 all other taxing districts in that year. The annual 10% deposit
25 required by this paragraph shall be limited to the actual
26 amount of municipally produced incremental tax revenues

1 available to the municipality from taxpayers located in the
2 redevelopment project area in that year if: (a) the plan for
3 the area restricts the use of the property primarily to
4 industrial purposes, (b) the municipality establishing the
5 redevelopment project area is a home-rule community with a 1990
6 population of between 25,000 and 50,000, (c) the municipality
7 is wholly located within a county with a 1990 population of
8 over 750,000 and (d) the redevelopment project area was
9 established by the municipality prior to June 1, 1990. This
10 payment shall be in lieu of a contribution of ad valorem taxes
11 on real property. If no such payment is made, any redevelopment
12 project area of the municipality shall be dissolved.

13 If a municipality has adopted tax increment allocation
14 financing by ordinance and the County Clerk thereafter
15 certifies the "total initial equalized assessed value as
16 adjusted" of the taxable real property within such
17 redevelopment project area in the manner provided in paragraph
18 (b) of Section 11-74.4-9, each year after the date of the
19 certification of the total initial equalized assessed value as
20 adjusted until redevelopment project costs and all municipal
21 obligations financing redevelopment project costs have been
22 paid the ad valorem taxes, if any, arising from the levies upon
23 the taxable real property in such redevelopment project area by
24 taxing districts and tax rates determined in the manner
25 provided in paragraph (c) of Section 11-74.4-9 shall be divided
26 as follows:

1 (1) That portion of the taxes levied upon each taxable
2 lot, block, tract or parcel of real property which is
3 attributable to the lower of the current equalized assessed
4 value or "current equalized assessed value as adjusted" or
5 the initial equalized assessed value of each such taxable
6 lot, block, tract, or parcel of real property existing at
7 the time tax increment financing was adopted, minus the
8 total current homestead exemptions under Article 15 of the
9 Property Tax Code in the redevelopment project area shall
10 be allocated to and when collected shall be paid by the
11 county collector to the respective affected taxing
12 districts in the manner required by law in the absence of
13 the adoption of tax increment allocation financing.

14 (2) That portion, if any, of such taxes which is
15 attributable to the increase in the current equalized
16 assessed valuation of each taxable lot, block, tract, or
17 parcel of real property in the redevelopment project area,
18 over and above the initial equalized assessed value of each
19 property existing at the time tax increment financing was
20 adopted, minus the total current homestead exemptions
21 pertaining to each piece of property provided by Article 15
22 of the Property Tax Code in the redevelopment project area,
23 shall be allocated to and when collected shall be paid to
24 the municipal Treasurer, who shall deposit said taxes into
25 a special fund called the special tax allocation fund of
26 the municipality for the purpose of paying redevelopment

1 project costs and obligations incurred in the payment
2 thereof.

3 The municipality may pledge in the ordinance the funds in
4 and to be deposited in the special tax allocation fund for the
5 payment of such costs and obligations. No part of the current
6 equalized assessed valuation of each property in the
7 redevelopment project area attributable to any increase above
8 the total initial equalized assessed value, or the total
9 initial equalized assessed value as adjusted, of such
10 properties shall be used in calculating the general State
11 school aid formula, provided for in Section 18-8 of the School
12 Code, until such time as all redevelopment project costs have
13 been paid as provided for in this Section.

14 Whenever a municipality issues bonds for the purpose of
15 financing redevelopment project costs, such municipality may
16 provide by ordinance for the appointment of a trustee, which
17 may be any trust company within the State, and for the
18 establishment of such funds or accounts to be maintained by
19 such trustee as the municipality shall deem necessary to
20 provide for the security and payment of the bonds. If such
21 municipality provides for the appointment of a trustee, such
22 trustee shall be considered the assignee of any payments
23 assigned by the municipality pursuant to such ordinance and
24 this Section. Any amounts paid to such trustee as assignee
25 shall be deposited in the funds or accounts established
26 pursuant to such trust agreement, and shall be held by such

1 trustee in trust for the benefit of the holders of the bonds,
2 and such holders shall have a lien on and a security interest
3 in such funds or accounts so long as the bonds remain
4 outstanding and unpaid. Upon retirement of the bonds, the
5 trustee shall pay over any excess amounts held to the
6 municipality for deposit in the special tax allocation fund.

7 When such redevelopment projects costs, including without
8 limitation all municipal obligations financing redevelopment
9 project costs incurred under this Division, have been paid, all
10 surplus funds then remaining in the special tax allocation fund
11 shall be distributed by being paid by the municipal treasurer
12 to the Department of Revenue, the municipality and the county
13 collector; first to the Department of Revenue and the
14 municipality in direct proportion to the tax incremental
15 revenue received from the State and the municipality, but not
16 to exceed the total incremental revenue received from the State
17 or the municipality less any annual surplus distribution of
18 incremental revenue previously made; with any remaining funds
19 to be paid to the County Collector who shall immediately
20 thereafter pay said funds to the taxing districts in the
21 redevelopment project area in the same manner and proportion as
22 the most recent distribution by the county collector to the
23 affected districts of real property taxes from real property in
24 the redevelopment project area.

25 Upon the payment of all redevelopment project costs, the
26 retirement of obligations, the distribution of any excess

1 monies pursuant to this Section, and final closing of the books
2 and records of the redevelopment project area, the municipality
3 shall adopt an ordinance dissolving the special tax allocation
4 fund for the redevelopment project area and terminating the
5 designation of the redevelopment project area as a
6 redevelopment project area. Title to real or personal property
7 and public improvements acquired by or for the municipality as
8 a result of the redevelopment project and plan shall vest in
9 the municipality when acquired and shall continue to be held by
10 the municipality after the redevelopment project area has been
11 terminated. Municipalities shall notify affected taxing
12 districts prior to November 1 if the redevelopment project area
13 is to be terminated by December 31 of that same year. If a
14 municipality extends estimated dates of completion of a
15 redevelopment project and retirement of obligations to finance
16 a redevelopment project, as allowed by this amendatory Act of
17 1993, that extension shall not extend the property tax
18 increment allocation financing authorized by this Section.
19 Thereafter the rates of the taxing districts shall be extended
20 and taxes levied, collected and distributed in the manner
21 applicable in the absence of the adoption of tax increment
22 allocation financing.

23 Nothing in this Section shall be construed as relieving
24 property in such redevelopment project areas from being
25 assessed as provided in the Property Tax Code or as relieving
26 owners of such property from paying a uniform rate of taxes, as

1 required by Section 4 of Article IX 9 of the Illinois
2 Constitution.

3 (Source: P.A. 95-644, eff. 10-12-07; revised 10-17-12.)

4 Section 250. The Economic Development Project Area Tax
5 Increment Allocation Act of 1995 is amended by changing Section
6 50 as follows:

7 (65 ILCS 110/50)

8 Sec. 50. Special tax allocation fund.

9 (a) If a county clerk has certified the "total initial
10 equalized assessed value" of the taxable real property within
11 an economic development project area in the manner provided in
12 Section 45, each year after the date of the certification by
13 the county clerk of the "total initial equalized assessed
14 value", until economic development project costs and all
15 municipal obligations financing economic development project
16 costs have been paid, the ad valorem taxes, if any, arising
17 from the levies upon the taxable real property in the economic
18 development project area by taxing districts and tax rates
19 determined in the manner provided in subsection (b) of Section
20 45 shall be divided as follows:

21 (1) That portion of the taxes levied upon each taxable
22 lot, block, tract, or parcel of real property that is
23 attributable to the lower of the current equalized assessed
24 value or the initial equalized assessed value of each

1 taxable lot, block, tract, or parcel of real property
2 existing at the time tax increment financing was adopted
3 shall be allocated to (and when collected shall be paid by
4 the county collector to) the respective affected taxing
5 districts in the manner required by law in the absence of
6 the adoption of tax increment allocation financing.

7 (2) That portion, if any, of the taxes that is
8 attributable to the increase in the current equalized
9 assessed valuation of each taxable lot, block, tract, or
10 parcel of real property in the economic development project
11 area, over and above the initial equalized assessed value
12 of each property existing at the time tax increment
13 financing was adopted, shall be allocated to (and when
14 collected shall be paid to) the municipal treasurer, who
15 shall deposit the taxes into a special fund (called the
16 special tax allocation fund of the municipality) for the
17 purpose of paying economic development project costs and
18 obligations incurred in the payment of those costs.

19 (b) The municipality, by an ordinance adopting tax
20 increment allocation financing, may pledge the monies in and to
21 be deposited into the special tax allocation fund for the
22 payment of obligations issued under this Act and for the
23 payment of economic development project costs. No part of the
24 current equalized assessed valuation of each property in the
25 economic development project area attributable to any increase
26 above the total initial equalized assessed value of those

1 properties shall be used in calculating the general State
2 school aid formula under Section 18-8 of the School Code until
3 all economic development projects costs have been paid as
4 provided for in this Section.

5 (c) When the economic development projects costs,
6 including without limitation all municipal obligations
7 financing economic development project costs incurred under
8 this Act, have been paid, all surplus monies then remaining in
9 the special tax allocation fund shall be distributed by being
10 paid by the municipal treasurer to the county collector, who
11 shall immediately pay the monies to the taxing districts having
12 taxable property in the economic development project area in
13 the same manner and proportion as the most recent distribution
14 by the county collector to those taxing districts of real
15 property taxes from real property in the economic development
16 project area.

17 (d) Upon the payment of all economic development project
18 costs, retirement of obligations, and distribution of any
19 excess monies under this Section and not later than 23 years
20 from the date of the adoption of the ordinance establishing the
21 economic development project area, the municipality shall
22 adopt an ordinance dissolving the special tax allocation fund
23 for the economic development project area and terminating the
24 designation of the economic development project area as an
25 economic development project area. Thereafter, the rates of the
26 taxing districts shall be extended and taxes shall be levied,

1 collected, and distributed in the manner applicable in the
2 absence of the adoption of tax increment allocation financing.

3 (e) Nothing in this Section shall be construed as relieving
4 property in the economic development project areas from being
5 assessed as provided in the Property Tax Code or as relieving
6 owners or lessees of that property from paying a uniform rate
7 of taxes as required by Section 4 of Article IX 9 of the
8 Illinois Constitution.

9 (Source: P.A. 89-176, eff. 1-1-96; revised 10-17-12.)

10 Section 255. The Metropolitan Pier and Exposition
11 Authority Act is amended by changing Section 13 as follows:

12 (70 ILCS 210/13) (from Ch. 85, par. 1233)

13 Sec. 13. (a) The Authority shall not have power to levy
14 taxes for any purpose, except as provided in subsections (b),
15 (c), (d), (e), and (f).

16 (b) By ordinance the Authority shall, as soon as
17 practicable after the effective date of this amendatory Act of
18 1991, impose a Metropolitan Pier and Exposition Authority
19 Retailers' Occupation Tax upon all persons engaged in the
20 business of selling tangible personal property at retail within
21 the territory described in this subsection at the rate of 1.0%
22 of the gross receipts (i) from the sale of food, alcoholic
23 beverages, and soft drinks sold for consumption on the premises
24 where sold and (ii) from the sale of food, alcoholic beverages,

1 and soft drinks sold for consumption off the premises where
2 sold by a retailer whose principal source of gross receipts is
3 from the sale of food, alcoholic beverages, and soft drinks
4 prepared for immediate consumption.

5 The tax imposed under this subsection and all civil
6 penalties that may be assessed as an incident to that tax shall
7 be collected and enforced by the Illinois Department of
8 Revenue. The Department shall have full power to administer and
9 enforce this subsection, to collect all taxes and penalties so
10 collected in the manner provided in this subsection, and to
11 determine all rights to credit memoranda arising on account of
12 the erroneous payment of tax or penalty under this subsection.
13 In the administration of and compliance with this subsection,
14 the Department and persons who are subject to this subsection
15 shall have the same rights, remedies, privileges, immunities,
16 powers, and duties, shall be subject to the same conditions,
17 restrictions, limitations, penalties, exclusions, exemptions,
18 and definitions of terms, and shall employ the same modes of
19 procedure applicable to this Retailers' Occupation Tax as are
20 prescribed in Sections 1, 2 through 2-65 (in respect to all
21 provisions of those Sections other than the State rate of
22 taxes), 2c, 2h, 2i, 3 (except as to the disposition of taxes
23 and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i,
24 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, ~~and, and~~ until
25 January 1, 1994, 13.5 of the Retailers' Occupation Tax Act,
26 and, on and after January 1, 1994, all applicable provisions of

1 the Uniform Penalty and Interest Act that are not inconsistent
2 with this Act, as fully as if provisions contained in those
3 Sections of the Retailers' Occupation Tax Act were set forth in
4 this subsection.

5 Persons subject to any tax imposed under the authority
6 granted in this subsection may reimburse themselves for their
7 seller's tax liability under this subsection by separately
8 stating that tax as an additional charge, which charge may be
9 stated in combination, in a single amount, with State taxes
10 that sellers are required to collect under the Use Tax Act,
11 pursuant to bracket schedules as the Department may prescribe.
12 The retailer filing the return shall, at the time of filing the
13 return, pay to the Department the amount of tax imposed under
14 this subsection, less a discount of 1.75%, which is allowed to
15 reimburse the retailer for the expenses incurred in keeping
16 records, preparing and filing returns, remitting the tax, and
17 supplying data to the Department on request.

18 Whenever the Department determines that a refund should be
19 made under this subsection to a claimant instead of issuing a
20 credit memorandum, the Department shall notify the State
21 Comptroller, who shall cause a warrant to be drawn for the
22 amount specified and to the person named in the notification
23 from the Department. The refund shall be paid by the State
24 Treasurer out of the Metropolitan Pier and Exposition Authority
25 trust fund held by the State Treasurer as trustee for the
26 Authority.

1 Nothing in this subsection authorizes the Authority to
2 impose a tax upon the privilege of engaging in any business
3 that under the Constitution of the United States may not be
4 made the subject of taxation by this State.

5 The Department shall forthwith pay over to the State
6 Treasurer, ex officio, as trustee for the Authority, all taxes
7 and penalties collected under this subsection for deposit into
8 a trust fund held outside of the State Treasury.

9 As soon as possible after the first day of each month,
10 beginning January 1, 2011, upon certification of the Department
11 of Revenue, the Comptroller shall order transferred, and the
12 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
13 local sales tax increment, as defined in the Innovation
14 Development and Economy Act, collected under this subsection
15 during the second preceding calendar month for sales within a
16 STAR bond district.

17 After the monthly transfer to the STAR Bonds Revenue Fund,
18 on or before the 25th day of each calendar month, the
19 Department shall prepare and certify to the Comptroller the
20 amounts to be paid under subsection (g) of this Section, which
21 shall be the amounts, not including credit memoranda, collected
22 under this subsection during the second preceding calendar
23 month by the Department, less any amounts determined by the
24 Department to be necessary for the payment of refunds, less 2%
25 of such balance, which sum shall be deposited by the State
26 Treasurer into the Tax Compliance and Administration Fund in

1 the State Treasury from which it shall be appropriated to the
2 Department to cover the costs of the Department in
3 administering and enforcing the provisions of this subsection,
4 and less any amounts that are transferred to the STAR Bonds
5 Revenue Fund. Within 10 days after receipt by the Comptroller
6 of the certification, the Comptroller shall cause the orders to
7 be drawn for the remaining amounts, and the Treasurer shall
8 administer those amounts as required in subsection (g).

9 A certificate of registration issued by the Illinois
10 Department of Revenue to a retailer under the Retailers'
11 Occupation Tax Act shall permit the registrant to engage in a
12 business that is taxed under the tax imposed under this
13 subsection, and no additional registration shall be required
14 under the ordinance imposing the tax or under this subsection.

15 A certified copy of any ordinance imposing or discontinuing
16 any tax under this subsection or effecting a change in the rate
17 of that tax shall be filed with the Department, whereupon the
18 Department shall proceed to administer and enforce this
19 subsection on behalf of the Authority as of the first day of
20 the third calendar month following the date of filing.

21 The tax authorized to be levied under this subsection may
22 be levied within all or any part of the following described
23 portions of the metropolitan area:

- 24 (1) that portion of the City of Chicago located within
25 the following area: Beginning at the point of intersection
26 of the Cook County - DuPage County line and York Road, then

1 North along York Road to its intersection with Touhy
2 Avenue, then east along Touhy Avenue to its intersection
3 with the Northwest Tollway, then southeast along the
4 Northwest Tollway to its intersection with Lee Street, then
5 south along Lee Street to Higgins Road, then south and east
6 along Higgins Road to its intersection with Mannheim Road,
7 then south along Mannheim Road to its intersection with
8 Irving Park Road, then west along Irving Park Road to its
9 intersection with the Cook County - DuPage County line,
10 then north and west along the county line to the point of
11 beginning; and

12 (2) that portion of the City of Chicago located within
13 the following area: Beginning at the intersection of West
14 55th Street with Central Avenue, then east along West 55th
15 Street to its intersection with South Cicero Avenue, then
16 south along South Cicero Avenue to its intersection with
17 West 63rd Street, then west along West 63rd Street to its
18 intersection with South Central Avenue, then north along
19 South Central Avenue to the point of beginning; and

20 (3) that portion of the City of Chicago located within
21 the following area: Beginning at the point 150 feet west of
22 the intersection of the west line of North Ashland Avenue
23 and the north line of West Diversey Avenue, then north 150
24 feet, then east along a line 150 feet north of the north
25 line of West Diversey Avenue extended to the shoreline of
26 Lake Michigan, then following the shoreline of Lake

1 Michigan (including Navy Pier and all other improvements
2 fixed to land, docks, or piers) to the point where the
3 shoreline of Lake Michigan and the Adlai E. Stevenson
4 Expressway extended east to that shoreline intersect, then
5 west along the Adlai E. Stevenson Expressway to a point 150
6 feet west of the west line of South Ashland Avenue, then
7 north along a line 150 feet west of the west line of South
8 and North Ashland Avenue to the point of beginning.

9 The tax authorized to be levied under this subsection may
10 also be levied on food, alcoholic beverages, and soft drinks
11 sold on boats and other watercraft departing from and returning
12 to the shoreline of Lake Michigan (including Navy Pier and all
13 other improvements fixed to land, docks, or piers) described in
14 item (3).

15 (c) By ordinance the Authority shall, as soon as
16 practicable after the effective date of this amendatory Act of
17 1991, impose an occupation tax upon all persons engaged in the
18 corporate limits of the City of Chicago in the business of
19 renting, leasing, or letting rooms in a hotel, as defined in
20 the Hotel Operators' Occupation Tax Act, at a rate of 2.5% of
21 the gross rental receipts from the renting, leasing, or letting
22 of hotel rooms within the City of Chicago, excluding, however,
23 from gross rental receipts the proceeds of renting, leasing, or
24 letting to permanent residents of a hotel, as defined in that
25 Act. Gross rental receipts shall not include charges that are
26 added on account of the liability arising from any tax imposed

1 by the State or any governmental agency on the occupation of
2 renting, leasing, or letting rooms in a hotel.

3 The tax imposed by the Authority under this subsection and
4 all civil penalties that may be assessed as an incident to that
5 tax shall be collected and enforced by the Illinois Department
6 of Revenue. The certificate of registration that is issued by
7 the Department to a lessor under the Hotel Operators'
8 Occupation Tax Act shall permit that registrant to engage in a
9 business that is taxable under any ordinance enacted under this
10 subsection without registering separately with the Department
11 under that ordinance or under this subsection. The Department
12 shall have full power to administer and enforce this
13 subsection, to collect all taxes and penalties due under this
14 subsection, to dispose of taxes and penalties so collected in
15 the manner provided in this subsection, and to determine all
16 rights to credit memoranda arising on account of the erroneous
17 payment of tax or penalty under this subsection. In the
18 administration of and compliance with this subsection, the
19 Department and persons who are subject to this subsection shall
20 have the same rights, remedies, privileges, immunities,
21 powers, and duties, shall be subject to the same conditions,
22 restrictions, limitations, penalties, and definitions of
23 terms, and shall employ the same modes of procedure as are
24 prescribed in the Hotel Operators' Occupation Tax Act (except
25 where that Act is inconsistent with this subsection), as fully
26 as if the provisions contained in the Hotel Operators'

1 Occupation Tax Act were set out in this subsection.

2 Whenever the Department determines that a refund should be
3 made under this subsection to a claimant instead of issuing a
4 credit memorandum, the Department shall notify the State
5 Comptroller, who shall cause a warrant to be drawn for the
6 amount specified and to the person named in the notification
7 from the Department. The refund shall be paid by the State
8 Treasurer out of the Metropolitan Pier and Exposition Authority
9 trust fund held by the State Treasurer as trustee for the
10 Authority.

11 Persons subject to any tax imposed under the authority
12 granted in this subsection may reimburse themselves for their
13 tax liability for that tax by separately stating that tax as an
14 additional charge, which charge may be stated in combination,
15 in a single amount, with State taxes imposed under the Hotel
16 Operators' Occupation Tax Act, the municipal tax imposed under
17 Section 8-3-13 of the Illinois Municipal Code, and the tax
18 imposed under Section 19 of the Illinois Sports Facilities
19 Authority Act.

20 The person filing the return shall, at the time of filing
21 the return, pay to the Department the amount of tax, less a
22 discount of 2.1% or \$25 per calendar year, whichever is
23 greater, which is allowed to reimburse the operator for the
24 expenses incurred in keeping records, preparing and filing
25 returns, remitting the tax, and supplying data to the
26 Department on request.

1 The Department shall forthwith pay over to the State
2 Treasurer, ex officio, as trustee for the Authority, all taxes
3 and penalties collected under this subsection for deposit into
4 a trust fund held outside the State Treasury. On or before the
5 25th day of each calendar month, the Department shall certify
6 to the Comptroller the amounts to be paid under subsection (g)
7 of this Section, which shall be the amounts (not including
8 credit memoranda) collected under this subsection during the
9 second preceding calendar month by the Department, less any
10 amounts determined by the Department to be necessary for
11 payment of refunds. Within 10 days after receipt by the
12 Comptroller of the Department's certification, the Comptroller
13 shall cause the orders to be drawn for such amounts, and the
14 Treasurer shall administer those amounts as required in
15 subsection (g).

16 A certified copy of any ordinance imposing or discontinuing
17 a tax under this subsection or effecting a change in the rate
18 of that tax shall be filed with the Illinois Department of
19 Revenue, whereupon the Department shall proceed to administer
20 and enforce this subsection on behalf of the Authority as of
21 the first day of the third calendar month following the date of
22 filing.

23 (d) By ordinance the Authority shall, as soon as
24 practicable after the effective date of this amendatory Act of
25 1991, impose a tax upon all persons engaged in the business of
26 renting automobiles in the metropolitan area at the rate of 6%

1 of the gross receipts from that business, except that no tax
2 shall be imposed on the business of renting automobiles for use
3 as taxicabs or in livery service. The tax imposed under this
4 subsection and all civil penalties that may be assessed as an
5 incident to that tax shall be collected and enforced by the
6 Illinois Department of Revenue. The certificate of
7 registration issued by the Department to a retailer under the
8 Retailers' Occupation Tax Act or under the Automobile Renting
9 Occupation and Use Tax Act shall permit that person to engage
10 in a business that is taxable under any ordinance enacted under
11 this subsection without registering separately with the
12 Department under that ordinance or under this subsection. The
13 Department shall have full power to administer and enforce this
14 subsection, to collect all taxes and penalties due under this
15 subsection, to dispose of taxes and penalties so collected in
16 the manner provided in this subsection, and to determine all
17 rights to credit memoranda arising on account of the erroneous
18 payment of tax or penalty under this subsection. In the
19 administration of and compliance with this subsection, the
20 Department and persons who are subject to this subsection shall
21 have the same rights, remedies, privileges, immunities,
22 powers, and duties, be subject to the same conditions,
23 restrictions, limitations, penalties, and definitions of
24 terms, and employ the same modes of procedure as are prescribed
25 in Sections 2 and 3 (in respect to all provisions of those
26 Sections other than the State rate of tax; and in respect to

1 the provisions of the Retailers' Occupation Tax Act referred to
2 in those Sections, except as to the disposition of taxes and
3 penalties collected, except for the provision allowing
4 retailers a deduction from the tax to cover certain costs, and
5 except that credit memoranda issued under this subsection may
6 not be used to discharge any State tax liability) of the
7 Automobile Renting Occupation and Use Tax Act, as fully as if
8 provisions contained in those Sections of that Act were set
9 forth in this subsection.

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

18 Whenever the Department determines that a refund should be
19 made under this subsection to a claimant instead of issuing a
20 credit memorandum, the Department shall notify the State
21 Comptroller, who shall cause a warrant to be drawn for the
22 amount specified and to the person named in the notification
23 from the Department. The refund shall be paid by the State
24 Treasurer out of the Metropolitan Pier and Exposition Authority
25 trust fund held by the State Treasurer as trustee for the
26 Authority.

1 The Department shall forthwith pay over to the State
2 Treasurer, ex officio, as trustee, all taxes and penalties
3 collected under this subsection for deposit into a trust fund
4 held outside the State Treasury. On or before the 25th day of
5 each calendar month, the Department shall certify to the
6 Comptroller the amounts to be paid under subsection (g) of this
7 Section (not including credit memoranda) collected under this
8 subsection during the second preceding calendar month by the
9 Department, less any amount determined by the Department to be
10 necessary for payment of refunds. Within 10 days after receipt
11 by the Comptroller of the Department's certification, the
12 Comptroller shall cause the orders to be drawn for such
13 amounts, and the Treasurer shall administer those amounts as
14 required in subsection (g).

15 Nothing in this subsection authorizes the Authority to
16 impose a tax upon the privilege of engaging in any business
17 that under the Constitution of the United States may not be
18 made the subject of taxation by this State.

19 A certified copy of any ordinance imposing or discontinuing
20 a tax under this subsection or effecting a change in the rate
21 of that tax shall be filed with the Illinois Department of
22 Revenue, whereupon the Department shall proceed to administer
23 and enforce this subsection on behalf of the Authority as of
24 the first day of the third calendar month following the date of
25 filing.

26 (e) By ordinance the Authority shall, as soon as

1 practicable after the effective date of this amendatory Act of
2 1991, impose a tax upon the privilege of using in the
3 metropolitan area an automobile that is rented from a rentor
4 outside Illinois and is titled or registered with an agency of
5 this State's government at a rate of 6% of the rental price of
6 that automobile, except that no tax shall be imposed on the
7 privilege of using automobiles rented for use as taxicabs or in
8 livery service. The tax shall be collected from persons whose
9 Illinois address for titling or registration purposes is given
10 as being in the metropolitan area. The tax shall be collected
11 by the Department of Revenue for the Authority. The tax must be
12 paid to the State or an exemption determination must be
13 obtained from the Department of Revenue before the title or
14 certificate of registration for the property may be issued. The
15 tax or proof of exemption may be transmitted to the Department
16 by way of the State agency with which or State officer with
17 whom the tangible personal property must be titled or
18 registered if the Department and that agency or State officer
19 determine that this procedure will expedite the processing of
20 applications for title or registration.

21 The Department shall have full power to administer and
22 enforce this subsection, to collect all taxes, penalties, and
23 interest due under this subsection, to dispose of taxes,
24 penalties, and interest so collected in the manner provided in
25 this subsection, and to determine all rights to credit
26 memoranda or refunds arising on account of the erroneous

1 payment of tax, penalty, or interest under this subsection. In
2 the administration of and compliance with this subsection, the
3 Department and persons who are subject to this subsection shall
4 have the same rights, remedies, privileges, immunities,
5 powers, and duties, be subject to the same conditions,
6 restrictions, limitations, penalties, and definitions of
7 terms, and employ the same modes of procedure as are prescribed
8 in Sections 2 and 4 (except provisions pertaining to the State
9 rate of tax; and in respect to the provisions of the Use Tax
10 Act referred to in that Section, except provisions concerning
11 collection or refunding of the tax by retailers, except the
12 provisions of Section 19 pertaining to claims by retailers,
13 except the last paragraph concerning refunds, and except that
14 credit memoranda issued under this subsection may not be used
15 to discharge any State tax liability) of the Automobile Renting
16 Occupation and Use Tax Act, as fully as if provisions contained
17 in those Sections of that Act were set forth in this
18 subsection.

19 Whenever the Department determines that a refund should be
20 made under this subsection to a claimant instead of issuing a
21 credit memorandum, the Department shall notify the State
22 Comptroller, who shall cause a warrant to be drawn for the
23 amount specified and to the person named in the notification
24 from the Department. The refund shall be paid by the State
25 Treasurer out of the Metropolitan Pier and Exposition Authority
26 trust fund held by the State Treasurer as trustee for the

1 Authority.

2 The Department shall forthwith pay over to the State
3 Treasurer, ex officio, as trustee, all taxes, penalties, and
4 interest collected under this subsection for deposit into a
5 trust fund held outside the State Treasury. On or before the
6 25th day of each calendar month, the Department shall certify
7 to the State Comptroller the amounts to be paid under
8 subsection (g) of this Section, which shall be the amounts (not
9 including credit memoranda) collected under this subsection
10 during the second preceding calendar month by the Department,
11 less any amounts determined by the Department to be necessary
12 for payment of refunds. Within 10 days after receipt by the
13 State Comptroller of the Department's certification, the
14 Comptroller shall cause the orders to be drawn for such
15 amounts, and the Treasurer shall administer those amounts as
16 required in subsection (g).

17 A certified copy of any ordinance imposing or discontinuing
18 a tax or effecting a change in the rate of that tax shall be
19 filed with the Illinois Department of Revenue, whereupon the
20 Department shall proceed to administer and enforce this
21 subsection on behalf of the Authority as of the first day of
22 the third calendar month following the date of filing.

23 (f) By ordinance the Authority shall, as soon as
24 practicable after the effective date of this amendatory Act of
25 1991, impose an occupation tax on all persons, other than a
26 governmental agency, engaged in the business of providing

1 ground transportation for hire to passengers in the
2 metropolitan area at a rate of (i) \$4 per taxi or livery
3 vehicle departure with passengers for hire from commercial
4 service airports in the metropolitan area, (ii) for each
5 departure with passengers for hire from a commercial service
6 airport in the metropolitan area in a bus or van operated by a
7 person other than a person described in item (iii): \$18 per bus
8 or van with a capacity of 1-12 passengers, \$36 per bus or van
9 with a capacity of 13-24 passengers, and \$54 per bus or van
10 with a capacity of over 24 passengers, and (iii) for each
11 departure with passengers for hire from a commercial service
12 airport in the metropolitan area in a bus or van operated by a
13 person regulated by the Interstate Commerce Commission or
14 Illinois Commerce Commission, operating scheduled service from
15 the airport, and charging fares on a per passenger basis: \$2
16 per passenger for hire in each bus or van. The term "commercial
17 service airports" means those airports receiving scheduled
18 passenger service and enplaning more than 100,000 passengers
19 per year.

20 In the ordinance imposing the tax, the Authority may
21 provide for the administration and enforcement of the tax and
22 the collection of the tax from persons subject to the tax as
23 the Authority determines to be necessary or practicable for the
24 effective administration of the tax. The Authority may enter
25 into agreements as it deems appropriate with any governmental
26 agency providing for that agency to act as the Authority's

1 agent to collect the tax.

2 In the ordinance imposing the tax, the Authority may
3 designate a method or methods for persons subject to the tax to
4 reimburse themselves for the tax liability arising under the
5 ordinance (i) by separately stating the full amount of the tax
6 liability as an additional charge to passengers departing the
7 airports, (ii) by separately stating one-half of the tax
8 liability as an additional charge to both passengers departing
9 from and to passengers arriving at the airports, or (iii) by
10 some other method determined by the Authority.

11 All taxes, penalties, and interest collected under any
12 ordinance adopted under this subsection, less any amounts
13 determined to be necessary for the payment of refunds and less
14 the taxes, penalties, and interest attributable to any increase
15 in the rate of tax authorized by Public Act 96-898, shall be
16 paid forthwith to the State Treasurer, ex officio, for deposit
17 into a trust fund held outside the State Treasury and shall be
18 administered by the State Treasurer as provided in subsection
19 (g) of this Section. All taxes, penalties, and interest
20 attributable to any increase in the rate of tax authorized by
21 Public Act 96-898 shall be paid by the State Treasurer as
22 follows: 25% for deposit into the Convention Center Support
23 Fund, to be used by the Village of Rosemont for the repair,
24 maintenance, and improvement of the Donald E. Stephens
25 Convention Center and for debt service on debt instruments
26 issued for those purposes by the village and 75% to the

1 Authority to be used for grants to an organization meeting the
2 qualifications set out in Section 5.6 of this Act, provided the
3 Metropolitan Pier and Exposition Authority has entered into a
4 marketing agreement with such an organization.

5 (g) Amounts deposited from the proceeds of taxes imposed by
6 the Authority under subsections (b), (c), (d), (e), and (f) of
7 this Section and amounts deposited under Section 19 of the
8 Illinois Sports Facilities Authority Act shall be held in a
9 trust fund outside the State Treasury and shall be administered
10 by the Treasurer as follows:

11 (1) An amount necessary for the payment of refunds with
12 respect to those taxes shall be retained in the trust fund
13 and used for those payments.

14 (2) On July 20 and on the 20th of each month
15 thereafter, provided that the amount requested in the
16 annual certificate of the Chairman of the Authority filed
17 under Section 8.25f of the State Finance Act has been
18 appropriated for payment to the Authority, 1/8 of the local
19 tax transfer amount, together with any cumulative
20 deficiencies in the amounts transferred into the McCormick
21 Place Expansion Project Fund under this subparagraph (2)
22 during the fiscal year for which the certificate has been
23 filed, shall be transferred from the trust fund into the
24 McCormick Place Expansion Project Fund in the State
25 treasury until 100% of the local tax transfer amount has
26 been so transferred. "Local tax transfer amount" shall mean

1 the amount requested in the annual certificate, minus the
2 reduction amount. "Reduction amount" shall mean \$41.7
3 million in fiscal year 2011, \$36.7 million in fiscal year
4 2012, \$36.7 million in fiscal year 2013, \$36.7 million in
5 fiscal year 2014, and \$31.7 million in each fiscal year
6 thereafter until 2032, provided that the reduction amount
7 shall be reduced by (i) the amount certified by the
8 Authority to the State Comptroller and State Treasurer
9 under Section 8.25 of the State Finance Act, as amended,
10 with respect to that fiscal year and (ii) in any fiscal
11 year in which the amounts deposited in the trust fund under
12 this Section exceed \$318.3 million, exclusive of amounts
13 set aside for refunds and for the reserve account, one
14 dollar for each dollar of the deposits in the trust fund
15 above \$318.3 million with respect to that year, exclusive
16 of amounts set aside for refunds and for the reserve
17 account.

18 (3) On July 20, 2010, the Comptroller shall certify to
19 the Governor, the Treasurer, and the Chairman of the
20 Authority the 2010 deficiency amount, which means the
21 cumulative amount of transfers that were due from the trust
22 fund to the McCormick Place Expansion Project Fund in
23 fiscal years 2008, 2009, and 2010 under Section 13(g) of
24 this Act, as it existed prior to May 27, 2010 (the
25 effective date of Public Act 96-898), but not made. On July
26 20, 2011 and on July 20 of each year through July 20, 2014,

1 the Treasurer shall calculate for the previous fiscal year
2 the surplus revenues in the trust fund and pay that amount
3 to the Authority. On July 20, 2015 and on July 20 of each
4 year thereafter, as long as bonds and notes issued under
5 Section 13.2 or bonds and notes issued to refund those
6 bonds and notes are outstanding, the Treasurer shall
7 calculate for the previous fiscal year the surplus revenues
8 in the trust fund and pay one-half of that amount to the
9 State Treasurer for deposit into the General Revenue Fund
10 until the 2010 deficiency amount has been paid and shall
11 pay the balance of the surplus revenues to the Authority.
12 "Surplus revenues" means the amounts remaining in the trust
13 fund on June 30 of the previous fiscal year (A) after the
14 State Treasurer has set aside in the trust fund (i) amounts
15 retained for refunds under subparagraph (1) and (ii) any
16 amounts necessary to meet the reserve account amount and
17 (B) after the State Treasurer has transferred from the
18 trust fund to the General Revenue Fund 100% of any
19 post-2010 deficiency amount. "Reserve account amount"
20 means \$15 million in fiscal year 2011 and \$30 million in
21 each fiscal year thereafter. The reserve account amount
22 shall be set aside in the trust fund and used as a reserve
23 to be transferred to the McCormick Place Expansion Project
24 Fund in the event the proceeds of taxes imposed under this
25 Section 13 are not sufficient to fund the transfer required
26 in subparagraph (2). "Post-2010 deficiency amount" means

1 any deficiency in transfers from the trust fund to the
2 McCormick Place Expansion Project Fund with respect to
3 fiscal years 2011 and thereafter. It is the intention of
4 this subparagraph (3) that no surplus revenues shall be
5 paid to the Authority with respect to any year in which a
6 post-2010 deficiency amount has not been satisfied by the
7 Authority.

8 Moneys received by the Authority as surplus revenues may be
9 used (i) for the purposes of paying debt service on the bonds
10 and notes issued by the Authority, including early redemption
11 of those bonds or notes, (ii) for the purposes of repair,
12 replacement, and improvement of the grounds, buildings, and
13 facilities of the Authority, and (iii) for the corporate
14 purposes of the Authority in fiscal years 2011 through 2015 in
15 an amount not to exceed \$20,000,000 annually or \$80,000,000
16 total, which amount shall be reduced \$0.75 for each dollar of
17 the receipts of the Authority in that year from any contract
18 entered into with respect to naming rights at McCormick Place
19 under Section 5(m) of this Act. When bonds and notes issued
20 under Section 13.2, or bonds or notes issued to refund those
21 bonds and notes, are no longer outstanding, the balance in the
22 trust fund shall be paid to the Authority.

23 (h) The ordinances imposing the taxes authorized by this
24 Section shall be repealed when bonds and notes issued under
25 Section 13.2 or bonds and notes issued to refund those bonds
26 and notes are no longer outstanding.

1 (Source: P.A. 96-898, eff. 5-27-10; 96-939, eff. 6-24-10;
2 97-333, eff. 8-12-11; revised 8-3-12.)

3 Section 260. The Quad Cities Regional Economic Development
4 Authority Act, approved September 22, 1987 is amended by
5 changing Section 4 as follows:

6 (70 ILCS 510/4) (from Ch. 85, par. 6204)

7 Sec. 4. (a) There is hereby created a political
8 subdivision, body politic and municipal corporation named the
9 Quad Cities Regional Economic Development Authority. The
10 territorial jurisdiction of the Authority is that geographic
11 area within the boundaries of Jo Daviess ~~Jo Daviess~~, Carroll,
12 Whiteside, Stephenson, Lee, Rock Island, Henry, Knox, and
13 Mercer counties in the State of Illinois and any navigable
14 waters and air space located therein.

15 (b) The governing and administrative powers of the
16 Authority shall be vested in a body consisting of 16 members
17 including, as an ex officio member, the Director of Commerce
18 and Economic Opportunity, or his or her designee. The other
19 members of the Authority shall be designated "public members",
20 6 of whom shall be appointed by the Governor with the advice
21 and consent of the Senate. Of the 6 members appointed by the
22 Governor, one shall be from a city within the Authority's
23 territory with a population of 25,000 or more and the remainder
24 shall be appointed at large. Of the 6 members appointed by the

1 Governor, 2 members shall have business or finance experience.
2 One member shall be appointed by each of the county board
3 chairmen of Rock Island, Henry, Knox, and Mercer Counties with
4 the advice and consent of the respective county board. Within
5 60 days after the effective date of this amendatory Act of the
6 97th General Assembly, one additional public member shall be
7 appointed by each of the county board chairpersons of Jo
8 Daviess ~~Jo Daviess~~, Carroll, Whiteside, Stephenson, and Lee
9 counties with the advice and consent of the respective county
10 board. Of the public members added by this amendatory Act of
11 the 97th General Assembly, one shall serve for a one-year term,
12 2 shall serve for 2-year terms, and 2 shall serve for 3-year
13 terms, to be determined by lot. Their successors shall serve
14 for 3-year terms. All public members shall reside within the
15 territorial jurisdiction of this Act. Nine members shall
16 constitute a quorum. The public members shall be persons of
17 recognized ability and experience in one or more of the
18 following areas: economic development, finance, banking,
19 industrial development, small business management, real estate
20 development, community development, venture finance, organized
21 labor or civic, community or neighborhood organization. The
22 Chairman of the Authority shall be a public member elected by
23 the affirmative vote of not fewer than 6 members of the
24 Authority, except that any chairperson elected on or after the
25 effective date of this amendatory Act of the 97th General
26 Assembly shall be elected by the affirmative vote of not fewer

1 than 9 members. The term of the Chairman shall be one year.

2 (c) The terms of the initial members of the Authority shall
3 begin 30 days after the effective date of this Act, except (i)
4 the terms of those members added by this amendatory Act of 1989
5 shall begin 30 days after the effective date of this amendatory
6 Act of 1989 and (ii) the terms of those members added by this
7 amendatory Act of the 92nd General Assembly shall begin 30 days
8 after the effective date of this amendatory Act of the 92nd
9 General Assembly. Of the 10 public members appointed pursuant
10 to this Act, 2 (one of whom shall be appointed by the Governor)
11 shall serve until the third Monday in January, 1989, 2 (one of
12 whom shall be appointed by the Governor) shall serve until the
13 third Monday in January, 1990, 2 (one of whom shall be
14 appointed by the Governor) shall serve until the third Monday
15 in January, 1991, 2 (both of whom shall be appointed by the
16 Governor) shall serve until the third Monday in January, 1992,
17 and 2 (one of whom shall be appointed by the Governor and one
18 of whom shall be appointed by the county board chairman of Knox
19 County) shall serve until the third Monday in January, 2004.
20 The initial terms of the members appointed by the county board
21 chairmen (other than the county board chairman of Knox County)
22 shall be determined by lot. All successors shall be appointed
23 by the original appointing authority and hold office for a term
24 of 3 years commencing the third Monday in January of the year
25 in which their term commences, except in case of an appointment
26 to fill a vacancy. Vacancies occurring among the public members

1 shall be filled for the remainder of the term. In case of
2 vacancy in a Governor-appointed membership when the Senate is
3 not in session, the Governor may make a temporary appointment
4 until the next meeting of the Senate when a person shall be
5 nominated to fill such office, and any person so nominated who
6 is confirmed by the Senate shall hold office during the
7 remainder of the term and until a successor shall be appointed
8 and qualified. Members of the Authority shall not be entitled
9 to compensation for their services as members but shall be
10 entitled to reimbursement for all necessary expenses incurred
11 in connection with the performance of their duties as members.

12 (d) The Governor may remove any public member of the
13 Authority appointed by the Governor in case of incompetency,
14 neglect of duty, or malfeasance in office. The Chairman of a
15 county board may remove any public member of the Authority
16 appointed by such Chairman in the case of incompetency, neglect
17 of duty, or malfeasance in office.

18 (e) The Board shall appoint an Executive Director who shall
19 have a background in finance, including familiarity with the
20 legal and procedural requirements of issuing bonds, real estate
21 or economic development and administration. The Executive
22 Director shall hold office at the discretion of the Board. The
23 Executive Director shall be the chief administrative and
24 operational officer of the Authority, shall direct and
25 supervise its administrative affairs and general management,
26 shall perform such other duties as may be prescribed from time

1 to time by the members and shall receive compensation fixed by
2 the Authority. The Authority may engage the services of such
3 other agents and employees, including attorneys, appraisers,
4 engineers, accountants, credit analysts and other consultants,
5 as it may deem advisable and may prescribe their duties and fix
6 their compensation.

7 (f) The Board shall create a task force to study and make
8 recommendations to the Board on the economic development of the
9 territory within the jurisdiction of this Act. The number of
10 members constituting the task force shall be set by the Board
11 and may vary from time to time. The Board may set a specific
12 date by which the task force is to submit its final report and
13 recommendations to the Board.

14 (Source: P.A. 97-278, eff. 8-8-11; revised 10-17-12.)

15 Section 265. The Downstate Forest Preserve District Act is
16 amended by changing Section 8 as follows:

17 (70 ILCS 805/8) (from Ch. 96 1/2, par. 6315)

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

20 (a) The board shall be the corporate authority of such
21 forest preserve district and shall have power to pass and
22 enforce all necessary ordinances, rules and regulations for the
23 management of the property and conduct of the business of such
24 district. The president of such board shall have power to

1 appoint such employees as may be necessary. In counties with
2 population of less than 3,000,000, within 60 days after their
3 selection the commissioners appointed under the provisions of
4 Section 3a of this Act shall organize by selecting from their
5 members a president, secretary, treasurer and such other
6 officers as are deemed necessary who shall hold office for the
7 fiscal year in which elected and until their successors are
8 selected and qualify. In the one district in existence on July
9 1, 1977, that is managed by an appointed board of
10 commissioners, the incumbent president and the other officers
11 appointed in the manner as originally prescribed in this Act
12 shall hold such offices until the completion of their
13 respective terms or in the case of the officers other than
14 president until their successors are appointed by said
15 president, but in all cases not to extend beyond January 1,
16 1980 and until their successors are selected and qualify.
17 Thereafter, the officers shall be selected in the manner as
18 prescribed in this Section except that their first term of
19 office shall not expire until June 30, 1981 and until their
20 successors are selected and qualify.

21 (b) In any county, city, village, incorporated town or
22 sanitary district where the corporate authorities act as the
23 governing body of a forest preserve district, the person
24 exercising the powers of the president of the board shall have
25 power to appoint a secretary and an assistant secretary and
26 treasurer and an assistant treasurer and such other officers

1 and such employees as may be necessary. The assistant secretary
2 and assistant treasurer shall perform the duties of the
3 secretary and treasurer, respectively in case of death of such
4 officers or when such officers are unable to perform the duties
5 of their respective offices. All contracts for supplies,
6 material or work involving an expenditure in excess of \$20,000
7 shall be let to the lowest responsible bidder, after
8 advertising at least once in one or more newspapers of general
9 circulation within the district, excepting work requiring
10 personal confidence or necessary supplies under the control of
11 monopolies, where competitive bidding is impossible. Contracts
12 for supplies, material or work involving an expenditure of
13 \$20,000 or less may be let without advertising for bids, but
14 whenever practicable, at least 3 competitive bids shall be
15 obtained before letting such contract. All contracts for
16 supplies, material or work shall be signed by the president of
17 the board of commissioners or by any such other officer as the
18 board in its discretion may designate.

19 (c) The president of any board of commissioners appointed
20 under the provisions of Section 3a of this Act shall receive a
21 salary not to exceed the sum of \$2500 per annum and the salary
22 of other members of the board so appointed shall not exceed
23 \$1500 per annum. Salaries of the commissioners, officers and
24 employees shall be fixed by ordinance.

25 (d) Whenever a forest preserve district owns any personal
26 property that, in the opinion of three-fifths of the members of

1 the board of commissioners, is no longer necessary, useful to,
2 or for the best interests of the forest preserve district, then
3 three-fifths of the members of the board, at any regular
4 meeting or any special meeting called for that purpose by an
5 ordinance or resolution that includes a general description of
6 the personal property, may authorize the conveyance or sale of
7 that personal property in any manner that they may designate,
8 with or without advertising the sale.

9 (Source: P.A. 97-851, eff. 7-26-12; revised 10-17-12.)

10 Section 270. The Metropolitan Water Reclamation District
11 Act is amended by changing Section 4 as follows:

12 (70 ILCS 2605/4) (from Ch. 42, par. 323)

13 Sec. 4. The commissioners elected under this Act constitute
14 a board of commissioners for the district by which they are
15 elected, which board of commissioners is the corporate
16 authority of the sanitary district, and, in addition to all
17 other powers specified in this Act, shall establish the
18 policies and goals of the sanitary district. The executive
19 director, in addition to all other powers specified in this
20 Act, shall manage and control all the affairs and property of
21 the sanitary district and shall regularly report to the Board
22 of Commissioners on the activities of the sanitary district in
23 executing the policies and goals established by the board. At
24 the regularly scheduled meeting of odd numbered years following

1 the induction of new commissioners the board of commissioners
2 shall elect from its own number a president and a
3 vice-president to serve in the absence of the president, and
4 the chairman of the committee on finance. The board shall
5 provide by rule when a vacancy occurs in the office of the
6 president, vice-president, or the chairman of the committee on
7 finance and the manner of filling such vacancy.

8 The board shall appoint from outside its own number the
9 executive director and treasurer for the district.

10 The executive director must be a resident of the sanitary
11 district and a citizen of the United States. He must be
12 selected solely upon his administrative and technical
13 qualifications and without regard to his political
14 affiliations.

15 In the event of illness or other prolonged absence, death
16 or resignation creating a vacancy in the office of the
17 executive director, or treasurer, the board of commissioners
18 may appoint an acting officer from outside its own number, to
19 perform the duties and responsibilities of the office during
20 the term of the absence or vacancy.

21 The executive director, with the advice and consent of the
22 board of commissioners, shall appoint the director of
23 engineering, director of maintenance and operations, director
24 of human resources, director of procurement and materials
25 management, clerk, general counsel, director of monitoring and
26 research, and director of information technology. These

1 constitute the heads of the Department of Engineering,
2 Maintenance and Operations, Human Resources, Procurement and
3 Materials Management, Finance, Law, Monitoring and Research,
4 and Information Technology, respectively. No other departments
5 or heads of departments may be created without subsequent
6 amendment to this Act. All such department heads are under the
7 direct supervision of the executive director.

8 The executive director, with the advice and consent of the
9 board of commissioners, shall appoint a public and
10 intergovernmental affairs officer. The public and
11 intergovernmental affairs officer shall serve under the direct
12 supervision of the executive director.

13 The director of human resources must be qualified under
14 Section 4.2a of this Act.

15 The director of procurement and materials management must
16 be selected in accordance with Section 11.16 of this Act.

17 In the event of illness or other prolonged absence, death
18 or resignation creating a vacancy in the office of director of
19 engineering, director of maintenance and operations, director
20 of human resources, director of procurement and materials
21 management, clerk, general counsel, director of monitoring and
22 research, public and intergovernmental affairs officer, or
23 director of information technology, the executive director
24 shall appoint an acting officer to perform the duties and
25 responsibilities of the office during the term of the absence
26 or vacancy. Any such officers appointed in an acting capacity

1 are under the direct supervision of the executive director.

2 All appointive officers and acting officers shall give bond
3 as may be required by the board.

4 The executive director, treasurer, acting executive
5 director, and acting treasurer hold their offices at the
6 pleasure of the board of commissioners.

7 The acting director of engineering, acting director of
8 maintenance and operations, acting director of human
9 resources, acting director of procurement and materials
10 management, acting clerk, acting general counsel, acting
11 director of monitoring and research, acting public and
12 intergovernmental affairs officer, and acting director of
13 information technology hold their offices at the pleasure of
14 the executive director.

15 The director of engineering, director of maintenance and
16 operations, director of human resources, director of
17 procurement and materials management, clerk, general counsel,
18 director of monitoring and research, public and
19 intergovernmental affairs officer, and director of information
20 technology may be removed from office for cause by the
21 executive director. Prior to removal, such officers are
22 entitled to a public hearing before the executive director at
23 which hearing they may be represented by counsel. Before the
24 hearing, the executive director shall notify the board of
25 commissioners of the date, time, place and nature of the
26 hearing.

1 In addition to the general counsel appointed by the
2 executive director, the board of commissioners may appoint from
3 outside its own number an attorney, or retain counsel, to
4 advise the board of commissioners with respect to its powers
5 and duties and with respect to legal questions and matters of
6 policy for which the board of commissioners is responsible.

7 The executive director is the chief administrative officer
8 of the district, has supervision over and is responsible for
9 all administrative and operational matters of the sanitary
10 district including the duties of all employees which are not
11 otherwise designated by law, and is the appointing authority as
12 specified in Section 4.11 of this Act.

13 The board, through the budget process, shall set the
14 compensation of all the officers and employees of the sanitary
15 district. Any incumbent of the office of president may appoint
16 an administrative aide which appointment remains in force
17 during his incumbency unless revoked by the president.

18 Effective upon the election in January, 1985 of the
19 president and vice-president of the board of commissioners and
20 the chairman of the committee on finance, the annual salary of
21 the president shall be \$37,500 and shall be increased to
22 \$39,500 in January, 1987, \$41,500 in January, 1989, \$50,000 in
23 January, 1991, and \$60,000 in January, 2001; the annual salary
24 of the vice-president shall be \$35,000 and shall be increased
25 to \$37,000 in January, 1987, \$39,000 in January, 1989, \$45,000
26 in January, 1991, and \$55,000 in January, 2001; the annual

1 salary of the chairman of the committee on finance shall be
2 \$32,500 and shall be increased to \$34,500 in January, 1987,
3 \$36,500 in January, 1989, \$45,000 in January, 1991, and \$55,000
4 in January, 2001.

5 The annual salaries of the other members of the Board shall
6 be as follows:

7 For the three members elected in November, 1980, \$26,500
8 per annum for the first two years of the term; \$28,000 per
9 annum for the next two years of the term and \$30,000 per annum
10 for the last two years.

11 For the three members elected in November, 1982, \$28,000
12 per annum for the first two years of the term and \$30,000 per
13 annum thereafter.

14 For members elected in November, 1984, \$30,000 per annum.

15 For the three members elected in November, 1986, \$32,000
16 for each of the first two years of the term, \$34,000 for each
17 of the next two years and \$36,000 for the last two years;

18 For three members elected in November, 1988, \$34,000 for
19 each of the first two years of the term and \$36,000 for each
20 year thereafter.

21 For members elected in November, 1990, 1992, 1994, 1996, or
22 1998, \$40,000.

23 For members elected in November, 2000 and thereafter,
24 \$50,000.

25 Notwithstanding the other provisions of this Section, the
26 board, prior to January 1, 2007 and with a two-thirds vote, may

1 increase the annual rate of compensation at a separate flat
2 amount for each of the following: the president, the
3 vice-president, the chairman of the committee on finance, and
4 the other members; the increased annual rate of compensation
5 shall apply to all such officers and members whose terms as
6 members of the board commence after the increase in
7 compensation is adopted by the board.

8 The board of commissioners has full power to pass all
9 necessary ordinances, orders, rules, resolutions and
10 regulations for the proper management and conduct of the
11 business of the board of commissioners and the corporation and
12 for carrying into effect the object for which the sanitary
13 district is formed. All ordinances, orders, rules, resolutions
14 and regulations passed by the board of commissioners must,
15 before they take effect, be approved by the president of the
16 board of commissioners. If he approves thereof, he shall sign
17 them, and such as he does not approve he shall return to the
18 board of commissioners with his objections in writing at the
19 next regular meeting of the board of commissioners occurring
20 after the passage thereof. Such veto may extend to any one or
21 more items or appropriations contained in any ordinance making
22 an appropriation, or to the entire ordinance. If the veto
23 extends to a part of such ordinance, the residue takes effect.
24 If the president of such board of commissioners fails to return
25 any ordinance, order, rule, resolution or regulation with his
26 objections thereto in the time required, he is deemed to have

1 approved it, and it takes effect accordingly. Upon the return
2 of any ordinance, order, rule, resolution, or regulation by the
3 president, the vote by which it was passed must be reconsidered
4 by the board of commissioners, and if upon such reconsideration
5 two-thirds of all the members agree by yeas and nays to pass
6 it, it takes effect notwithstanding the president's refusal to
7 approve thereof.

8 It is the policy of this State that all powers granted,
9 either expressly or by necessary implication, by this Act or
10 any other Illinois statute to the District may be exercised by
11 the District notwithstanding effects on competition. It is the
12 intention of the General Assembly that the "State action
13 exemption" to the application of federal antitrust statutes be
14 fully available to the District to the extent its activities
15 are authorized by law as stated herein.

16 (Source: P.A. 97-893, eff. 8-3-12; revised 10-17-12.)

17 Section 275. The School Code is amended by changing
18 Sections 1H-115, 10-17a, and 22-45 and by setting forth and
19 renumbering multiple versions of Sections 22-75 and 34-18.45 as
20 follows:

21 (105 ILCS 5/1H-115)

22 Sec. 1H-115. Abolition of Panel.

23 (a) Except as provided in subsections (b), (c), and (d) of
24 this Section, the Panel shall be abolished 10 years after its

1 creation.

2 (b) The State Board, upon recommendation of the Panel or
3 petition of the school board, may abolish the Panel at any time
4 after the Panel has been in existence for 3 years if no
5 obligations of the Panel are outstanding or remain undefeased
6 and upon investigation and finding that:

7 (1) none of the factors specified in Section 1A-8 of
8 this Code remain applicable to the district; and

9 (2) there has been substantial achievement of the goals
10 and objectives established pursuant to the financial plan
11 and required under Section 1H-15 of this Code.

12 (c) The Panel of a district that otherwise meets all of the
13 requirements for abolition of a Panel under subsection (b) of
14 this Section, except for the fact that there are outstanding
15 financial obligations of the Panel, may petition the State
16 Board for reinstatement of all of the school board's ~~boards~~
17 powers and duties assumed by the Panel; and if approved by the
18 State Board, then:

19 (1) the Panel shall continue in operation, but its
20 powers and duties shall be limited to those necessary to
21 manage and administer its outstanding obligations;

22 (2) the school board shall once again begin exercising
23 all of the powers and duties otherwise allowed by statute;
24 and

25 (3) the Panel shall be abolished as provided in
26 subsection (a) of this Section.

1 (d) If the Panel of a district ~~that~~ otherwise meets all of
2 the requirements for abolition of a Panel under subsection (b)
3 of this Section, except for outstanding obligations of the
4 Panel, then the district may petition the State Board for
5 abolition of the Panel if the district:

6 (1) establishes an irrevocable trust fund, the purpose
7 of which is to provide moneys to defease the outstanding
8 obligations of the Panel; and

9 (2) issues funding bonds pursuant to the provisions of
10 Sections ~~Section~~ 19-8 and 19-9 of this Code.

11 A district with a Panel that falls under this subsection
12 (d) ~~these provisions~~ shall be abolished as provided in
13 subsection (a) of this Section.

14 (Source: P.A. 97-429, eff. 8-16-11; revised 8-3-12.)

15 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

16 Sec. 10-17a. State, school district, and school report
17 cards.

18 (1) By October 31, 2013 and October 31 of each subsequent
19 school year, the State Board of Education, through the State
20 Superintendent of Education, shall prepare a State report card,
21 school district report cards, and school report cards, and
22 shall by the most economic means provide to each school
23 district in this State, including special charter districts and
24 districts subject to the provisions of Article 34, the report
25 cards for the school district and each of its schools.

1 (2) In addition to any information required by federal law,
2 the State Superintendent shall determine the indicators and
3 presentation of the school report card, which must include, at
4 a minimum, the most current data possessed by the State Board
5 of Education related to the following:

6 (A) school characteristics and student demographics,
7 including average class size, average teaching experience,
8 student racial/ethnic breakdown, and the percentage of
9 students classified as low-income; the percentage of
10 students classified as limited English proficiency; the
11 percentage of students who have individualized education
12 plans or 504 plans that provide for special education
13 services; the percentage of students who annually
14 transferred in or out of the school district; the per-pupil
15 operating expenditure of the school district; and the
16 per-pupil State average operating expenditure for the
17 district type (elementary, high school, or unit);

18 (B) curriculum information, including, where
19 applicable, Advanced Placement, International
20 Baccalaureate or equivalent courses, dual enrollment
21 courses, foreign language classes, school personnel
22 resources (including Career Technical Education teachers),
23 before and after school programs, extracurricular
24 activities, subjects in which elective classes are
25 offered, health and wellness initiatives (including the
26 average number of days of Physical Education per week per

1 student), approved programs of study, awards received,
2 community partnerships, and special programs such as
3 programming for the gifted and talented, students with
4 disabilities, and work-study students;

5 (C) student outcomes, including, where applicable, the
6 percentage of students meeting as well as exceeding State
7 standards on assessments, the percentage of students in the
8 eighth grade who pass Algebra, the percentage of students
9 enrolled in post-secondary institutions (including
10 colleges, universities, community colleges,
11 trade/vocational schools, and training programs leading to
12 career certification within 2 semesters of high school
13 graduation), the percentage of students graduating from
14 high school who are college ready, the percentage of
15 students graduating from high school who are career ready,
16 and the percentage of graduates enrolled in community
17 colleges, colleges, and universities who are in one or more
18 courses that the community college, college, or university
19 identifies as a remedial course;

20 (D) student progress, including, where applicable, the
21 percentage of students in the ninth grade who have earned 5
22 credits or more without failing more than one core class, a
23 measure of students entering kindergarten ready to learn, a
24 measure of growth, and the percentage of students who enter
25 high school on track for college and career readiness; and

26 (E) the school environment, including, where

1 applicable, the percentage of students with less than 10
2 absences in a school year, the percentage of teachers with
3 less than 10 absences in a school year for reasons other
4 than professional development, leaves taken pursuant to
5 the federal Family Medical Leave Act of 1993, long-term
6 disability, or parental leaves, the 3-year average of the
7 percentage of teachers returning to the school from the
8 previous year, the number of different principals at the
9 school in the last 6 years, 2 or more indicators from any
10 school climate survey developed by the State and
11 administered pursuant to Section 2-3.153 of this Code, and
12 the combined percentage of teachers rated as proficient or
13 excellent in their most recent evaluation.

14 The school report card shall also provide information that
15 allows for comparing the current outcome, progress, and
16 environment data to the State average, to the school data from
17 the past 5 years, and to the outcomes, progress, and
18 environment of similar schools based on the type of school and
19 enrollment of low-income, special education, and limited
20 English proficiency students.

21 (3) At the discretion of the State Superintendent, the
22 school district report card shall include a subset of the
23 information identified in paragraphs (A) through (E) of
24 subsection (2) of this Section, as well as information relating
25 to the operating expense per pupil and other finances of the
26 school district, and the State report card shall include a

1 subset of the information identified in paragraphs (A) through
2 (E) of subsection ~~subsections~~ (2) of this Section.

3 (4) Notwithstanding anything to the contrary in this
4 Section, in consultation with key education stakeholders, the
5 State Superintendent shall at any time have the discretion to
6 amend or update any and all metrics on the school, district, or
7 State report card.

8 (5) Annually, no more than 30 calendar days after receipt
9 of the school district and school report cards from the State
10 Superintendent of Education, each school district, including
11 special charter districts and districts subject to the
12 provisions of Article 34, shall present such report cards at a
13 regular school board meeting subject to applicable notice
14 requirements, post the report cards on the school district's
15 Internet web site, if the district maintains an Internet web
16 site, make the report cards available to a newspaper of general
17 circulation serving the district, and, upon request, send the
18 report cards home to a parent (unless the district does not
19 maintain an Internet web site, in which case the report card
20 shall be sent home to parents without request). If the district
21 posts the report card on its Internet web site, the district
22 shall send a written notice home to parents stating (i) that
23 the report card is available on the web site, (ii) the address
24 of the web site, (iii) that a printed copy of the report card
25 will be sent to parents upon request, and (iv) the telephone
26 number that parents may call to request a printed copy of the

1 report card.

2 (Source: P.A. 97-671, eff. 1-24-12; revised 8-3-12.)

3 (105 ILCS 5/22-45)

4 Sec. 22-45. Illinois P-20 Council.

5 (a) The General Assembly finds that preparing Illinoisans
6 for success in school and the workplace requires a continuum of
7 quality education from preschool through graduate school. This
8 State needs a framework to guide education policy and integrate
9 education at every level. A statewide coordinating council to
10 study and make recommendations concerning education at all
11 levels can avoid fragmentation of policies, promote improved
12 teaching and learning, and continue to cultivate and
13 demonstrate strong accountability and efficiency. Establishing
14 an Illinois P-20 Council will develop a statewide agenda that
15 will move the State towards the common goals of improving
16 academic achievement, increasing college access and success,
17 improving use of existing data and measurements, developing
18 improved accountability, fostering innovative approaches to
19 education, promoting lifelong learning, easing the transition
20 to college, and reducing remediation. A pre-kindergarten
21 through grade 20 agenda will strengthen this State's economic
22 competitiveness by producing a highly-skilled workforce. In
23 addition, lifelong learning plans will enhance this State's
24 ability to leverage funding.

25 (b) There is created the Illinois P-20 Council. The

1 Illinois P-20 Council shall include all of the following
2 members:

3 (1) The Governor or his or her designee, to serve as
4 chairperson.

5 (2) Four members of the General Assembly, one appointed
6 by the Speaker of the House of Representatives, one
7 appointed by the Minority Leader of the House of
8 Representatives, one appointed by the President of the
9 Senate, and one appointed by the Minority Leader of the
10 Senate.

11 (3) Six at-large members appointed by the Governor as
12 follows, with 2 members being from the City of Chicago, 2
13 members being from Lake County, McHenry County, Kane
14 County, DuPage County, Will County, or that part of Cook
15 County outside of the City of Chicago, and 2 members being
16 from the remainder of the State:

17 (A) one representative of civic leaders;

18 (B) one representative of local government;

19 (C) one representative of trade unions;

20 (D) one representative of nonprofit organizations
21 or foundations;

22 (E) one representative of parents' organizations;

23 and

24 (F) one education research expert.

25 (4) Five members appointed by statewide business
26 organizations and business trade associations.

1 (5) Six members appointed by statewide professional
2 organizations and associations representing
3 pre-kindergarten through grade 20 teachers, community
4 college faculty, and public university faculty.

5 (6) Two members appointed by associations representing
6 local school administrators and school board members. One
7 of these members must be a special education administrator.

8 (7) One member representing community colleges,
9 appointed by the Illinois Council of Community College
10 Presidents.

11 (8) One member representing 4-year independent
12 colleges and universities, appointed by a statewide
13 organization representing private institutions of higher
14 learning.

15 (9) One member representing public 4-year
16 universities, appointed jointly by the university
17 presidents and chancellors.

18 (10) Ex-officio members as follows:

19 (A) The State Superintendent of Education or his or
20 her designee.

21 (B) The Executive Director of the Board of Higher
22 Education or his or her designee.

23 (C) The President and Chief Executive Officer of
24 the Illinois Community College Board or his or her
25 designee.

26 (D) The Executive Director of the Illinois Student

1 Assistance Commission or his or her designee.

2 (E) The Co-chairpersons of the Illinois Workforce
3 Investment Board or their designee.

4 (F) The Director of Commerce and Economic
5 Opportunity or his or her designee.

6 (G) The Chairperson of the Illinois Early Learning
7 Council or his or her designee.

8 (H) The President of the Illinois Mathematics and
9 Science Academy or his or her designee.

10 (I) The president of an association representing
11 educators of adult learners or his or her designee.

12 Ex-officio members shall have no vote on the Illinois P-20
13 Council.

14 Appointed members shall serve for staggered terms expiring
15 on July 1 of the first, second, or third calendar year
16 following their appointments or until their successors are
17 appointed and have qualified. Staggered terms shall be
18 determined by lot at the organizing meeting of the Illinois
19 P-20 Council.

20 Vacancies shall be filled in the same manner as original
21 appointments, and any member so appointed shall serve during
22 the remainder of the term for which the vacancy occurred.

23 (c) The Illinois P-20 Council shall be funded through State
24 appropriations to support staff activities, research,
25 data-collection, and dissemination. The Illinois P-20 Council
26 shall be staffed by the Office of the Governor, in coordination

1 with relevant State agencies, boards, and commissions. The
2 Illinois Education Research Council shall provide research and
3 coordinate research collection activities for the Illinois
4 P-20 Council.

5 (d) The Illinois P-20 Council shall have all of the
6 following duties:

7 (1) To make recommendations to do all of the following:

8 (A) Coordinate pre-kindergarten through grade 20
9 (graduate school) education in this State through
10 working at the intersections of educational systems to
11 promote collaborative infrastructure.

12 (B) Coordinate and leverage strategies, actions,
13 legislation, policies, and resources of all
14 stakeholders to support fundamental and lasting
15 improvement in this State's public schools, community
16 colleges, and universities.

17 (C) Better align the high school curriculum with
18 postsecondary expectations.

19 (D) Better align assessments across all levels of
20 education.

21 (E) Reduce the need for students entering
22 institutions of higher education to take remedial
23 courses.

24 (F) Smooth the transition from high school to
25 college.

26 (G) Improve high school and college graduation

1 rates.

2 (H) Improve the rigor and relevance of academic
3 standards for college and workforce readiness.

4 (I) Better align college and university teaching
5 programs with the needs of Illinois schools.

6 (2) To advise the Governor, the General Assembly, the
7 State's education and higher education agencies, and the
8 State's workforce and economic development boards and
9 agencies on policies related to lifelong learning for
10 Illinois students and families.

11 (3) To articulate a framework for systemic educational
12 improvement and innovation that will enable every student
13 to meet or exceed Illinois learning standards and be
14 well-prepared to succeed in the workforce and community.

15 (4) To provide an estimated fiscal impact for
16 implementation of all Council recommendations.

17 (e) The chairperson of the Illinois P-20 Council may
18 authorize the creation of working groups focusing on areas of
19 interest to Illinois educational and workforce development,
20 including without limitation the following areas:

21 (1) Preparation, recruitment, and certification of
22 highly qualified teachers.

23 (2) Mentoring and induction of highly qualified
24 teachers.

25 (3) The diversity of highly qualified teachers.

26 (4) Funding for highly qualified teachers, including

1 developing a strategic and collaborative plan to seek
2 federal and private grants to support initiatives
3 targeting teacher preparation and its impact on student
4 achievement.

5 (5) Highly effective administrators.

6 (6) Illinois birth through age 3 education,
7 pre-kindergarten, and early childhood education.

8 (7) The assessment, alignment, outreach, and network
9 of college and workforce readiness efforts.

10 (8) Alternative routes to college access.

11 (9) Research data and accountability.

12 (10) Community schools, community participation, and
13 other innovative approaches to education that foster
14 community partnerships.

15 The chairperson of the Illinois P-20 Council may designate
16 Council members to serve as working group chairpersons. Working
17 groups may invite organizations and individuals representing
18 pre-kindergarten through grade 20 interests to participate in
19 discussions, data collection, and dissemination.

20 (Source: P.A. 95-626, eff. 6-1-08; 95-996, eff. 10-3-08;
21 96-746, eff. 8-25-09; revised 8-3-12.)

22 (105 ILCS 5/22-75)

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

24 (a) There is hereby created the Eradicate Domestic Violence
25 Task Force. The Eradicate Domestic Violence Task Force shall

1 develop a statewide effective and feasible prevention course
2 for high school students designed to prevent interpersonal,
3 adolescent violence based on the Step Back Program for boys and
4 girls. The Clerk of the Circuit Court in the First Judicial
5 District shall provide administrative staff and support to the
6 task force.

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

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

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

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

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

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

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

26 (7) Propose a funding source or sources to support

1 school curricula aimed at preventing domestic violence and
2 agencies that provide training to the facilitators, such as
3 a fee to be charged in domestic violence, sexual assault,
4 and related cases to be collected by the clerk of the court
5 for deposit into a special fund in the State treasury and
6 to be used to fund a proposed eradicate domestic violence
7 program in the schools of this State.

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

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

16 (10) Recommend legislation developed by the task
17 force, such as amending Sections 27-5 through 27-13.3 and
18 27-23.4 of this Code, and legislation to create a fee to be
19 charged in domestic violence, sexual assault, and related
20 cases to be collected by the clerk of court for deposit
21 into a special fund in the State treasury and to be used to
22 fund a proposed eradicate domestic violence program in the
23 schools of this State.

24 (11) Produce a report of the task force's findings on
25 best practices and policies, which shall include a plan
26 with a phased and prioritized implementation timetable for

1 implementation of school curricula aimed at preventing
2 domestic violence in schools. The task force shall submit a
3 report to the General Assembly on or before April 1, 2013
4 on its findings, recommendations, and implementation plan.
5 Any task force reports must be published on the State Board
6 of Education's Internet website on the date the report is
7 delivered to the General Assembly.

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

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

26 (2) A representative of an interpersonal violence

1 prevention program within a State university.

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

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

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

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

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

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

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

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

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

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

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

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

5 (15) A representative of a professional teachers
6 organization in a city having a population exceeding
7 500,000.

8 (16) A representative of an organization representing
9 principals.

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

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

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

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

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

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

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

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

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

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

25 (6) Recognize that sexual violence, stalking, and
26 intimate partner violence are serious and widespread

1 public health problems for children and adults in this
2 State.

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

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

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

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

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

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

12 (Source: P.A. 97-1037, eff. 8-20-12.)

13 (105 ILCS 5/22-76)

14 (Section scheduled to be repealed on September 1, 2013)

15 Sec. 22-76 ~~22-75~~. Enhance Physical Education Task Force.

16 (a) The Enhance Physical Education Task Force is
17 established. The task force shall consist of the following
18 voting members:

19 (1) a member of the General Assembly, appointed by the
20 Speaker of the House of Representatives;

21 (2) a member of the General Assembly, appointed by the
22 Minority Leader of the House of Representatives;

23 (3) a member of the General Assembly, appointed by the
24 President of the Senate;

25 (4) a member of the General Assembly, appointed by the

1 Minority Leader of the Senate;

2 (5) the Lieutenant Governor or his or her designee;

3 (6) the State Superintendent of Education or his or her
4 designee, who shall serve as a co-chairperson of the task
5 force;

6 (7) the Director of Public Health or his or her
7 designee, who shall serve as a co-chairperson of the task
8 force;

9 (8) the chief executive officer of City of Chicago
10 School District 299 or his or her designee;

11 (9) 2 representatives from a statewide organization
12 representing health, physical education, recreation, and
13 dance, appointed by the head of that organization;

14 (10) a representative of City of Chicago School
15 District 299, appointed by the Chicago Board of Education;

16 (11) 2 representatives of a statewide professional
17 teachers' organization, appointed by the head of that
18 organization;

19 (12) 2 representatives of a different statewide
20 professional teachers' organization, appointed by the head
21 of that organization;

22 (13) a representative of an organization representing
23 professional teachers in a city having a population
24 exceeding 500,000, appointed by the head of that
25 organization;

26 (14) a representative of a statewide organization

1 representing principals, appointed by the head of that
2 organization;

3 (15) a representative of a statewide organization
4 representing school administrators, appointed by the head
5 of that organization;

6 (16) a representative of a statewide organization
7 representing school boards, appointed by the head of that
8 organization;

9 (17) a representative of a statewide organization
10 representing school business officials, appointed by the
11 head of that organization;

12 (18) a representative of a statewide organization
13 representing parents, appointed by the head of that
14 organization;

15 (19) a representative of a national research and
16 advocacy organization focused on cardiovascular health and
17 wellness, appointed by the head of that organization;

18 (20) a representative of an organization that
19 advocates for healthy school environments, appointed by
20 the head of that organization;

21 (21) a representative of a not-for-profit organization
22 serving children and youth, appointed by the head of that
23 organization; and

24 (22) a representative of a not-for-profit organization
25 that partners to promote prevention and improve public
26 health systems that maximize the health and quality of life

1 of the people of this State, appointed by the head of that
2 organization.

3 Additional members may be appointed to the task force with the
4 approval of the task force's co-chairpersons.

5 (b) The task force shall meet at the call of the
6 co-chairpersons, with the initial meeting of the task force
7 being held as soon as possible after the effective date of this
8 amendatory Act of the 97th General Assembly.

9 (c) The State Board of Education and the Department of
10 Public Health shall provide assistance and necessary staff
11 support services to the task force.

12 (d) The purpose of the task force is to promote and
13 recommend enhanced physical education programs that can be
14 integrated with a broader wellness strategy and health
15 curriculum in elementary and secondary schools in this State,
16 including educating and promoting leadership on enhanced
17 physical education among school district and school officials;
18 developing and utilizing metrics to assess the impact of
19 enhanced physical education; promoting training and
20 professional development in enhanced physical education for
21 teachers and other school and community stakeholders;
22 identifying and seeking local, State, and national resources to
23 support enhanced physical education; and such other strategies
24 as may be identified by the task force.

25 (e) The task force shall make recommendations to the
26 Governor and the General Assembly on Goals 19, 20, 21, 22, 23,

1 and 24 of the Illinois Learning Standards for Physical
2 Development and Health. The task force shall focus on updating
3 the standards based on research in neuroscience that impacts
4 the relationship between physical activity and learning.

5 (f) On or before August 31, 2013, the task force must make
6 recommendations and file a report with the Governor and the
7 General Assembly.

8 (g) This Section is repealed on September 1, 2013.

9 (Source: P.A. 97-1102, eff. 8-27-12; revised 10-4-12.)

10 (105 ILCS 5/34-18.45)

11 Sec. 34-18.45. Minimum reading instruction. The board
12 shall promote 60 minutes of minimum reading opportunities daily
13 for students in kindergarten through 3rd grade whose reading
14 level is one grade level or lower than their current grade
15 level according to current learning standards and the school
16 district.

17 (Source: P.A. 97-88, eff. 7-8-11; 97-813, eff. 7-13-12.)

18 (105 ILCS 5/34-18.47)

19 Sec. 34-18.47 ~~34-18.45~~. Youth program. The board may
20 develop a plan for implementing a program that seeks to
21 establish common bonds between youth of various backgrounds and
22 ethnicities, which may be similar to that of the Challenge Day
23 organization.

24 (Source: P.A. 97-909, eff. 1-1-13; revised 9-10-12.)

1 Section 280. The Currency Exchange Act is amended by
2 changing Section 14.1 as follows:

3 (205 ILCS 405/14.1)

4 Sec. 14.1. All moneys received by the Department under this
5 Act shall be deposited in the Financial Institution
6 ~~Institutions~~ Fund created under Section 6z-26 of the State
7 Finance Act.

8 (Source: P.A. 97-315, eff. 1-1-12; revised 10-17-12.)

9 Section 285. The Residential Mortgage License Act of 1987
10 is amended by changing Section 3-2 as follows:

11 (205 ILCS 635/3-2) (from Ch. 17, par. 2323-2)

12 Sec. 3-2. Annual audit.

13 (a) At the licensee's fiscal year-end, but in no case more
14 than 12 months after the last audit conducted pursuant to this
15 Section, except as otherwise provided in this Section, it shall
16 be mandatory for each residential mortgage licensee to cause
17 its books and accounts to be audited by a certified public
18 accountant not connected with such licensee. The books and
19 records of all licensees under this Act shall be maintained on
20 an accrual basis. The audit must be sufficiently comprehensive
21 in scope to permit the expression of an opinion on the
22 financial statements, which must be prepared in accordance with

1 generally accepted accounting principles, and must be
2 performed in accordance with generally accepted auditing
3 standards. Notwithstanding the requirements of this
4 subsection, a licensee that is a first tier subsidiary may
5 submit audited consolidated financial statements of its parent
6 as long as the consolidated statements are supported by
7 consolidating statements. The licensee's chief financial
8 officer shall attest to the licensee's financial statements
9 disclosed in the consolidating statements.

10 (b) As used herein, the term "expression of opinion"
11 includes either (1) an unqualified opinion, (2) a qualified
12 opinion, (3) a disclaimer of opinion, or (4) an adverse
13 opinion.

14 (c) If a qualified or adverse opinion is expressed or if an
15 opinion is disclaimed, the reasons therefore must be fully
16 explained. An opinion, qualified as to a scope limitation,
17 shall not be acceptable.

18 (d) The most recent audit report shall be filed with the
19 Commissioner within 90 days after the end of the licensee's
20 fiscal year, or with the Nationwide Mortgage Licensing System
21 and Registry, if applicable, pursuant to Mortgage Call Report
22 requirements. The report filed with the Commissioner shall be
23 certified by the certified public accountant conducting the
24 audit. The Commissioner may promulgate rules regarding late
25 audit reports.

26 (e) If any licensee required to make an audit shall fail to

1 cause an audit to be made, the Commissioner shall cause the
2 same to be made by a certified public accountant at the
3 licensee's expense. The Commissioner shall select such
4 certified public accountant by advertising for bids or by such
5 other fair and impartial means as he or she establishes by
6 regulation.

7 (f) In lieu of the audit or compilation financial statement
8 required by this Section, a licensee shall submit and the
9 Commissioner may accept any audit made in conformance with the
10 audit requirements of the U.S. Department of Housing and Urban
11 Development.

12 (g) With respect to licensees who solely broker residential
13 mortgage loans as defined in subsection (o) of Section 1-4,
14 instead of the audit required by this Section, the Commissioner
15 may accept compilation financial statements prepared at least
16 every 12 months, and the compilation financial statement must
17 be ~~principles~~ submitted within 90 days after the end of the
18 licensee's fiscal year, or with the Nationwide Mortgage
19 Licensing System and Registry, if applicable, pursuant to
20 Mortgage Call Report requirements. If a licensee under this
21 Section fails to file a compilation as required, the
22 Commissioner shall cause an audit of the licensee's books and
23 accounts to be made by a certified public accountant at the
24 licensee's expense. The Commissioner shall select the
25 certified public accountant by advertising for bids or by such
26 other fair and impartial means as he or she establishes by

1 rule. A licensee who files false or misleading compilation
2 financial statements is guilty of a business offense and shall
3 be fined not less than \$5,000.

4 (h) The workpapers of the certified public accountants
5 employed by each licensee for purposes of this Section are to
6 be made available to the Commissioner or the Commissioner's
7 designee upon request and may be reproduced by the Commissioner
8 or the Commissioner's designee to enable to the Commissioner to
9 carry out the purposes of this Act.

10 (i) Notwithstanding any other provision of this Section, if
11 a licensee relying on subsection (g) of this Section causes its
12 books to be audited at any other time or causes its financial
13 statements to be reviewed, a complete copy of the audited or
14 reviewed financial statements shall be delivered to the
15 Commissioner at the time of the annual license renewal payment
16 following receipt by the licensee of the audited or reviewed
17 financial statements. All workpapers shall be made available to
18 the Commissioner upon request. The financial statements and
19 workpapers may be reproduced by the Commissioner or the
20 Commissioner's designee to carry out the purposes of this Act.

21 (Source: P.A. 96-112, eff. 7-31-09; 97-813, eff. 7-13-12;
22 97-891, eff. 8-3-12; revised 9-20-12.)

23 Section 290. The Transmitters of Money Act is amended by
24 changing Section 45 as follows:

1 (205 ILCS 657/45)

2 Sec. 45. Fees.

3 (a) The Director shall charge and collect fees, which shall
4 be nonrefundable unless otherwise indicated, in accordance
5 with the provisions of this Act as follows:

6 (1) For applying for a license, an application fee of
7 \$100 and a license fee, which shall be refunded if the
8 application is denied or withdrawn, of \$100 plus \$10 for
9 each location at which the applicant and its authorized
10 sellers are conducting business or propose to conduct
11 business excepting the applicant's principal place of
12 business.

13 (2) For renewal of a license, a fee of \$100 plus \$10
14 for each location at which the licensee and its authorized
15 sellers are conducting business, except the licensee's
16 principal place of business.

17 (3) For an application to add an authorized seller
18 location, \$10 for each authorized seller location.

19 (4) For service of process or other notice upon the
20 Director as provided by Section 100, a fee of \$10.

21 (5) For an application for renewal of a license
22 received by the Department after December 1, a penalty fee
23 of \$10 per day for each day after December 1 in addition to
24 any other fees required under this Act unless an extension
25 of time has been granted by the Director.

26 (6) For failure to submit financial statements as

1 required by Section 40, a penalty fee of \$10 per day for
2 each day the statement is late unless an extension of time
3 has been granted by the Director.

4 (b) Beginning one year after the effective date of this
5 Act, the Director may, by rule, amend the fees set forth in
6 this Section.

7 (c) All moneys received by the Department under this Act
8 shall be deposited into the Financial Institution ~~Institutions~~
9 Fund.

10 (Source: P.A. 92-400, eff. 1-1-02; revised 10-17-12.)

11 Section 295. The Sales Finance Agency Act is amended by
12 changing Section 6.1 as follows:

13 (205 ILCS 660/6.1)

14 Sec. 6.1. All moneys received by the Department of
15 Financial Institutions under this Act shall be deposited in the
16 Financial Institution ~~Institutions~~ Fund created under Section
17 6z-26 of the State Finance Act.

18 (Source: P.A. 88-13; revised 10-17-12.)

19 Section 300. The Debt Management Service Act is amended by
20 changing Section 12.1 as follows:

21 (205 ILCS 665/12.1)

22 Sec. 12.1. All moneys received by the Department of

1 Financial Institutions under this Act, except moneys received
2 for the Debt Management Service Consumer Protection Fund, shall
3 be deposited in the Financial Institution ~~Institutions~~ Fund
4 created under Section 6z-26 of the State Finance Act.

5 (Source: P.A. 96-1420, eff. 8-3-10; revised 10-17-12.)

6 Section 305. The Consumer Installment Loan Act is amended
7 by changing Section 8.1 as follows:

8 (205 ILCS 670/8.1)

9 Sec. 8.1. All moneys received by the Department of
10 Financial Institutions under this Act shall be deposited in the
11 Financial Institution ~~Institutions~~ Fund created under Section
12 6z-26 of the State Finance Act.

13 (Source: P.A. 88-13; revised 10-17-12.)

14 Section 310. The Nursing Home Care Act is amended by
15 changing Section 2-204 as follows:

16 (210 ILCS 45/2-204) (from Ch. 111 1/2, par. 4152-204)

17 Sec. 2-204. The Director shall appoint a Long-Term Care
18 Facility Advisory Board to consult with the Department and the
19 residents' advisory councils created under Section 2-203.

20 (a) The Board shall be comprised of the following persons:

21 (1) The Director who shall serve as chairman, ex
22 officio and nonvoting; and

1 (2) One representative each of the Department of
2 Healthcare and Family Services, the Department of Human
3 Services, the Department on Aging, and the Office of the
4 State Fire Marshal, all nonvoting members;

5 (3) One member who shall be a physician licensed to
6 practice medicine in all its branches;

7 (4) One member who shall be a registered nurse selected
8 from the recommendations of professional nursing
9 associations;

10 (5) Four members who shall be selected from the
11 recommendations by organizations whose membership consists
12 of facilities;

13 (6) Two members who shall represent the general public
14 who are not members of a residents' advisory council
15 established under Section 2-203 and who have no
16 responsibility for management or formation of policy or
17 financial interest in a facility;

18 (7) One member who is a member of a residents' advisory
19 council established under Section 2-203 and is capable of
20 actively participating on the Board; and

21 (8) One member who shall be selected from the
22 recommendations of consumer organizations which engage
23 solely in advocacy or legal representation on behalf of
24 residents and their immediate families.

25 (b) The terms of those members of the Board appointed prior
26 to the effective date of this amendatory Act of 1988 shall

1 expire on December 31, 1988. Members of the Board created by
2 this amendatory Act of 1988 shall be appointed to serve for
3 terms as follows: 3 for 2 years, 3 for 3 years and 3 for 4
4 years. The member of the Board added by this amendatory Act of
5 1989 shall be appointed to serve for a term of 4 years. Each
6 successor member shall be appointed for a term of 4 years. Any
7 member appointed to fill a vacancy occurring prior to the
8 expiration of the term for which his predecessor was appointed
9 shall be appointed for the remainder of such term. The Board
10 shall meet as frequently as the chairman deems necessary, but
11 not less than 4 times each year. Upon request by 4 or more
12 members the chairman shall call a meeting of the Board. The
13 affirmative vote of 6 members of the Board shall be necessary
14 for Board action. A member of the Board can designate a
15 replacement to serve at the Board meeting and vote in place of
16 the member by submitting a letter of designation to the
17 chairman prior to or at the Board meeting. The Board members
18 shall be reimbursed for their actual expenses incurred in the
19 performance of their duties.

20 (c) The Advisory Board shall advise the Department of
21 Public Health on all aspects of its responsibilities under this
22 Act and the Specialized Mental Health Rehabilitation
23 ~~Facilities~~ Act, including the format and content of any rules
24 promulgated by the Department of Public Health. Any such rules,
25 except emergency rules promulgated pursuant to Section 5-45 of
26 the Illinois Administrative Procedure Act, promulgated without

1 obtaining the advice of the Advisory Board are null and void.
2 In the event that the Department fails to follow the advice of
3 the Board, the Department shall, prior to the promulgation of
4 such rules, transmit a written explanation of the reason
5 thereof to the Board. During its review of rules, the Board
6 shall analyze the economic and regulatory impact of those
7 rules. If the Advisory Board, having been asked for its advice,
8 fails to advise the Department within 90 days, the rules shall
9 be considered acted upon.

10 (Source: P.A. 97-38, eff. 6-28-11; revised 8-3-12.)

11 Section 315. The ID/DD Community Care Act is amended by
12 changing Section 3-310 as follows:

13 (210 ILCS 47/3-310)

14 Sec. 3-310. Collection of penalties. All penalties shall be
15 paid to the Department within 10 days of receipt of notice of
16 assessment or, if the penalty is contested under Section 3-309,
17 within 10 days of receipt of the final decision, unless the
18 decision is appealed and the order is stayed by court order
19 under Section 3-713. A facility choosing to waive the right to
20 a hearing under Section 3-309 shall submit a payment totaling
21 65% of the original fine amount along with the written waiver.
22 A penalty assessed under this Act shall be collected by the
23 Department and shall be deposited with the State Treasurer into
24 the Long Term Care Monitor/Receiver Fund. If the person or

1 facility against whom a penalty has been assessed does not
2 comply with a written demand for payment within 30 days, the
3 Director shall issue an order to do any of the following:

4 (1) Direct the State Treasurer or Comptroller to deduct
5 the amount of the fine from amounts otherwise due from the
6 State for the penalty, including any payments to be made
7 from the ~~Developmentally Disabled~~ Care Provider Fund for
8 Persons with a Developmental Disability established under
9 Section 5C-7 of the Illinois Public Aid Code, and remit
10 that amount to the Department;

11 (2) Add the amount of the penalty to the facility's
12 licensing fee; if the licensee refuses to make the payment
13 at the time of application for renewal of its license, the
14 license shall not be renewed; or

15 (3) Bring an action in circuit court to recover the
16 amount of the penalty.

17 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-333,
18 eff. 8-12-11; 97-813, eff. 7-13-12; revised 10-18-12.)

19 Section 320. The Specialized Mental Health Rehabilitation
20 Act is amended by changing Sections 1-101.01, 3-207, and 4-101
21 as follows:

22 (210 ILCS 48/1-101.01)

23 Sec. 1-101.01. Legislative findings. Illinois is committed
24 to providing behavioral health services in the most

1 community-integrated settings possible, based on the needs of
2 residents who qualify for State support. This goal is
3 consistent with federal law and regulations and recent court
4 decrees. A variety of services and settings are necessary to
5 ensure that people with serious mental illness receive high
6 quality care that is oriented towards their safety,
7 rehabilitation, and recovery.

8 Residential settings are an important component of the
9 system of behavioral health care that Illinois is developing.
10 When residential treatment is necessary these facilities must
11 offer high quality rehabilitation and recover care, help
12 residents achieve and maintain their highest level of
13 independent functioning, and prepare them to live in permanent
14 supportive housing and other community-integrated settings.
15 Facilities licensed under the Specialized Mental Health
16 Rehabilitation Act will be models of such residential
17 ~~residential~~ care, demonstrating the elements essential to help
18 people with serious mental illness transition to more
19 independent living and return to healthy, productive lives.

20 (Source: P.A. 97-38, eff. 6-28-11; revised 8-3-12.)

21 (210 ILCS 48/3-207)

22 Sec. 3-207. Statement of ownership.

23 (a) As a condition of the issuance or renewal of the
24 license of any facility, the applicant shall file a statement
25 of ownership. The applicant shall update the information

1 required in the statement of ownership within 10 days of any
2 change.

3 (b) The statement of ownership shall include the following:

4 (1) The name, address, telephone number, occupation or
5 business activity, business address and business telephone
6 number of the person who is the owner of the facility and
7 every person who owns the building in which the facility is
8 located, if other than the owner of the facility, which is
9 the subject of the application or license; and if the owner
10 is a partnership or corporation, the name of every partner
11 and stockholder of the owner;

12 (2) The name and address of any facility, wherever
13 ~~wherever~~ located, any financial interest in which is owned
14 by the applicant, if the facility were required to be
15 licensed if it were located in this State;

16 (3) Other information necessary to determine the
17 identity and qualifications of an applicant or licensee to
18 operate a facility in accordance with this Act as required
19 by the Department in regulations.

20 (c) The information in the statement of ownership shall be
21 public information and shall be available from the Department.

22 (Source: P.A. 97-38, eff. 6-28-11; revised 8-3-12.)

23 (210 ILCS 48/4-101)

24 Sec. 4-101. Payments. For facilities licensed by the
25 Department of Public Health under this ~~the Specialized Mental~~

1 ~~Health Rehabilitation Facilities~~ Act, the payment methodology
2 in effect on June 30, 2011, shall be \$1 less than the rate that
3 would have been paid pursuant to Article V of the Illinois
4 Public Aid Code for that same facility, had the facility been
5 licensed under a different Act and been participating in the
6 Demonstration Program pursuant to Department rules. Any
7 adjustment in the support component or the capital component
8 for facilities licensed by the Department of Public Health
9 under the Nursing Home Care Act shall apply equally to
10 facilities licensed by the Department of Public Health under
11 this ~~the Specialized Mental Health Rehabilitation Facilities~~
12 Act. Any change in rate methodology shall be made in statute.

13 (Source: P.A. 97-38, eff. 6-28-11; revised 8-3-12.)

14 Section 325. The Emergency Medical Services (EMS) Systems
15 Act is amended by changing Sections 3.50 and 3.190 as follows:

16 (210 ILCS 50/3.50)

17 Sec. 3.50. Emergency Medical Technician (EMT) Licensure.

18 (a) "Emergency Medical Technician-Basic" or "EMT-B" means
19 a person who has successfully completed a course of instruction
20 in basic life support as prescribed by the Department, is
21 currently licensed by the Department in accordance with
22 standards prescribed by this Act and rules adopted by the
23 Department pursuant to this Act, and practices within an EMS
24 System.

1 (b) "Emergency Medical Technician-Intermediate" or "EMT-I"
2 means a person who has successfully completed a course of
3 instruction in intermediate life support as prescribed by the
4 Department, is currently licensed by the Department in
5 accordance with standards prescribed by this Act and rules
6 adopted by the Department pursuant to this Act, and practices
7 within an Intermediate or Advanced Life Support EMS System.

8 (c) "Emergency Medical Technician-Paramedic" or "EMT-P"
9 means a person who has successfully completed a course of
10 instruction in advanced life support care as prescribed by the
11 Department, is licensed by the Department in accordance with
12 standards prescribed by this Act and rules adopted by the
13 Department pursuant to this Act, and practices within an
14 Advanced Life Support EMS System.

15 (d) The Department shall have the authority and
16 responsibility to:

17 (1) Prescribe education and training requirements,
18 which includes training in the use of epinephrine, for all
19 levels of EMT, based on the respective national curricula
20 of the United States Department of Transportation and any
21 modifications to such curricula specified by the
22 Department through rules adopted pursuant to this Act.

23 (2) Prescribe licensure testing requirements for all
24 levels of EMT, which shall include a requirement that all
25 phases of instruction, training, and field experience be
26 completed before taking the EMT licensure examination.

1 Candidates may elect to take the National Registry of
2 Emergency Medical Technicians examination in lieu of the
3 Department's examination, but are responsible for making
4 their own arrangements for taking the National Registry
5 examination.

6 (2.5) Review applications for EMT licensure from
7 honorably discharged members of the armed forces of the
8 United States with military emergency medical training.
9 Applications shall be filed with the Department within one
10 year after military discharge and shall contain: (i) proof
11 of successful completion of military emergency medical
12 training; (ii) a detailed description of the emergency
13 medical curriculum completed; and (iii) a detailed
14 description of the applicant's clinical experience. The
15 Department may request additional and clarifying
16 information. The Department shall evaluate the
17 application, including the applicant's training and
18 experience, consistent with the standards set forth under
19 subsections (a), (b), (c), and (d) of Section 3.10. If the
20 application clearly demonstrates that the training and
21 experience meets such standards, the Department shall
22 offer the applicant the opportunity to successfully
23 complete a Department-approved EMT examination for which
24 the applicant is qualified. Upon passage of an examination,
25 the Department shall issue a license, which shall be
26 subject to all provisions of this Act that are otherwise

1 applicable to the class of EMT license issued.

2 (3) License individuals as an EMT-B, EMT-I, or EMT-P
3 who have met the Department's education, training and
4 examination requirements.

5 (4) Prescribe annual continuing education and
6 relicensure requirements for all levels of EMT.

7 (5) Relicense individuals as an EMT-B, EMT-I, or EMT-P
8 every 4 years, based on their compliance with continuing
9 education and relicensure requirements. An Illinois
10 licensed Emergency Medical Technician whose license has
11 been expired for less than 36 months may apply for
12 reinstatement by the Department. Reinstatement shall
13 require that the applicant (i) submit satisfactory proof of
14 completion of continuing medical education and clinical
15 requirements to be prescribed by the Department in an
16 administrative rule; (ii) submit a positive recommendation
17 from an Illinois EMS Medical Director attesting to the
18 applicant's qualifications for retesting; and (iii) pass a
19 Department approved test for the level of EMT license
20 sought to be reinstated.

21 (6) Grant inactive status to any EMT who qualifies,
22 based on standards and procedures established by the
23 Department in rules adopted pursuant to this Act.

24 (7) Charge a fee for EMT examination, licensure, and
25 license renewal.

26 (8) Suspend, revoke, or refuse to issue or renew the

1 license of any licensee, after an opportunity for an
2 impartial hearing before a neutral administrative law
3 judge appointed by the Director, where the preponderance of
4 the evidence shows one or more of the following:

5 (A) The licensee has not met continuing education
6 or relicensure requirements as prescribed by the
7 Department;

8 (B) The licensee has failed to maintain
9 proficiency in the level of skills for which he or she
10 is licensed;

11 (C) The licensee, during the provision of medical
12 services, engaged in dishonorable, unethical, or
13 unprofessional conduct of a character likely to
14 deceive, defraud, or harm the public;

15 (D) The licensee has failed to maintain or has
16 violated standards of performance and conduct as
17 prescribed by the Department in rules adopted pursuant
18 to this Act or his or her EMS System's Program Plan;

19 (E) The licensee is physically impaired to the
20 extent that he or she cannot physically perform the
21 skills and functions for which he or she is licensed,
22 as verified by a physician, unless the person is on
23 inactive status pursuant to Department regulations;

24 (F) The licensee is mentally impaired to the extent
25 that he or she cannot exercise the appropriate
26 judgment, skill and safety for performing the

1 functions for which he or she is licensed, as verified
2 by a physician, unless the person is on inactive status
3 pursuant to Department regulations;

4 (G) The licensee has violated this Act or any rule
5 adopted by the Department pursuant to this Act; or

6 (H) The licensee has been convicted (or entered a
7 plea of guilty or nolo-contendere) by a court of
8 competent jurisdiction of a Class X, Class 1, or Class
9 2 felony in this State or an out-of-state equivalent
10 offense.

11 ~~(9)~~ An EMT who is a member of the Illinois National Guard
12 or an Illinois State Trooper or who exclusively serves as a
13 volunteer for units of local government with a population base
14 of less than 5,000 or as a volunteer for a not-for-profit
15 organization that serves a service area with a population base
16 of less than 5,000 may submit an application to the Department
17 for a waiver of the these fees described under paragraph (7) on
18 a form prescribed by the Department.

19 The education requirements prescribed by the Department
20 under this subsection must allow for the suspension of those
21 requirements in the case of a member of the armed services or
22 reserve forces of the United States or a member of the Illinois
23 National Guard who is on active duty pursuant to an executive
24 order of the President of the United States, an act of the
25 Congress of the United States, or an order of the Governor at
26 the time that the member would otherwise be required to fulfill

1 a particular education requirement. Such a person must fulfill
2 the education requirement within 6 months after his or her
3 release from active duty.

4 (e) In the event that any rule of the Department or an EMS
5 Medical Director that requires testing for drug use as a
6 condition for EMT licensure conflicts with or duplicates a
7 provision of a collective bargaining agreement that requires
8 testing for drug use, that rule shall not apply to any person
9 covered by the collective bargaining agreement.

10 (Source: P.A. 96-540, eff. 8-17-09; 96-1149, eff. 7-21-10;
11 96-1469, eff. 1-1-11; 97-333, eff. 8-12-11; 97-509, eff.
12 8-23-11; 97-813, eff. 7-13-12; 97-1014, eff. 1-1-13; revised
13 10-17-12.)

14 (210 ILCS 50/3.190)

15 Sec. 3.190. Emergency Department Classifications. The
16 Department shall have the authority and responsibility to:

17 (a) Establish criteria for classifying the emergency
18 departments of all hospitals within the State as
19 Comprehensive, Basic, or Standby. In establishing such
20 criteria, the Department may consult with the Illinois
21 Hospital Licensing Board and incorporate by reference all
22 or part of existing standards adopted as rules pursuant to
23 the Hospital Licensing Act or Emergency Medical Treatment
24 Act;

25 (b) Classify the emergency departments of all

1 hospitals within the State in accordance with this Section;

2 (c) Annually publish, and distribute to all EMS
3 Systems, a list reflecting the classification of all
4 emergency departments.

5 ~~(d)~~ For the purposes of paragraphs (a) and (b) of this
6 Section, long-term acute care hospitals, as defined under the
7 Hospital Emergency Service Act, are not required to provide
8 hospital emergency services and shall be classified as not
9 available.

10 (Source: P.A. 97-667, eff. 1-13-12; revised 8-3-12.)

11 Section 330. The Hospital Licensing Act is amended by
12 changing Section 6.14a as follows:

13 (210 ILCS 85/6.14a)

14 Sec. 6.14a. Public disclosure of information. The
15 following information is subject to disclosure to the public
16 from the Department:

17 (1) Information submitted under Section 5 of this Act;

18 (2) Final records of license and certification
19 inspections, surveys, and evaluations of hospitals; and

20 (3) Investigated complaints filed against a hospital
21 and complaint investigation reports, except that a
22 complaint or complaint investigation report shall not be
23 disclosed to a person other than the complainant or
24 complainant's representative before it is disclosed to a

1 hospital, and except that a complainant or patient's name
2 shall not be disclosed.

3 The Department shall disclose information under this
4 Section in accordance with provisions for inspection and
5 copying of public records required by the Freedom of
6 Information Act.

7 However, the disclosure of information described in
8 subsection (1) shall not be restricted by any provision of the
9 Freedom of Information Act.

10 Notwithstanding any other provision of law, under no
11 circumstances shall the Department disclose information
12 obtained from a hospital that is confidential under Part 21 of
13 Article VIII § of the Code of Civil Procedure.

14 Any records or reports of inspections, surveys, or
15 evaluations of hospitals may be disclosed only after the
16 acceptance of a plan of correction by the Health Care Financing
17 Administration of the U.S. Department of Health and Human
18 Services or the Department, as appropriate, or at the
19 conclusion of any administrative review of the Department's
20 decision, or at the conclusion of any judicial review of such
21 administrative decision. Whenever any record or report is
22 subject to disclosure under this Section, the Department shall
23 permit the hospital to provide a written statement pertaining
24 to such report which shall be included as part of the
25 information to be disclosed. The Department shall not divulge
26 or disclose any record or report in a manner that identifies or

1 would permit the identification of any natural person.

2 (Source: P.A. 91-242, eff. 1-1-00; revised 10-17-12.)

3 Section 335. The Hospital Report Card Act is amended by
4 changing Section 25 as follows:

5 (210 ILCS 86/25)

6 Sec. 25. Hospital reports.

7 (a) Individual hospitals shall prepare a quarterly report
8 including all of the following:

9 (1) Nursing hours per patient day, average daily
10 census, and average daily hours worked for each clinical
11 service area.

12 (2) Infection-related measures for the facility for
13 the specific clinical procedures and devices determined by
14 the Department by rule under 2 or more of the following
15 categories:

16 (A) Surgical procedure outcome measures.

17 (B) Surgical procedure infection control process
18 measures.

19 (C) Outcome or process measures related to
20 ventilator-associated pneumonia.

21 (D) Central vascular catheter-related bloodstream
22 infection rates in designated critical care units.

23 (3) Information required under paragraph (4) of
24 Section 2310-312 of the Department of Public Health Powers

1 and Duties Law of the Civil Administrative Code of
2 Illinois.

3 The infection-related measures developed by the Department
4 shall be based upon measures and methods developed by the
5 Centers for Disease Control and Prevention, the Centers for
6 Medicare and Medicaid Services, the Agency for Healthcare
7 Research and Quality, the Joint Commission on Accreditation of
8 Healthcare Organizations, or the National Quality Forum.

9 The Department shall include interpretive guidelines for
10 infection-related indicators and, when available, shall
11 include relevant benchmark information published by national
12 organizations.

13 (b) Individual hospitals shall prepare annual reports
14 including vacancy and turnover rates for licensed nurses per
15 clinical service area.

16 (c) None of the information the Department discloses to the
17 public may be made available in any form or fashion unless the
18 information has been reviewed, adjusted, and validated
19 according to the following process:

20 (1) The Department shall organize an advisory
21 committee, including representatives from the Department,
22 public and private hospitals, direct care nursing staff,
23 physicians, academic researchers, consumers, health
24 insurance companies, organized labor, and organizations
25 representing hospitals and physicians. The advisory
26 committee must be meaningfully involved in the development

1 of all aspects of the Department's methodology for
2 collecting, analyzing, and disclosing the information
3 collected under this Act, including collection methods,
4 formatting, and methods and means for release and
5 dissemination.

6 (2) The entire methodology for collecting and
7 analyzing the data shall be disclosed to all relevant
8 organizations and to all hospitals that are the subject of
9 any information to be made available to the public before
10 any public disclosure of such information.

11 (3) Data collection and analytical methodologies shall
12 be used that meet accepted standards of validity and
13 reliability before any information is made available to the
14 public.

15 (4) The limitations of the data sources and analytic
16 methodologies used to develop comparative hospital
17 information shall be clearly identified and acknowledged,
18 including but not limited to the appropriate and
19 inappropriate uses of the data.

20 (5) To the greatest extent possible, comparative
21 hospital information initiatives shall use standard-based
22 norms derived from widely accepted provider-developed
23 practice guidelines.

24 (6) Comparative hospital information and other
25 information that the Department has compiled regarding
26 hospitals shall be shared with the hospitals under review

1 prior to public dissemination of such information and these
2 hospitals have 30 days to make corrections and to add
3 helpful explanatory comments about the information before
4 the publication.

5 (7) Comparisons among hospitals shall adjust for
6 patient case mix and other relevant risk factors and
7 control for provider peer groups, when appropriate.

8 (8) Effective safeguards to protect against the
9 unauthorized use or disclosure of hospital information
10 shall be developed and implemented.

11 (9) Effective safeguards to protect against the
12 dissemination of inconsistent, incomplete, invalid,
13 inaccurate, or subjective hospital data shall be developed
14 and implemented.

15 (10) The quality and accuracy of hospital information
16 reported under this Act and its data collection, analysis,
17 and dissemination methodologies shall be evaluated
18 regularly.

19 (11) Only the most basic identifying information from
20 mandatory reports shall be used, and information
21 identifying a patient, employee, or licensed professional
22 shall not be released. None of the information the
23 Department discloses to the public under this Act may be
24 used to establish a standard of care in a private civil
25 action.

26 (d) Quarterly reports shall be submitted, in a format set

1 forth in rules adopted by the Department, to the Department by
2 April 30, July 31, October 31, and January 31 each year for the
3 previous quarter. Data in quarterly reports must cover a period
4 ending not earlier than one month prior to submission of the
5 report. Annual reports shall be submitted by December 31 in a
6 format set forth in rules adopted by the Department to the
7 Department. All reports shall be made available to the public
8 on-site and through the Department.

9 (e) If the hospital is a division or subsidiary of another
10 entity that owns or operates other hospitals or related
11 organizations, the annual public disclosure report shall be for
12 the specific division or subsidiary and not for the other
13 entity.

14 (f) The Department shall disclose information under this
15 Section in accordance with provisions for inspection and
16 copying of public records required by the Freedom of
17 Information Act provided that such information satisfies the
18 provisions of subsection (c) of this Section.

19 (g) Notwithstanding any other provision of law, under no
20 circumstances shall the Department disclose information
21 obtained from a hospital that is confidential under Part 21 of
22 Article VIII & of the Code of Civil Procedure.

23 (h) No hospital report or Department disclosure may contain
24 information identifying a patient, employee, or licensed
25 professional.

26 (Source: P.A. 94-275, eff. 7-19-05; 95-282, eff. 8-20-07;

1 revised 10-17-12.)

2 Section 340. The Community-Integrated Living Arrangements
3 Licensure and Certification Act is amended by changing Section
4 10 as follows:

5 (210 ILCS 135/10) (from Ch. 91 1/2, par. 1710)

6 Sec. 10. State plan.

7 (a) Community-integrated ~~Community-integrated~~ living
8 arrangements shall be located so as to enable residents to
9 participate in and be integrated into their community or
10 neighborhood. The location of such arrangements shall promote
11 community integration of persons with mental disabilities. The
12 Department shall adopt a plan ("State plan") for the
13 distribution of community living arrangements throughout the
14 State, considering the need for such arrangements in the
15 various locations in which they are to be used. Each agency
16 licensed under this Act must define the process of obtaining
17 community acceptance of community living arrangements. The
18 State plan shall include guidelines regarding the location of
19 community-integrated ~~community-integrated~~ living arrangements
20 within the geographic areas to be served by the agencies, and
21 the availability of support services within those areas for
22 residents under such arrangements. The Department shall
23 promulgate such guidelines as rules pursuant to the ~~The~~
24 Illinois Administrative Procedure Act.

1 The Department shall require any agency licensed under this
2 Act to establish procedures for assuring compliance with such
3 criteria, including annual review and comment by
4 representatives of local governmental authorities, community
5 mental health and developmental disabilities planning and
6 service agencies, and other interested civil organizations,
7 regarding the impact on their community areas of any living
8 arrangements, programs or services to be certified by such
9 agency. The Department shall give consideration to the comments
10 of such community representatives in determinations of
11 compliance with the State plan under this Section, and the
12 Department may modify, suspend or withhold funding of such
13 programs and services subject to this Act until such times as
14 assurance is achieved.

15 (b) Beginning January 1, 1990, no Department of State
16 government, as defined in the ~~The~~ Civil Administrative Code of
17 Illinois, shall place any person in or utilize any services of
18 a community-integrated living arrangement which is not
19 certified by an agency under this Act.

20 (Source: P.A. 86-922; revised 10-17-12.)

21 Section 345. The Illinois Insurance Code is amended by
22 changing Sections 408, 511.111, and 513a5 as follows:

23 (215 ILCS 5/408) (from Ch. 73, par. 1020)

24 Sec. 408. Fees and charges.

1 (1) The Director shall charge, collect and give proper
2 acquittances for the payment of the following fees and charges:

3 (a) For filing all documents submitted for the
4 incorporation or organization or certification of a
5 domestic company, except for a fraternal benefit society,
6 \$2,000.

7 (b) For filing all documents submitted for the
8 incorporation or organization of a fraternal benefit
9 society, \$500.

10 (c) For filing amendments to articles of incorporation
11 and amendments to declaration of organization, except for a
12 fraternal benefit society, a mutual benefit association, a
13 burial society or a farm mutual, \$200.

14 (d) For filing amendments to articles of incorporation
15 of a fraternal benefit society, a mutual benefit
16 association or a burial society, \$100.

17 (e) For filing amendments to articles of incorporation
18 of a farm mutual, \$50.

19 (f) For filing bylaws or amendments thereto, \$50.

20 (g) For filing agreement of merger or consolidation:

21 (i) for a domestic company, except for a fraternal
22 benefit society, a mutual benefit association, a
23 burial society, or a farm mutual, \$2,000.

24 (ii) for a foreign or alien company, except for a
25 fraternal benefit society, \$600.

26 (iii) for a fraternal benefit society, a mutual

1 benefit association, a burial society, or a farm
2 mutual, \$200.

3 (h) For filing agreements of reinsurance by a domestic
4 company, \$200.

5 (i) For filing all documents submitted by a foreign or
6 alien company to be admitted to transact business or
7 accredited as a reinsurer in this State, except for a
8 fraternal benefit society, \$5,000.

9 (j) For filing all documents submitted by a foreign or
10 alien fraternal benefit society to be admitted to transact
11 business in this State, \$500.

12 (k) For filing declaration of withdrawal of a foreign
13 or alien company, \$50.

14 (l) For filing annual statement by a domestic company,
15 except a fraternal benefit society, a mutual benefit
16 association, a burial society, or a farm mutual, \$200.

17 (m) For filing annual statement by a domestic fraternal
18 benefit society, \$100.

19 (n) For filing annual statement by a farm mutual, a
20 mutual benefit association, or a burial society, \$50.

21 (o) For issuing a certificate of authority or renewal
22 thereof except to a foreign fraternal benefit society,
23 \$400.

24 (p) For issuing a certificate of authority or renewal
25 thereof to a foreign fraternal benefit society, \$200.

26 (q) For issuing an amended certificate of authority,

1 \$50.

2 (r) For each certified copy of certificate of
3 authority, \$20.

4 (s) For each certificate of deposit, or valuation, or
5 compliance or surety certificate, \$20.

6 (t) For copies of papers or records per page, \$1.

7 (u) For each certification to copies of papers or
8 records, \$10.

9 (v) For multiple copies of documents or certificates
10 listed in subparagraphs (r), (s), and (u) of paragraph (1)
11 of this Section, \$10 for the first copy of a certificate of
12 any type and \$5 for each additional copy of the same
13 certificate requested at the same time, unless, pursuant to
14 paragraph (2) of this Section, the Director finds these
15 additional fees excessive.

16 (w) For issuing a permit to sell shares or increase
17 paid-up capital:

18 (i) in connection with a public stock offering,
19 \$300;

20 (ii) in any other case, \$100.

21 (x) For issuing any other certificate required or
22 permissible under the law, \$50.

23 (y) For filing a plan of exchange of the stock of a
24 domestic stock insurance company, a plan of
25 demutualization of a domestic mutual company, or a plan of
26 reorganization under Article XII, \$2,000.

1 (z) For filing a statement of acquisition of a domestic
2 company as defined in Section 131.4 of this Code, \$2,000.

3 (aa) For filing an agreement to purchase the business
4 of an organization authorized under the Dental Service Plan
5 Act or the Voluntary Health Services Plans Act or of a
6 health maintenance organization or a limited health
7 service organization, \$2,000.

8 (bb) For filing a statement of acquisition of a foreign
9 or alien insurance company as defined in Section 131.12a of
10 this Code, \$1,000.

11 (cc) For filing a registration statement as required in
12 Sections 131.13 and 131.14, the notification as required by
13 Sections 131.16, 131.20a, or 141.4, or an agreement or
14 transaction required by Sections 124.2(2), 141, 141a, or
15 141.1, \$200.

16 (dd) For filing an application for licensing of:

17 (i) a religious or charitable risk pooling trust or
18 a workers' compensation pool, \$1,000;

19 (ii) a workers' compensation service company,
20 \$500;

21 (iii) a self-insured automobile fleet, \$200; or

22 (iv) a renewal of or amendment of any license
23 issued pursuant to (i), (ii), or (iii) above, \$100.

24 (ee) For filing articles of incorporation for a
25 syndicate to engage in the business of insurance through
26 the Illinois Insurance Exchange, \$2,000.

1 (ff) For filing amended articles of incorporation for a
2 syndicate engaged in the business of insurance through the
3 Illinois Insurance Exchange, \$100.

4 (gg) For filing articles of incorporation for a limited
5 syndicate to join with other subscribers or limited
6 syndicates to do business through the Illinois Insurance
7 Exchange, \$1,000.

8 (hh) For filing amended articles of incorporation for a
9 limited syndicate to do business through the Illinois
10 Insurance Exchange, \$100.

11 (ii) For a permit to solicit subscriptions to a
12 syndicate or limited syndicate, \$100.

13 (jj) For the filing of each form as required in Section
14 143 of this Code, \$50 per form. The fee for advisory and
15 rating organizations shall be \$200 per form.

16 (i) For the purposes of the form filing fee,
17 filings made on insert page basis will be considered
18 one form at the time of its original submission.
19 Changes made to a form subsequent to its approval shall
20 be considered a new filing.

21 (ii) Only one fee shall be charged for a form,
22 regardless of the number of other forms or policies
23 with which it will be used.

24 (iii) Fees charged for a policy filed as it will be
25 issued regardless of the number of forms comprising
26 that policy shall not exceed \$1,500. For advisory or

1 rating organizations, fees charged for a policy filed
2 as it will be issued regardless of the number of forms
3 comprising that policy shall not exceed \$2,500.

4 (iv) The Director may by rule exempt forms from
5 such fees.

6 (kk) For filing an application for licensing of a
7 reinsurance intermediary, \$500.

8 (ll) For filing an application for renewal of a license
9 of a reinsurance intermediary, \$200.

10 (2) When printed copies or numerous copies of the same
11 paper or records are furnished or certified, the Director may
12 reduce such fees for copies if he finds them excessive. He may,
13 when he considers it in the public interest, furnish without
14 charge to state insurance departments and persons other than
15 companies, copies or certified copies of reports of
16 examinations and of other papers and records.

17 (3) The expenses incurred in any performance examination
18 authorized by law shall be paid by the company or person being
19 examined. The charge shall be reasonably related to the cost of
20 the examination including but not limited to compensation of
21 examiners, electronic data processing costs, supervision and
22 preparation of an examination report and lodging and travel
23 expenses. All lodging and travel expenses shall be in accord
24 with the applicable travel regulations as published by the
25 Department of Central Management Services and approved by the
26 Governor's Travel Control Board, except that out-of-state

1 lodging and travel expenses related to examinations authorized
2 under Section 132 shall be in accordance with travel rates
3 prescribed under paragraph 301-7.2 of the Federal Travel
4 Regulations, 41 C.F.R. 301-7.2, for reimbursement of
5 subsistence expenses incurred during official travel. All
6 lodging and travel expenses may be reimbursed directly upon
7 authorization of the Director. With the exception of the direct
8 reimbursements authorized by the Director, all performance
9 examination charges collected by the Department shall be paid
10 to the Insurance Producer ~~Producers~~ Administration Fund,
11 however, the electronic data processing costs incurred by the
12 Department in the performance of any examination shall be
13 billed directly to the company being examined for payment to
14 the Statistical Services Revolving Fund.

15 (4) At the time of any service of process on the Director
16 as attorney for such service, the Director shall charge and
17 collect the sum of \$20, which may be recovered as taxable costs
18 by the party to the suit or action causing such service to be
19 made if he prevails in such suit or action.

20 (5) (a) The costs incurred by the Department of Insurance
21 in conducting any hearing authorized by law shall be assessed
22 against the parties to the hearing in such proportion as the
23 Director of Insurance may determine upon consideration of all
24 relevant circumstances including: (1) the nature of the
25 hearing; (2) whether the hearing was instigated by, or for the
26 benefit of a particular party or parties; (3) whether there is

1 a successful party on the merits of the proceeding; and (4) the
2 relative levels of participation by the parties.

3 (b) For purposes of this subsection (5) costs incurred
4 shall mean the hearing officer fees, court reporter fees, and
5 travel expenses of Department of Insurance officers and
6 employees; provided however, that costs incurred shall not
7 include hearing officer fees or court reporter fees unless the
8 Department has retained the services of independent
9 contractors or outside experts to perform such functions.

10 (c) The Director shall make the assessment of costs
11 incurred as part of the final order or decision arising out of
12 the proceeding; provided, however, that such order or decision
13 shall include findings and conclusions in support of the
14 assessment of costs. This subsection (5) shall not be construed
15 as permitting the payment of travel expenses unless calculated
16 in accordance with the applicable travel regulations of the
17 Department of Central Management Services, as approved by the
18 Governor's Travel Control Board. The Director as part of such
19 order or decision shall require all assessments for hearing
20 officer fees and court reporter fees, if any, to be paid
21 directly to the hearing officer or court reporter by the
22 party(s) assessed for such costs. The assessments for travel
23 expenses of Department officers and employees shall be
24 reimbursable to the Director of Insurance for deposit to the
25 fund out of which those expenses had been paid.

26 (d) The provisions of this subsection (5) shall apply in

1 the case of any hearing conducted by the Director of Insurance
2 not otherwise specifically provided for by law.

3 (6) The Director shall charge and collect an annual
4 financial regulation fee from every domestic company for
5 examination and analysis of its financial condition and to fund
6 the internal costs and expenses of the Interstate Insurance
7 Receivership Commission as may be allocated to the State of
8 Illinois and companies doing an insurance business in this
9 State pursuant to Article X of the Interstate Insurance
10 Receivership Compact. The fee shall be the greater fixed amount
11 based upon the combination of nationwide direct premium income
12 and nationwide reinsurance assumed premium income or upon
13 admitted assets calculated under this subsection as follows:

14 (a) Combination of nationwide direct premium income
15 and nationwide reinsurance assumed premium.

16 (i) \$150, if the premium is less than \$500,000 and
17 there is no reinsurance assumed premium;

18 (ii) \$750, if the premium is \$500,000 or more, but
19 less than \$5,000,000 and there is no reinsurance
20 assumed premium; or if the premium is less than
21 \$5,000,000 and the reinsurance assumed premium is less
22 than \$10,000,000;

23 (iii) \$3,750, if the premium is less than
24 \$5,000,000 and the reinsurance assumed premium is
25 \$10,000,000 or more;

26 (iv) \$7,500, if the premium is \$5,000,000 or more,

1 but less than \$10,000,000;

2 (v) \$18,000, if the premium is \$10,000,000 or more,
3 but less than \$25,000,000;

4 (vi) \$22,500, if the premium is \$25,000,000 or
5 more, but less than \$50,000,000;

6 (vii) \$30,000, if the premium is \$50,000,000 or
7 more, but less than \$100,000,000;

8 (viii) \$37,500, if the premium is \$100,000,000 or
9 more.

10 (b) Admitted assets.

11 (i) \$150, if admitted assets are less than
12 \$1,000,000;

13 (ii) \$750, if admitted assets are \$1,000,000 or
14 more, but less than \$5,000,000;

15 (iii) \$3,750, if admitted assets are \$5,000,000 or
16 more, but less than \$25,000,000;

17 (iv) \$7,500, if admitted assets are \$25,000,000 or
18 more, but less than \$50,000,000;

19 (v) \$18,000, if admitted assets are \$50,000,000 or
20 more, but less than \$100,000,000;

21 (vi) \$22,500, if admitted assets are \$100,000,000
22 or more, but less than \$500,000,000;

23 (vii) \$30,000, if admitted assets are \$500,000,000
24 or more, but less than \$1,000,000,000;

25 (viii) \$37,500, if admitted assets are
26 \$1,000,000,000 or more.

1 (c) The sum of financial regulation fees charged to the
2 domestic companies of the same affiliated group shall not
3 exceed \$250,000 in the aggregate in any single year and
4 shall be billed by the Director to the member company
5 designated by the group.

6 (7) The Director shall charge and collect an annual
7 financial regulation fee from every foreign or alien company,
8 except fraternal benefit societies, for the examination and
9 analysis of its financial condition and to fund the internal
10 costs and expenses of the Interstate Insurance Receivership
11 Commission as may be allocated to the State of Illinois and
12 companies doing an insurance business in this State pursuant to
13 Article X of the Interstate Insurance Receivership Compact. The
14 fee shall be a fixed amount based upon Illinois direct premium
15 income and nationwide reinsurance assumed premium income in
16 accordance with the following schedule:

17 (a) \$150, if the premium is less than \$500,000 and
18 there is no reinsurance assumed premium;

19 (b) \$750, if the premium is \$500,000 or more, but less
20 than \$5,000,000 and there is no reinsurance assumed
21 premium; or if the premium is less than \$5,000,000 and the
22 reinsurance assumed premium is less than \$10,000,000;

23 (c) \$3,750, if the premium is less than \$5,000,000 and
24 the reinsurance assumed premium is \$10,000,000 or more;

25 (d) \$7,500, if the premium is \$5,000,000 or more, but
26 less than \$10,000,000;

1 (e) \$18,000, if the premium is \$10,000,000 or more, but
2 less than \$25,000,000;

3 (f) \$22,500, if the premium is \$25,000,000 or more, but
4 less than \$50,000,000;

5 (g) \$30,000, if the premium is \$50,000,000 or more, but
6 less than \$100,000,000;

7 (h) \$37,500, if the premium is \$100,000,000 or more.

8 The sum of financial regulation fees under this subsection
9 (7) charged to the foreign or alien companies within the same
10 affiliated group shall not exceed \$250,000 in the aggregate in
11 any single year and shall be billed by the Director to the
12 member company designated by the group.

13 (8) Beginning January 1, 1992, the financial regulation
14 fees imposed under subsections (6) and (7) of this Section
15 shall be paid by each company or domestic affiliated group
16 annually. After January 1, 1994, the fee shall be billed by
17 Department invoice based upon the company's premium income or
18 admitted assets as shown in its annual statement for the
19 preceding calendar year. The invoice is due upon receipt and
20 must be paid no later than June 30 of each calendar year. All
21 financial regulation fees collected by the Department shall be
22 paid to the Insurance Financial Regulation Fund. The Department
23 may not collect financial examiner per diem charges from
24 companies subject to subsections (6) and (7) of this Section
25 undergoing financial examination after June 30, 1992.

26 (9) In addition to the financial regulation fee required by

1 this Section, a company undergoing any financial examination
2 authorized by law shall pay the following costs and expenses
3 incurred by the Department: electronic data processing costs,
4 the expenses authorized under Section 131.21 and subsection (d)
5 of Section 132.4 of this Code, and lodging and travel expenses.

6 Electronic data processing costs incurred by the
7 Department in the performance of any examination shall be
8 billed directly to the company undergoing examination for
9 payment to the Statistical Services Revolving Fund. Except for
10 direct reimbursements authorized by the Director or direct
11 payments made under Section 131.21 or subsection (d) of Section
12 132.4 of this Code, all financial regulation fees and all
13 financial examination charges collected by the Department
14 shall be paid to the Insurance Financial Regulation Fund.

15 All lodging and travel expenses shall be in accordance with
16 applicable travel regulations published by the Department of
17 Central Management Services and approved by the Governor's
18 Travel Control Board, except that out-of-state lodging and
19 travel expenses related to examinations authorized under
20 Sections 132.1 through 132.7 shall be in accordance with travel
21 rates prescribed under paragraph 301-7.2 of the Federal Travel
22 Regulations, 41 C.F.R. 301-7.2, for reimbursement of
23 subsistence expenses incurred during official travel. All
24 lodging and travel expenses may be reimbursed directly upon the
25 authorization of the Director.

26 In the case of an organization or person not subject to the

1 financial regulation fee, the expenses incurred in any
2 financial examination authorized by law shall be paid by the
3 organization or person being examined. The charge shall be
4 reasonably related to the cost of the examination including,
5 but not limited to, compensation of examiners and other costs
6 described in this subsection.

7 (10) Any company, person, or entity failing to make any
8 payment of \$150 or more as required under this Section shall be
9 subject to the penalty and interest provisions provided for in
10 subsections (4) and (7) of Section 412.

11 (11) Unless otherwise specified, all of the fees collected
12 under this Section shall be paid into the Insurance Financial
13 Regulation Fund.

14 (12) For purposes of this Section:

15 (a) "Domestic company" means a company as defined in
16 Section 2 of this Code which is incorporated or organized
17 under the laws of this State, and in addition includes a
18 not-for-profit corporation authorized under the Dental
19 Service Plan Act or the Voluntary Health Services Plans
20 Act, a health maintenance organization, and a limited
21 health service organization.

22 (b) "Foreign company" means a company as defined in
23 Section 2 of this Code which is incorporated or organized
24 under the laws of any state of the United States other than
25 this State and in addition includes a health maintenance
26 organization and a limited health service organization

1 which is incorporated or organized under the laws of any
2 state of the United States other than this State.

3 (c) "Alien company" means a company as defined in
4 Section 2 of this Code which is incorporated or organized
5 under the laws of any country other than the United States.

6 (d) "Fraternal benefit society" means a corporation,
7 society, order, lodge or voluntary association as defined
8 in Section 282.1 of this Code.

9 (e) "Mutual benefit association" means a company,
10 association or corporation authorized by the Director to do
11 business in this State under the provisions of Article
12 XVIII of this Code.

13 (f) "Burial society" means a person, firm,
14 corporation, society or association of individuals
15 authorized by the Director to do business in this State
16 under the provisions of Article XIX of this Code.

17 (g) "Farm mutual" means a district, county and township
18 mutual insurance company authorized by the Director to do
19 business in this State under the provisions of the Farm
20 Mutual Insurance Company Act of 1986.

21 (Source: P.A. 97-486, eff. 1-1-12; 97-603, eff. 8-26-11;
22 97-813, eff. 7-13-12; revised 10-18-12.)

23 (215 ILCS 5/511.111) (from Ch. 73, par. 1065.58-111)

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

25 Sec. 511.111. Insurance Producer Administration Fund. All

1 fees and fines paid to and collected by the Director under this
2 Article shall be paid promptly after receipt thereof, together
3 with a detailed statement of such fees, into a special fund in
4 the State Treasury to be known as the Insurance Producer
5 Administration Fund. The monies deposited into the Insurance
6 Producer Administration Fund shall be used only for payment of
7 the expenses of the Department and shall be appropriated as
8 otherwise provided by law for the payment of such expenses.
9 Moneys in the Insurance Producer ~~Producers~~ Administration Fund
10 may be transferred to the Professions Indirect Cost Fund, as
11 authorized under Section 2105-300 of the Department of
12 Professional Regulation Law of the Civil Administrative Code of
13 Illinois.

14 (Source: P.A. 94-91, eff. 7-1-05; revised 10-18-12.)

15 (215 ILCS 5/513a5) (from Ch. 73, par. 1065.60a5)

16 Sec. 513a5. Insurance Producer Administration Fund. All
17 fees and penalties paid to and collected by the Director under
18 this Article shall be paid promptly after receipt, together
19 with a detailed statement of the fees, into the Insurance
20 Producer ~~Producers~~ Administration Fund.

21 (Source: P.A. 87-811; revised 10-18-12.)

22 Section 350. The Title Insurance Act is amended by changing
23 Section 14.1 as follows:

1 (215 ILCS 155/14.1)

2 Sec. 14.1. Financial Institution ~~Institutions~~ Fund. All
3 moneys received by the Department of Financial and Professional
4 Regulation under this Act shall be deposited in the Financial
5 Institution ~~Institutions~~ Fund created under Section 6z-26 of
6 the State Finance Act.

7 (Source: P.A. 94-893, eff. 6-20-06; revised 10-18-12.)

8 Section 355. The Public Utilities Act is amended by
9 changing Section 9-220 as follows:

10 (220 ILCS 5/9-220) (from Ch. 111 2/3, par. 9-220)

11 Sec. 9-220. Rate changes based on changes in fuel costs.

12 (a) Notwithstanding the provisions of Section 9-201, the
13 Commission may authorize the increase or decrease of rates and
14 charges based upon changes in the cost of fuel used in the
15 generation or production of electric power, changes in the cost
16 of purchased power, or changes in the cost of purchased gas
17 through the application of fuel adjustment clauses or purchased
18 gas adjustment clauses. The Commission may also authorize the
19 increase or decrease of rates and charges based upon
20 expenditures or revenues resulting from the purchase or sale of
21 emission allowances created under the federal Clean Air Act
22 Amendments of 1990, through such fuel adjustment clauses, as a
23 cost of fuel. For the purposes of this paragraph, cost of fuel
24 used in the generation or production of electric power shall

1 include the amount of any fees paid by the utility for the
2 implementation and operation of a process for the
3 desulfurization of the flue gas when burning high sulfur coal
4 at any location within the State of Illinois irrespective of
5 the attainment status designation of such location; but shall
6 not include transportation costs of coal (i) except to the
7 extent that for contracts entered into on and after the
8 effective date of this amendatory Act of 1997, the cost of the
9 coal, including transportation costs, constitutes the lowest
10 cost for adequate and reliable fuel supply reasonably available
11 to the public utility in comparison to the cost, including
12 transportation costs, of other adequate and reliable sources of
13 fuel supply reasonably available to the public utility, or (ii)
14 except as otherwise provided in the next 3 sentences of this
15 paragraph. Such costs of fuel shall, when requested by a
16 utility or at the conclusion of the utility's next general
17 electric rate proceeding, whichever shall first occur, include
18 transportation costs of coal purchased under existing coal
19 purchase contracts. For purposes of this paragraph "existing
20 coal purchase contracts" means contracts for the purchase of
21 coal in effect on the effective date of this amendatory Act of
22 1991, as such contracts may thereafter be amended, but only to
23 the extent that any such amendment does not increase the
24 aggregate quantity of coal to be purchased under such contract.
25 Nothing herein shall authorize an electric utility to recover
26 through its fuel adjustment clause any amounts of

1 transportation costs of coal that were included in the revenue
2 requirement used to set base rates in its most recent general
3 rate proceeding. Cost shall be based upon uniformly applied
4 accounting principles. Annually, the Commission shall initiate
5 public hearings to determine whether the clauses reflect actual
6 costs of fuel, gas, power, or coal transportation purchased to
7 determine whether such purchases were prudent, and to reconcile
8 any amounts collected with the actual costs of fuel, power,
9 gas, or coal transportation prudently purchased. In each such
10 proceeding, the burden of proof shall be upon the utility to
11 establish the prudence of its cost of fuel, power, gas, or coal
12 transportation purchases and costs. The Commission shall issue
13 its final order in each such annual proceeding for an electric
14 utility by December 31 of the year immediately following the
15 year to which the proceeding pertains, provided, that the
16 Commission shall issue its final order with respect to such
17 annual proceeding for the years 1996 and earlier by December
18 31, 1998.

19 (b) A public utility providing electric service, other than
20 a public utility described in subsections (e) or (f) of this
21 Section, may at any time during the mandatory transition period
22 file with the Commission proposed tariff sheets that eliminate
23 the public utility's fuel adjustment clause and adjust the
24 public utility's base rate tariffs by the amount necessary for
25 the base fuel component of the base rates to recover the public
26 utility's average fuel and power supply costs per kilowatt-hour

1 for the 2 most recent years for which the Commission has issued
2 final orders in annual proceedings pursuant to subsection (a),
3 where the average fuel and power supply costs per kilowatt-hour
4 shall be calculated as the sum of the public utility's prudent
5 and allowable fuel and power supply costs as found by the
6 Commission in the 2 proceedings divided by the public utility's
7 actual jurisdictional kilowatt-hour sales for those 2 years.
8 Notwithstanding any contrary or inconsistent provisions in
9 Section 9-201 of this Act, in subsection (a) of this Section or
10 in any rules or regulations promulgated by the Commission
11 pursuant to subsection (g) of this Section, the Commission
12 shall review and shall by order approve, or approve as
13 modified, the proposed tariff sheets within 60 days after the
14 date of the public utility's filing. The Commission may modify
15 the public utility's proposed tariff sheets only to the extent
16 the Commission finds necessary to achieve conformance to the
17 requirements of this subsection (b). During the 5 years
18 following the date of the Commission's order, but in any event
19 no earlier than January 1, 2007, a public utility whose fuel
20 adjustment clause has been eliminated pursuant to this
21 subsection shall not file proposed tariff sheets seeking, or
22 otherwise petition the Commission for, reinstatement of a fuel
23 adjustment clause.

24 (c) Notwithstanding any contrary or inconsistent
25 provisions in Section 9-201 of this Act, in subsection (a) of
26 this Section or in any rules or regulations promulgated by the

1 Commission pursuant to subsection (g) of this Section, a public
2 utility providing electric service, other than a public utility
3 described in subsection (e) or (f) of this Section, may at any
4 time during the mandatory transition period file with the
5 Commission proposed tariff sheets that establish the rate per
6 kilowatt-hour to be applied pursuant to the public utility's
7 fuel adjustment clause at the average value for such rate
8 during the preceding 24 months, provided that such average rate
9 results in a credit to customers' bills, without making any
10 revisions to the public utility's base rate tariffs. The
11 proposed tariff sheets shall establish the fuel adjustment rate
12 for a specific time period of at least 3 years but not more
13 than 5 years, provided that the terms and conditions for any
14 reinstatement earlier than 5 years shall be set forth in the
15 proposed tariff sheets and subject to modification or approval
16 by the Commission. The Commission shall review and shall by
17 order approve the proposed tariff sheets if it finds that the
18 requirements of this subsection are met. The Commission shall
19 not conduct the annual hearings specified in the last 3
20 sentences of subsection (a) of this Section for the utility for
21 the period that the factor established pursuant to this
22 subsection is in effect.

23 (d) A public utility providing electric service, or a
24 public utility providing gas service may file with the
25 Commission proposed tariff sheets that eliminate the public
26 utility's fuel or purchased gas adjustment clause and adjust

1 the public utility's base rate tariffs to provide for recovery
2 of power supply costs or gas supply costs that would have been
3 recovered through such clause; provided, that the provisions of
4 this subsection (d) shall not be available to a public utility
5 described in subsections (e) or (f) of this Section to
6 eliminate its fuel adjustment clause. Notwithstanding any
7 contrary or inconsistent provisions in Section 9-201 of this
8 Act, in subsection (a) of this Section, or in any rules or
9 regulations promulgated by the Commission pursuant to
10 subsection (g) of this Section, the Commission shall review and
11 shall by order approve, or approve as modified in the
12 Commission's order, the proposed tariff sheets within 240 days
13 after the date of the public utility's filing. The Commission's
14 order shall approve rates and charges that the Commission,
15 based on information in the public utility's filing or on the
16 record if a hearing is held by the Commission, finds will
17 recover the reasonable, prudent and necessary jurisdictional
18 power supply costs or gas supply costs incurred or to be
19 incurred by the public utility during a 12 month period found
20 by the Commission to be appropriate for these purposes,
21 provided, that such period shall be either (i) a 12 month
22 historical period occurring during the 15 months ending on the
23 date of the public utility's filing, or (ii) a 12 month future
24 period ending no later than 15 months following the date of the
25 public utility's filing. The public utility shall include with
26 its tariff filing information showing both (1) its actual

1 jurisdictional power supply costs or gas supply costs for a 12
2 month historical period conforming to (i) above and (2) its
3 projected jurisdictional power supply costs or gas supply costs
4 for a future 12 month period conforming to (ii) above. If the
5 Commission's order requires modifications in the tariff sheets
6 filed by the public utility, the public utility shall have 7
7 days following the date of the order to notify the Commission
8 whether the public utility will implement the modified tariffs
9 or elect to continue its fuel or purchased gas adjustment
10 clause in force as though no order had been entered. The
11 Commission's order shall provide for any reconciliation of
12 power supply costs or gas supply costs, as the case may be, and
13 associated revenues through the date that the public utility's
14 fuel or purchased gas adjustment clause is eliminated. During
15 the 5 years following the date of the Commission's order, a
16 public utility whose fuel or purchased gas adjustment clause
17 has been eliminated pursuant to this subsection shall not file
18 proposed tariff sheets seeking, or otherwise petition the
19 Commission for, reinstatement or adoption of a fuel or
20 purchased gas adjustment clause. Nothing in this subsection (d)
21 shall be construed as limiting the Commission's authority to
22 eliminate a public utility's fuel adjustment clause or
23 purchased gas adjustment clause in accordance with any other
24 applicable provisions of this Act.

25 (e) Notwithstanding any contrary or inconsistent
26 provisions in Section 9-201 of this Act, in subsection (a) of

1 this Section, or in any rules promulgated by the Commission
2 pursuant to subsection (g) of this Section, a public utility
3 providing electric service to more than 1,000,000 customers in
4 this State may, within the first 6 months after the effective
5 date of this amendatory Act of 1997, file with the Commission
6 proposed tariff sheets that eliminate, effective January 1,
7 1997, the public utility's fuel adjustment clause without
8 adjusting its base rates, and such tariff sheets shall be
9 effective upon filing. To the extent the application of the
10 fuel adjustment clause had resulted in net charges to customers
11 after January 1, 1997, the utility shall also file a tariff
12 sheet that provides for a refund stated on a per kilowatt-hour
13 basis of such charges over a period not to exceed 6 months;
14 provided however, that such refund shall not include the
15 proportional amounts of taxes paid under the Use Tax Act,
16 Service Use Tax Act, Service Occupation Tax Act, and Retailers'
17 Occupation Tax Act on fuel used in generation. The Commission
18 shall issue an order within 45 days after the date of the
19 public utility's filing approving or approving as modified such
20 tariff sheet. If the fuel adjustment clause is eliminated
21 pursuant to this subsection, the Commission shall not conduct
22 the annual hearings specified in the last 3 sentences of
23 subsection (a) of this Section for the utility for any period
24 after December 31, 1996 and prior to any reinstatement of such
25 clause. A public utility whose fuel adjustment clause has been
26 eliminated pursuant to this subsection shall not file a

1 proposed tariff sheet seeking, or otherwise petition the
2 Commission for, reinstatement of the fuel adjustment clause
3 prior to January 1, 2007.

4 (f) Notwithstanding any contrary or inconsistent
5 provisions in Section 9-201 of this Act, in subsection (a) of
6 this Section, or in any rules or regulations promulgated by the
7 Commission pursuant to subsection (g) of this Section, a public
8 utility providing electric service to more than 500,000
9 customers but fewer than 1,000,000 customers in this State may,
10 within the first 6 months after the effective date of this
11 amendatory Act of 1997, file with the Commission proposed
12 tariff sheets that eliminate, effective January 1, 1997, the
13 public utility's fuel adjustment clause and adjust its base
14 rates by the amount necessary for the base fuel component of
15 the base rates to recover 91% of the public utility's average
16 fuel and power supply costs for the 2 most recent years for
17 which the Commission, as of January 1, 1997, has issued final
18 orders in annual proceedings pursuant to subsection (a), where
19 the average fuel and power supply costs per kilowatt-hour shall
20 be calculated as the sum of the public utility's prudent and
21 allowable fuel and power supply costs as found by the
22 Commission in the 2 proceedings divided by the public utility's
23 actual jurisdictional kilowatt-hour sales for those 2 years,
24 provided, that such tariff sheets shall be effective upon
25 filing. To the extent the application of the fuel adjustment
26 clause had resulted in net charges to customers after January

1 1, 1997, the utility shall also file a tariff sheet that
2 provides for a refund stated on a per kilowatt-hour basis of
3 such charges over a period not to exceed 6 months. Provided
4 however, that such refund shall not include the proportional
5 amounts of taxes paid under the Use Tax Act, Service Use Tax
6 Act, Service Occupation Tax Act, and Retailers' Occupation Tax
7 Act on fuel used in generation. The Commission shall issue an
8 order within 45 days after the date of the public utility's
9 filing approving or approving as modified such tariff sheet. If
10 the fuel adjustment clause is eliminated pursuant to this
11 subsection, the Commission shall not conduct the annual
12 hearings specified in the last 3 sentences of subsection (a) of
13 this Section for the utility for any period after December 31,
14 1996 and prior to any reinstatement of such clause. A public
15 utility whose fuel adjustment clause has been eliminated
16 pursuant to this subsection shall not file a proposed tariff
17 sheet seeking, or otherwise petition the Commission for,
18 reinstatement of the fuel adjustment clause prior to January 1,
19 2007.

20 (g) The Commission shall have authority to promulgate rules
21 and regulations to carry out the provisions of this Section.

22 (h) Any Illinois gas utility may enter into a contract on
23 or before September 30, 2011 for up to 10 years of supply with
24 any company for the purchase of substitute natural gas (SNG)
25 produced from coal through the gasification process if the
26 company has commenced construction of a clean coal SNG facility

1 by July 1, 2012 and commencement of construction shall mean
2 that material physical site work has occurred, such as site
3 clearing and excavation, water runoff prevention, water
4 retention reservoir preparation, or foundation development.
5 The contract shall contain the following provisions: (i) at
6 least 90% of feedstock to be used in the gasification process
7 shall be coal with a high volatile bituminous rank and greater
8 than 1.7 pounds of sulfur per million Btu content; (ii) at the
9 time the contract term commences, the price per million Btu may
10 not exceed \$7.95 in 2008 dollars, adjusted annually based on
11 the change in the Annual Consumer Price Index for All Urban
12 Consumers for the Midwest Region as published in April by the
13 United States Department of Labor, Bureau of Labor Statistics
14 (or a suitable Consumer Price Index calculation if this
15 Consumer Price Index is not available) for the previous
16 calendar year; provided that the price per million Btu shall
17 not exceed \$9.95 at any time during the contract; (iii) the
18 utility's supply contract for the purchase of SNG does not
19 exceed 15% of the annual system supply requirements of the
20 utility as of 2008; and (iv) the contract costs pursuant to
21 subsection (h-10) of this Section shall not include any
22 lobbying expenses, charitable contributions, advertising,
23 organizational memberships, carbon dioxide pipeline or
24 sequestration expenses, or marketing expenses.

25 Any gas utility that is providing service to more than
26 150,000 customers on August 2, 2011 (the effective date of

1 Public Act 97-239) shall either elect to enter into a contract
2 on or before September 30, 2011 for 10 years of SNG supply with
3 the owner of a clean coal SNG facility or to file biennial rate
4 proceedings before the Commission in the years 2012, 2014, and
5 2016, with such filings made after August 2, 2011 and no later
6 than September 30 of the years 2012, 2014, and 2016 consistent
7 with all requirements of 83 Ill. Adm. Code 255 and 285 as
8 though the gas utility were filing for an increase in its
9 rates, without regard to whether such filing would produce an
10 increase, a decrease, or no change in the gas utility's rates,
11 and the Commission shall review the gas utility's filing and
12 shall issue its order in accordance with the provisions of
13 Section 9-201 of this Act.

14 Within 7 days after August 2, 2011, the owner of the clean
15 coal SNG facility shall submit to the Illinois Power Agency and
16 each gas utility that is providing service to more than 150,000
17 customers on August 2, 2011 a copy of a draft contract. Within
18 30 days after the receipt of the draft contract, each such gas
19 utility shall provide the Illinois Power Agency and the owner
20 of the clean coal SNG facility with its comments and
21 recommended revisions to the draft contract. Within 7 days
22 after the receipt of the gas utility's comments and recommended
23 revisions, the owner of the facility shall submit its
24 responsive comments and a further revised draft of the contract
25 to the Illinois Power Agency. The Illinois Power Agency shall
26 review the draft contract and comments.

1 During its review of the draft contract, the Illinois Power
2 Agency shall:

3 (1) review and confirm in writing that the terms stated
4 in this subsection (h) are incorporated in the SNG
5 contract;

6 (2) review the SNG pricing formula included in the
7 contract and approve that formula if the Illinois Power
8 Agency determines that the formula, at the time the
9 contract term commences: (A) starts with a price of \$6.50
10 per MMBtu adjusted by the adjusted final capitalized plant
11 cost; (B) takes into account budgeted miscellaneous net
12 revenue after cost allowance, including sale of SNG
13 produced by the clean coal SNG facility above the nameplate
14 capacity of the facility and other by-products produced by
15 the facility, as approved by the Illinois Power Agency; (C)
16 does not include carbon dioxide transportation or
17 sequestration expenses; and (D) includes all provisions
18 required under this subsection (h); if the Illinois Power
19 Agency does not approve of the SNG pricing formula, then
20 the Illinois Power Agency shall modify the formula to
21 ensure that it meets the requirements of this subsection
22 (h);

23 (3) review and approve the amount of budgeted
24 miscellaneous net revenue after cost allowance, including
25 sale of SNG produced by the clean coal SNG facility above
26 the nameplate capacity of the facility and other

1 by-products produced by the facility, to be included in the
2 pricing formula; the Illinois Power Agency shall approve
3 the amount of budgeted miscellaneous net revenue to be
4 included in the pricing formula if it determines the
5 budgeted amount to be reasonable and accurate;

6 (4) review and confirm in writing that using the EIA
7 Annual Energy Outlook-2011 Henry Hub Spot Price, the
8 contract terms set out in subsection (h), the
9 reconciliation account terms as set out in subsection
10 (h-15), and an estimated inflation rate of 2.5% for each
11 corresponding year, that there will be no cumulative
12 estimated increase for residential customers; and

13 (5) allocate the nameplate capacity of the clean coal
14 SNG by total therms sold to ultimate customers by each gas
15 utility in 2008; provided, however, no utility shall be
16 required to purchase more than 42% of the projected annual
17 output of the facility; additionally, the Illinois Power
18 Agency shall further adjust the allocation only as required
19 to take into account (A) adverse consolidation,
20 derivative, or lease impacts to the balance sheet or income
21 statement of any gas utility or (B) the physical capacity
22 of the gas utility to accept SNG.

23 If the parties to the contract do not agree on the terms
24 therein, then the Illinois Power Agency shall retain an
25 independent mediator to mediate the dispute between the
26 parties. If the parties are in agreement on the terms of the

1 contract, then the Illinois Power Agency shall approve the
2 contract. If after mediation the parties have failed to come to
3 agreement, then the Illinois Power Agency shall revise the
4 draft contract as necessary to confirm that the contract
5 contains only terms that are reasonable and equitable. The
6 Illinois Power Agency may, in its discretion, retain an
7 independent, qualified, and experienced expert to assist in its
8 obligations under this subsection (h). The Illinois Power
9 Agency shall adopt and make public policies detailing the
10 processes for retaining a mediator and an expert under this
11 subsection (h). Any mediator or expert retained under this
12 subsection (h) shall be retained no later than 60 days after
13 August 2, 2011.

14 The Illinois Power Agency shall complete all of its
15 responsibilities under this subsection (h) within 60 days after
16 August 2, 2011. The clean coal SNG facility shall pay a
17 reasonable fee as required by the Illinois Power Agency for its
18 services under this subsection (h) and shall pay the mediator's
19 and expert's reasonable fees, if any. A gas utility and its
20 customers shall have no obligation to reimburse the clean coal
21 SNG facility or the Illinois Power Agency of any such costs.

22 Within 30 days after commercial production of SNG has
23 begun, the Commission shall initiate a review to determine
24 whether the final capitalized plant cost of the clean coal SNG
25 facility reflects actual incurred costs and whether the
26 incurred costs were reasonable. In determining the actual

1 incurred costs included in the final capitalized plant cost and
2 the reasonableness of those costs, the Commission may in its
3 discretion retain independent, qualified, and experienced
4 experts to assist in its determination. The expert shall not
5 own or control any direct or indirect interest in the clean
6 coal SNG facility and shall have no contractual relationship
7 with the clean coal SNG facility. If an expert is retained by
8 the Commission, then the clean coal SNG facility shall pay the
9 expert's reasonable fees. The fees shall not be passed on to a
10 utility or its customers. The Commission shall adopt and make
11 public a policy detailing the process for retaining experts
12 under this subsection (h).

13 Within 30 days after completion of its review, the
14 Commission shall initiate a formal proceeding on the final
15 capitalized plant cost of the clean coal SNG facility at which
16 comments and testimony may be submitted by any interested
17 parties and the public. If the Commission finds that the final
18 capitalized plant cost includes costs that were not actually
19 incurred or costs that were unreasonably incurred, then the
20 Commission shall disallow the amount of non-incurred or
21 unreasonable costs from the SNG price under contracts entered
22 into under this subsection (h). If the Commission disallows any
23 costs, then the Commission shall adjust the SNG price using the
24 price formula in the contract approved by the Illinois Power
25 Agency under this subsection (h) to reflect the disallowed
26 costs and shall enter an order specifying the revised price. In

1 addition, the Commission's order shall direct the clean coal
2 SNG facility to issue refunds of such sums as shall represent
3 the difference between actual gross revenues and the gross
4 revenue that would have been obtained based upon the same
5 volume, from the price revised by the Commission. Any refund
6 shall include interest calculated at a rate determined by the
7 Commission and shall be returned according to procedures
8 prescribed by the Commission.

9 Nothing in this subsection (h) shall preclude any party
10 affected by a decision of the Commission under this subsection
11 (h) from seeking judicial review of the Commission's decision.

12 (h-1) Any Illinois gas utility may enter into a sourcing
13 agreement for up to 30 years of supply with the clean coal SNG
14 brownfield facility if the clean coal SNG brownfield facility
15 has commenced construction. Any gas utility that is providing
16 service to more than 150,000 customers on July 13, 2011 (the
17 effective date of Public Act 97-096) shall either elect to file
18 biennial rate proceedings before the Commission in the years
19 2012, 2014, and 2016 or enter into a sourcing agreement or
20 sourcing agreements with a clean coal SNG brownfield facility
21 with an initial term of 30 years for either (i) a percentage of
22 43,500,000,000 cubic feet per year, such that the utilities
23 entering into sourcing agreements with the clean coal SNG
24 brownfield facility purchase 100%, allocated by total therms
25 sold to ultimate customers by each gas utility in 2008 or (ii)
26 such lesser amount as may be available from the clean coal SNG

1 brownfield facility; provided that no utility shall be required
2 to purchase more than 42% of the projected annual output of the
3 clean coal SNG brownfield facility, with the remainder of such
4 utility's obligation to be divided proportionately between the
5 other utilities, and provided that the Illinois Power Agency
6 shall further adjust the allocation only as required to take
7 into account adverse consolidation, derivative, or lease
8 impacts to the balance sheet or income statement of any gas
9 utility.

10 A gas utility electing to file biennial rate proceedings
11 before the Commission must file a notice of its election with
12 the Commission within 60 days after July 13, 2011 or its right
13 to make the election is irrevocably waived. A gas utility
14 electing to file biennial rate proceedings shall make such
15 filings no later than August 1 of the years 2012, 2014, and
16 2016, consistent with all requirements of 83 Ill. Adm. Code 255
17 and 285 as though the gas utility were filing for an increase
18 in its rates, without regard to whether such filing would
19 produce an increase, a decrease, or no change in the gas
20 utility's rates, and notwithstanding any other provisions of
21 this Act, the Commission shall fully review the gas utility's
22 filing and shall issue its order in accordance with the
23 provisions of Section 9-201 of this Act, regardless of whether
24 the Commission has approved a formula rate for the gas utility.

25 Within 15 days after July 13, 2011, the owner of the clean
26 coal SNG brownfield facility shall submit to the Illinois Power

1 Agency and each gas utility that is providing service to more
2 than 150,000 customers on July 13, 2011 a copy of a draft
3 sourcing agreement. Within 45 days after receipt of the draft
4 sourcing agreement, each such gas utility shall provide the
5 Illinois Power Agency and the owner of a clean coal SNG
6 brownfield facility with its comments and recommended
7 revisions to the draft sourcing agreement. Within 15 days after
8 the receipt of the gas utility's comments and recommended
9 revisions, the owner of the clean coal SNG brownfield facility
10 shall submit its responsive comments and a further revised
11 draft of the sourcing agreement to the Illinois Power Agency.
12 The Illinois Power Agency shall review the draft sourcing
13 agreement and comments.

14 If the parties to the sourcing agreement do not agree on
15 the terms therein, then the Illinois Power Agency shall retain
16 an independent mediator to mediate the dispute between the
17 parties. If the parties are in agreement on the terms of the
18 sourcing agreement, the Illinois Power Agency shall approve the
19 final draft sourcing agreement. If after mediation the parties
20 have failed to come to agreement, then the Illinois Power
21 Agency shall revise the draft sourcing agreement as necessary
22 to confirm that the final draft sourcing agreement contains
23 only terms that are reasonable and equitable. The Illinois
24 Power Agency shall adopt and make public a policy detailing the
25 process for retaining a mediator under this subsection (h-1).
26 Any mediator retained to assist with mediating disputes between

1 the parties regarding the sourcing agreement shall be retained
2 no later than 60 days after July 13, 2011.

3 Upon approval of a final draft agreement, the Illinois
4 Power Agency shall submit the final draft agreement to the
5 Capital Development Board and the Commission no later than 90
6 days after July 13, 2011. The gas utility and the clean coal
7 SNG brownfield facility shall pay a reasonable fee as required
8 by the Illinois Power Agency for its services under this
9 subsection (h-1) and shall pay the mediator's reasonable fees,
10 if any. The Illinois Power Agency shall adopt and make public a
11 policy detailing the process for retaining a mediator under
12 this Section.

13 The sourcing agreement between a gas utility and the clean
14 coal SNG brownfield facility shall contain the following
15 provisions:

16 (1) Any and all coal used in the gasification process
17 must be coal that has high volatile bituminous rank and
18 greater than 1.7 pounds of sulfur per million Btu content.

19 (2) Coal and petroleum coke are feedstocks for the
20 gasification process, with coal comprising at least 50% of
21 the total feedstock over the term of the sourcing agreement
22 unless the facility reasonably determines that it is
23 necessary to use additional petroleum coke to deliver net
24 consumer savings, in which case the facility shall use coal
25 for at least 35% of the total feedstock over the term of
26 any sourcing agreement and with the feedstocks to be

1 procured in accordance with requirements of Section 1-78 of
2 the Illinois Power Agency Act.

3 (3) The sourcing agreement has an initial term that
4 once entered into terminates no more than 30 years after
5 the commencement of the commercial production of SNG at the
6 clean coal SNG brownfield facility.

7 (4) The clean coal SNG brownfield facility guarantees a
8 minimum of \$100,000,000 in consumer savings to customers of
9 the utilities that have entered into sourcing agreements
10 with the clean coal SNG brownfield facility, calculated in
11 real 2010 dollars at the conclusion of the term of the
12 sourcing agreement by comparing the delivered SNG price to
13 the Chicago City-gate price on a weighted daily basis for
14 each day over the entire term of the sourcing agreement, to
15 be provided in accordance with subsection (h-2) of this
16 Section.

17 (5) Prior to the clean coal SNG brownfield facility
18 issuing a notice to proceed to construction, the clean coal
19 SNG brownfield facility shall establish a consumer
20 protection reserve account for the benefit of the customers
21 of the utilities that have entered into sourcing agreements
22 with the clean coal SNG brownfield facility pursuant to
23 this subsection (h-1), with cash principal in the amount of
24 \$150,000,000. This cash principal shall only be
25 recoverable through the consumer protection reserve
26 account and not as a cost to be recovered in the delivered

1 SNG price pursuant to subsection (h-3) of this Section. The
2 consumer protection reserve account shall be maintained
3 and administered by an independent trustee that is mutually
4 agreed upon by the clean coal SNG brownfield facility, the
5 utilities, and the Commission in an interest-bearing
6 account in accordance with subsection (h-2) of this
7 Section.

8 "Consumer protection reserve account principal maximum
9 amount" shall mean the maximum amount of principal to be
10 maintained in the consumer protection reserve account.
11 During the first 2 years of operation of the facility,
12 there shall be no consumer protection reserve account
13 maximum amount. After the first 2 years of operation of the
14 facility, the consumer protection reserve account maximum
15 amount shall be \$150,000,000. After 5 years of operation,
16 and every 5 years thereafter, the trustee shall calculate
17 the 5-year average balance of the consumer protection
18 reserve account. If the trustee determines that during the
19 prior 5 years the consumer protection reserve account has
20 had an average account balance of less than \$75,000,000,
21 then the consumer protection reserve account principal
22 maximum amount shall be increased by \$5,000,000. If the
23 trustee determines that during the prior 5 years the
24 consumer protection reserve account has had an average
25 account balance of more than \$75,000,000, then the consumer
26 protection reserve account principal maximum amount shall

1 be decreased by \$5,000,000.

2 (6) The clean coal SNG brownfield facility shall
3 identify and sell economically viable by-products produced
4 by the facility.

5 (7) Fifty percent of all additional net revenue,
6 defined as miscellaneous net revenue from products
7 produced by the facility and delivered during the month
8 after cost allowance for costs associated with additional
9 net revenue that are not otherwise recoverable pursuant to
10 subsection (h-3) of this Section, including net revenue
11 from sales of substitute natural gas derived from the
12 facility above the nameplate capacity of the facility and
13 other by-products produced by the facility, shall be
14 credited to the consumer protection reserve account
15 pursuant to subsection (h-2) of this Section.

16 (8) The delivered SNG price per million btu to be paid
17 monthly by the utility to the clean coal SNG brownfield
18 facility, which shall be based only upon the following: (A)
19 a capital recovery charge, operations and maintenance
20 costs, and sequestration costs, only to the extent approved
21 by the Commission pursuant to paragraphs (1), (2), and (3)
22 of subsection (h-3) of this Section; (B) the actual
23 delivered and processed fuel costs pursuant to paragraph
24 (4) of subsection (h-3) of this Section; (C) actual costs
25 of SNG transportation pursuant to paragraph (6) of
26 subsection (h-3) of this Section; (D) certain taxes and

1 fees imposed by the federal government, the State, or any
2 unit of local government as provided in paragraph (6) of
3 subsection (h-3) of this Section; and (E) the credit, if
4 any, from the consumer protection reserve account pursuant
5 to subsection (h-2) of this Section. The delivered SNG
6 price per million Btu shall proportionately reflect these
7 elements over the term of the sourcing agreement.

8 (9) A formula to translate the recoverable costs and
9 charges under subsection (h-3) of this Section into the
10 delivered SNG price per million btu.

11 (10) Title to the SNG shall pass at a mutually
12 agreeable point in Illinois, and may provide that, rather
13 than the utility taking title to the SNG, a mutually agreed
14 upon third-party gas marketer pursuant to a contract
15 approved by the Illinois Power Agency or its designee may
16 take title to the SNG pursuant to an agreement between the
17 utility, the owner of the clean coal SNG brownfield
18 facility, and the third-party gas marketer.

19 (11) A utility may exit the sourcing agreement without
20 penalty if the clean coal SNG brownfield facility does not
21 commence construction by July 1, 2015.

22 (12) A utility is responsible to pay only the
23 Commission determined unit price cost of SNG that is
24 purchased by the utility. Nothing in the sourcing agreement
25 will obligate a utility to invest capital in a clean coal
26 SNG brownfield facility.

1 (13) The quality of SNG must, at a minimum, be
2 equivalent to the quality required for interstate pipeline
3 gas before a utility is required to accept and pay for SNG
4 gas.

5 (14) Nothing in the sourcing agreement will require a
6 utility to construct any facilities to accept delivery of
7 SNG. Provided, however, if a utility is required by law or
8 otherwise elects to connect the clean coal SNG brownfield
9 facility to an interstate pipeline, then the utility shall
10 be entitled to recover pursuant to its tariffs all just and
11 reasonable costs that are prudently incurred. Any costs
12 incurred by the utility to receive, deliver, manage, or
13 otherwise accommodate purchases under the SNG sourcing
14 agreement will be fully recoverable through a utility's
15 purchased gas adjustment clause rider mechanism in
16 conjunction with a SNG brownfield facility rider
17 mechanism. The SNG brownfield facility rider mechanism (A)
18 shall be applicable to all customers who receive
19 transportation service from the utility, (B) shall be
20 designed to have an equal percent impact on the
21 transportation services rates of each class of the
22 utility's customers, and (C) shall accurately reflect the
23 net consumer savings, if any, and above-market costs, if
24 any, associated with the utility receiving, delivering,
25 managing, or otherwise accommodating purchases under the
26 SNG sourcing agreement.

1 (15) Remedies for the clean coal SNG brownfield
2 facility's failure to deliver a designated amount for a
3 designated period.

4 (16) The clean coal SNG brownfield facility shall make
5 a good faith effort to ensure that an amount equal to not
6 less than 15% of the value of its prime construction
7 contract for the facility shall be established as a goal to
8 be awarded to minority owned businesses, female owned
9 businesses, and businesses owned by a person with a
10 disability; provided that at least 75% of the amount of
11 such total goal shall be for minority owned businesses.
12 "Minority owned business", "female owned business", and
13 "business owned by a person with a disability" shall have
14 the meanings ascribed to them in Section 2 of the Business
15 Enterprise for Minorities, Females and Persons with
16 Disabilities Act.

17 (17) Prior to the clean coal SNG brownfield facility
18 issuing a notice to proceed to construction, the clean coal
19 SNG brownfield facility shall file with the Commission a
20 certificate from an independent engineer that the clean
21 coal SNG brownfield facility has (A) obtained all
22 applicable State and federal environmental permits
23 required for construction; (B) obtained approval from the
24 Commission of a carbon capture and sequestration plan; and
25 (C) obtained all necessary permits required for
26 construction for the transportation and sequestration of

1 carbon dioxide as set forth in the Commission-approved
2 carbon capture and sequestration plan.

3 (h-2) Consumer protection reserve account. The clean coal
4 SNG brownfield facility shall guarantee a minimum of
5 \$100,000,000 in consumer savings to customers of the utilities
6 that have entered into sourcing agreements with the clean coal
7 SNG brownfield facility, calculated in real 2010 dollars at the
8 conclusion of the term of the sourcing agreement by comparing
9 the delivered SNG price to the Chicago City-gate price on a
10 weighted daily basis for each day over the entire term of the
11 sourcing agreement. Prior to the clean coal SNG brownfield
12 facility issuing a notice to proceed to construction, the clean
13 coal SNG brownfield facility shall establish a consumer
14 protection reserve account for the benefit of the retail
15 customers of the utilities that have entered into sourcing
16 agreements with the clean coal SNG brownfield facility pursuant
17 to subsection (h-1), with cash principal in the amount of
18 \$150,000,000. Such cash principal shall only be recovered
19 through the consumer protection reserve account and not as a
20 cost to be recovered in the delivered SNG price pursuant to
21 subsection (h-3) of this Section. The consumer protection
22 reserve account shall be maintained and administered by an
23 independent trustee that is mutually agreed upon by the clean
24 coal SNG brownfield facility, the utilities, and the Commission
25 in an interest-bearing account in accordance with the
26 following:

1 (1) The clean coal SNG brownfield facility monthly
2 shall calculate (A) the difference between the monthly
3 delivered SNG price and the Chicago City-gate price, by
4 comparing the delivered SNG price, which shall include the
5 cost of transportation to the delivery point, if any, to
6 the Chicago City-gate price on a weighted daily basis for
7 each day of the prior month based upon a mutually agreed
8 upon published index and (B) the overage amount, if any, by
9 calculating the annualized incremental additional cost, if
10 any, of the delivered SNG in excess of 2.015% of the
11 average annual inflation-adjusted amounts paid by all gas
12 distribution customers in connection with natural gas
13 service during the 5 years ending May 31, 2010.

14 (2) During the first 2 years of operation of the
15 facility:

16 (A) to the extent there is an overage amount, the
17 consumer protection reserve account shall be used to
18 provide a credit to reduce the SNG price by an amount
19 equal to the overage amount; and

20 (B) to the extent the monthly delivered SNG price
21 is less than or equal to the Chicago City-gate price,
22 the utility shall credit the difference between the
23 monthly delivered SNG price and the monthly Chicago
24 City-gate price, if any, to the consumer protection
25 reserve account. Such credit issued pursuant to this
26 paragraph (B) shall be deemed prudent and reasonable

1 and not subject to a Commission prudence review;

2 (3) After 2 years of operation of the facility, and
3 monthly, on an on-going basis, thereafter:

4 (A) to the extent that the monthly delivered SNG
5 price is less than or equal to the Chicago City-gate
6 price, calculated using the weighted average of the
7 daily Chicago City-gate price on a daily basis over the
8 entire month, the utility shall credit the difference,
9 if any, to the consumer protection reserve account.
10 Such credit issued pursuant to this subparagraph (A)
11 shall be deemed prudent and reasonable and not subject
12 to a Commission prudence review;

13 (B) any amounts in the consumer protection reserve
14 account in excess of the consumer protection reserve
15 account principal maximum amount shall be distributed
16 as follows: (i) if retail customers have not realized
17 net consumer savings, calculated by comparing the
18 delivered SNG price to the weighted average of the
19 daily Chicago City-gate price on a daily basis over the
20 entire term of the sourcing agreement to date, then 50%
21 of any amounts in the consumer protection reserve
22 account in excess of the consumer protection reserve
23 account principal maximum shall be distributed to the
24 clean coal SNG brownfield facility, with the remaining
25 50% of any such additional amounts being credited to
26 retail customers, and (ii) if retail customers have

1 realized net consumer savings, then 100% of any amounts
2 in the consumer protection reserve account in excess of
3 the consumer protection reserve account principal
4 maximum shall be distributed to the clean coal SNG
5 brownfield facility; provided, however, that under no
6 circumstances shall the total cumulative amount
7 distributed to the clean coal SNG brownfield facility
8 under this subparagraph (B) exceed \$150,000,000;

9 (C) to the extent there is an overage amount, after
10 distributing the amounts pursuant to subparagraph (B)
11 of this paragraph (3), if any, the consumer protection
12 reserve account shall be used to provide a credit to
13 reduce the SNG price by an amount equal to the overage
14 amount;

15 (D) if retail customers have realized net consumer
16 savings, calculated by comparing the delivered SNG
17 price to the weighted average of the daily Chicago
18 City-gate price on a daily basis over the entire term
19 of the sourcing agreement to date, then after
20 distributing the amounts pursuant to subparagraphs (B)
21 and (C) of this paragraph (3), 50% of any additional
22 amounts in the consumer protection reserve account in
23 excess of the consumer protection reserve account
24 principal maximum shall be distributed to the clean
25 coal SNG brownfield facility, with the remaining 50% of
26 any such additional amounts being credited to retail

1 customers; provided, however, that if retail customers
2 have not realized such net consumer savings, no such
3 distribution shall be made to the clean coal SNG
4 brownfield facility, and 100% of such additional
5 amounts shall be credited to the retail customers to
6 the extent the consumer protection reserve account
7 exceeds the consumer protection reserve account
8 principal maximum amount.

9 (4) Fifty percent of all additional net revenue,
10 defined as miscellaneous net revenue after cost allowance
11 for costs associated with additional net revenue that are
12 not otherwise recoverable pursuant to subsection (h-3) of
13 this Section, including net revenue from sales of
14 substitute natural gas derived from the facility above the
15 nameplate capacity of the facility and other by-products
16 produced by the facility, shall be credited to the consumer
17 protection reserve account.

18 (5) At the conclusion of the term of the sourcing
19 agreement, to the extent retail customers have not saved
20 the minimum of \$100,000,000 in consumer savings as
21 guaranteed in this subsection (h-2), amounts in the
22 consumer protection reserve account shall be credited to
23 retail customers to the extent the retail customers have
24 saved the minimum of \$100,000,000; 50% of any additional
25 amounts in the consumer protection reserve account shall be
26 distributed to the company, and the remaining 50% shall be

1 distributed to retail customers.

2 (6) If, at the conclusion of the term of the sourcing
3 agreement, the customers have not saved the minimum
4 \$100,000,000 in savings as guaranteed in this subsection
5 (h-2) and the consumer protection reserve account has been
6 depleted, then the clean coal SNG brownfield facility shall
7 be liable for any remaining amount owed to the retail
8 customers to the extent that the customers are provided
9 with the \$100,000,000 in savings as guaranteed in this
10 subsection (h-2). The retail customers shall have first
11 priority in recovering that debt above any creditors,
12 except the original senior secured lender to the extent
13 that the original senior secured lender has any senior
14 secured debt outstanding, including any clean coal SNG
15 brownfield facility parent companies or affiliates.

16 (7) The clean coal SNG brownfield facility, the
17 utilities, and the trustee shall work together to take
18 commercially reasonable steps to minimize the tax impact of
19 these transactions, while preserving the consumer
20 benefits.

21 (8) The clean coal SNG brownfield facility shall each
22 month, starting in the facility's first year of commercial
23 operation, file with the Commission, in such form as the
24 Commission shall require, a report as to the consumer
25 protection reserve account. The monthly report must
26 contain the following information:

1 (A) the extent the monthly delivered SNG price is
2 greater than, less than, or equal to the Chicago
3 City-gate price;

4 (B) the amount credited or debited to the consumer
5 protection reserve account during the month;

6 (C) the amounts credited to consumers and
7 distributed to the clean coal SNG brownfield facility
8 during the month;

9 (D) the total amount of the consumer protection
10 reserve account at the beginning and end of the month;

11 (E) the total amount of consumer savings to date;

12 (F) a confidential summary of the inputs used to
13 calculate the additional net revenue; and

14 (G) any other additional information the
15 Commission shall require.

16 When any report is erroneous or defective or appears to
17 the Commission to be erroneous or defective, the Commission
18 may notify the clean coal SNG brownfield facility to amend
19 the report within 30 days, and, before or after the
20 termination of the 30-day period, the Commission may
21 examine the trustee of the consumer protection reserve
22 account or the officers, agents, employees, books,
23 records, or accounts of the clean coal SNG brownfield
24 facility and correct such items in the report as upon such
25 examination the Commission may find defective or
26 erroneous. All reports shall be under oath.

1 All reports made to the Commission by the clean coal
2 SNG brownfield facility and the contents of the reports
3 shall be open to public inspection and shall be deemed a
4 public record under the Freedom of Information Act. Such
5 reports shall be preserved in the office of the Commission.
6 The Commission shall publish an annual summary of the
7 reports prior to February 1 of the following year. The
8 annual summary shall be made available to the public on the
9 Commission's website and shall be submitted to the General
10 Assembly.

11 Any facility that fails to file a report required under
12 this paragraph (8) to the Commission within the time
13 specified or to make specific answer to any question
14 propounded by the Commission within 30 days from the time
15 it is lawfully required to do so, or within such further
16 time not to exceed 90 days as may in its discretion be
17 allowed by the Commission, shall pay a penalty of \$500 to
18 the Commission for each day it is in default.

19 Any person who willfully makes any false report to the
20 Commission or to any member, officer, or employee thereof,
21 any person who willfully in a report withholds or fails to
22 provide material information to which the Commission is
23 entitled under this paragraph (8) and which information is
24 either required to be filed by statute, rule, regulation,
25 order, or decision of the Commission or has been requested
26 by the Commission, and any person who willfully aids or

1 abets such person shall be guilty of a Class A misdemeanor.

2 (h-3) Recoverable costs and revenue by the clean coal SNG
3 brownfield facility.

4 (1) A capital recovery charge approved by the
5 Commission shall be recoverable by the clean coal SNG
6 brownfield facility under a sourcing agreement. The
7 capital recovery charge shall be comprised of capital costs
8 and a reasonable rate of return. "Capital costs" means
9 costs to be incurred in connection with the construction
10 and development of a facility, as defined in Section 1-10
11 of the Illinois Power Agency Act, and such other costs as
12 the Capital Development Board deems appropriate to be
13 recovered in the capital recovery charge.

14 (A) Capital costs. The Capital Development Board
15 shall calculate a range of capital costs that it
16 believes would be reasonable for the clean coal SNG
17 brownfield facility to recover under the sourcing
18 agreement. In making this determination, the Capital
19 Development Board shall review the facility cost
20 report, if any, of the clean coal SNG brownfield
21 facility, adjusting the results based on the change in
22 the Annual Consumer Price Index for All Urban Consumers
23 for the Midwest Region as published in April by the
24 United States Department of Labor, Bureau of Labor
25 Statistics, the final draft of the sourcing agreement,
26 and the rate of return approved by the Commission. In

1 addition, the Capital Development Board may consult as
2 much as it deems necessary with the clean coal SNG
3 brownfield facility and conduct whatever research and
4 investigation it deems necessary.

5 The Capital Development Board shall retain an
6 engineering expert to assist in determining both the
7 range of capital costs and the range of operations and
8 maintenance costs that it believes would be reasonable
9 for the clean coal SNG brownfield facility to recover
10 under the sourcing agreement. Provided, however, that
11 such expert shall: (i) not have been involved in the
12 clean coal SNG brownfield facility's facility cost
13 report, if any, (ii) not own or control any direct or
14 indirect interest in the initial clean coal facility,
15 and (iii) have no contractual relationship with the
16 clean coal SNG brownfield facility. In order to qualify
17 as an independent expert, a person or company must
18 have:

19 (i) direct previous experience conducting
20 front-end engineering and design studies for
21 large-scale energy facilities and administering
22 large-scale energy operations and maintenance
23 contracts, which may be particularized to the
24 specific type of financing associated with the
25 clean coal SNG brownfield facility;

26 (ii) an advanced degree in economics,

1 mathematics, engineering, or a related area of
2 study;

3 (iii) ten years of experience in the energy
4 sector, including construction and risk management
5 experience;

6 (iv) expertise in assisting companies with
7 obtaining financing for large-scale energy
8 projects, which may be particularized to the
9 specific type of financing associated with the
10 clean coal SNG brownfield facility;

11 (v) expertise in operations and maintenance
12 which may be particularized to the specific type of
13 operations and maintenance associated with the
14 clean coal SNG brownfield facility;

15 (vi) expertise in credit and contract
16 protocols;

17 (vii) adequate resources to perform and
18 fulfill the required functions and
19 responsibilities; and

20 (viii) the absence of a conflict of interest
21 and inappropriate bias for or against an affected
22 gas utility or the clean coal SNG brownfield
23 facility.

24 The clean coal SNG brownfield facility and the
25 Illinois Power Agency shall cooperate with the Capital
26 Development Board in any investigation it deems

1 necessary. The Capital Development Board shall make
2 its final determination of the range of capital costs
3 confidentially and shall submit that range to the
4 Commission in a confidential filing within 120 days
5 after July 13, 2011 (the effective date of Public Act
6 97-096). The clean coal SNG brownfield facility shall
7 submit to the Commission its estimate of the capital
8 costs to be recovered under the sourcing agreement.
9 Only after the clean coal SNG brownfield facility has
10 submitted this estimate shall the Commission publicly
11 announce the range of capital costs submitted by the
12 Capital Development Board.

13 In the event that the estimate submitted by the
14 clean coal SNG brownfield facility is within or below
15 the range submitted by the Capital Development Board,
16 the clean coal SNG brownfield facility's estimate
17 shall be approved by the Commission as the amount of
18 capital costs to be recovered under the sourcing
19 agreement. In the event that the estimate submitted by
20 the clean coal SNG brownfield facility is above the
21 range submitted by the Capital Development Board, the
22 amount of capital costs at the lowest end of the range
23 submitted by the Capital Development Board shall be
24 approved by the Commission as the amount of capital
25 costs to be recovered under the sourcing agreement.
26 Within 15 days after the Capital Development Board has

1 submitted its range and the clean coal SNG brownfield
2 facility has submitted its estimate, the Commission
3 shall approve the capital costs for the clean coal SNG
4 brownfield facility.

5 The Capital Development Board shall monitor the
6 construction of the clean coal SNG brownfield facility
7 for the full duration of construction to assess
8 potential cost overruns. The Capital Development
9 Board, in its discretion, may retain an expert to
10 facilitate such monitoring. The clean coal SNG
11 brownfield facility shall pay a reasonable fee as
12 required by the Capital Development Board for the
13 Capital Development Board's services under this
14 subsection (h-3) to be deposited into the Capital
15 Development Board Revolving Fund, and such fee shall
16 not be passed through to a utility or its customers. If
17 an expert is retained by the Capital Development Board
18 for monitoring of construction, then the clean coal SNG
19 brownfield facility must pay for the expert's
20 reasonable fees and such costs shall not be passed
21 through to a utility or its customers.

22 (B) Rate of Return. No later than 30 days after the
23 date on which the Illinois Power Agency submits a final
24 draft sourcing agreement, the Commission shall hold a
25 public hearing to determine the rate of return to be
26 recovered under the sourcing agreement. Rate of return

1 shall be comprised of the clean coal SNG brownfield
2 facility's actual cost of debt, including
3 mortgage-style amortization, and a reasonable return
4 on equity. The Commission shall post notice of the
5 hearing on its website no later than 10 days prior to
6 the date of the hearing. The Commission shall provide
7 the public and all interested parties, including the
8 gas utilities, the Attorney General, and the Illinois
9 Power Agency, an opportunity to be heard.

10 In determining the return on equity, the
11 Commission shall select a commercially reasonable
12 return on equity taking into account the return on
13 equity being received by developers of similar
14 facilities in or outside of Illinois, the need to
15 balance an incentive for clean-coal technology with
16 the need to protect ratepayers from high gas prices,
17 the risks being borne by the clean coal SNG brownfield
18 facility in the final draft sourcing agreement, and any
19 other information that the Commission may deem
20 relevant. The Commission may establish a return on
21 equity that varies with the amount of savings, if any,
22 to customers during the term of the sourcing agreement,
23 comparing the delivered SNG price to a daily weighted
24 average price of natural gas, based upon an index. The
25 Illinois Power Agency shall recommend a return on
26 equity to the Commission using the same criteria.

1 Within 60 days after receiving the final draft sourcing
2 agreement from the Illinois Power Agency, the
3 Commission shall approve the rate of return for the
4 clean coal brownfield facility. Within 30 days after
5 obtaining debt financing for the clean coal SNG
6 brownfield facility, the clean coal SNG brownfield
7 facility shall file a notice with the Commission
8 identifying the actual cost of debt.

9 (2) Operations and maintenance costs approved by the
10 Commission shall be recoverable by the clean coal SNG
11 brownfield facility under the sourcing agreement. The
12 operations and maintenance costs mean costs that have been
13 incurred for the administration, supervision, operation,
14 maintenance, preservation, and protection of the clean
15 coal SNG brownfield facility's physical plant.

16 The Capital Development Board shall calculate a range
17 of operations and maintenance costs that it believes would
18 be reasonable for the clean coal SNG brownfield facility to
19 recover under the sourcing agreement, incorporating an
20 inflation index or combination of inflation indices to most
21 accurately reflect the actual costs of operating the clean
22 coal SNG brownfield facility. In making this
23 determination, the Capital Development Board shall review
24 the facility cost report, if any, of the clean coal SNG
25 brownfield facility, adjusting the results for inflation
26 based on the change in the Annual Consumer Price Index for

1 All Urban Consumers for the Midwest Region as published in
2 April by the United States Department of Labor, Bureau of
3 Labor Statistics, the final draft of the sourcing
4 agreement, and the rate of return approved by the
5 Commission. In addition, the Capital Development Board may
6 consult as much as it deems necessary with the clean coal
7 SNG brownfield facility and conduct whatever research and
8 investigation it deems necessary. As set forth in
9 subparagraph (A) of paragraph (1) of this subsection (h-3),
10 the Capital Development Board shall retain an independent
11 engineering expert to assist in determining both the range
12 of operations and maintenance costs that it believes would
13 be reasonable for the clean coal SNG brownfield facility to
14 recover under the sourcing agreement. The clean coal SNG
15 brownfield facility and the Illinois Power Agency shall
16 cooperate with the Capital Development Board in any
17 investigation it deems necessary. The Capital Development
18 Board shall make its final determination of the range of
19 operations and maintenance costs confidentially and shall
20 submit that range to the Commission in a confidential
21 filing within 120 days after July 13, 2011.

22 The clean coal SNG brownfield facility shall submit to
23 the Commission its estimate of the operations and
24 maintenance costs to be recovered under the sourcing
25 agreement. Only after the clean coal SNG brownfield
26 facility has submitted this estimate shall the Commission

1 publicly announce the range of operations and maintenance
2 costs submitted by the Capital Development Board. In the
3 event that the estimate submitted by the clean coal SNG
4 brownfield facility is within or below the range submitted
5 by the Capital Development Board, the clean coal SNG
6 brownfield facility's estimate shall be approved by the
7 Commission as the amount of operations and maintenance
8 costs to be recovered under the sourcing agreement. In the
9 event that the estimate submitted by the clean coal SNG
10 brownfield facility is above the range submitted by the
11 Capital Development Board, the amount of operations and
12 maintenance costs at the lowest end of the range submitted
13 by the Capital Development Board shall be approved by the
14 Commission as the amount of operations and maintenance
15 costs to be recovered under the sourcing agreement. Within
16 15 days after the Capital Development Board has submitted
17 its range and the clean coal SNG brownfield facility has
18 submitted its estimate, the Commission shall approve the
19 operations and maintenance costs for the clean coal SNG
20 brownfield facility.

21 The clean coal SNG brownfield facility shall pay for
22 the independent engineering expert's reasonable fees and
23 such costs shall not be passed through to a utility or its
24 customers. The clean coal SNG brownfield facility shall pay
25 a reasonable fee as required by the Capital Development
26 Board for the Capital Development Board's services under

1 this subsection (h-3) to be deposited into the Capital
2 Development Board Revolving Fund, and such fee shall not be
3 passed through to a utility or its customers.

4 (3) Sequestration costs approved by the Commission
5 shall be recoverable by the clean coal SNG brownfield
6 facility. "Sequestration costs" means costs to be incurred
7 by the clean coal SNG brownfield facility in accordance
8 with its Commission-approved carbon capture and
9 sequestration plan to:

10 (A) capture carbon dioxide;

11 (B) build, operate, and maintain a sequestration
12 site in which carbon dioxide may be injected;

13 (C) build, operate, and maintain a carbon dioxide
14 pipeline; and

15 (D) transport the carbon dioxide to the
16 sequestration site or a pipeline.

17 The Commission shall assess the prudence of the
18 sequestration costs for the clean coal SNG brownfield
19 facility before construction commences at the
20 sequestration site or pipeline. Any revenues the clean coal
21 SNG brownfield facility receives as a result of the
22 capture, transportation, or sequestration of carbon
23 dioxide shall be first credited against all sequestration
24 costs, with the positive balance, if any, treated as
25 additional net revenue.

26 The Commission may, in its discretion, retain an expert

1 to assist in its review of sequestration costs. The clean
2 coal SNG brownfield facility shall pay for the expert's
3 reasonable fees if an expert is retained by the Commission,
4 and such costs shall not be passed through to a utility or
5 its customers. Once made, the Commission's determination
6 of the amount of recoverable sequestration costs shall not
7 be increased unless the clean coal SNG brownfield facility
8 can show by clear and convincing evidence that (i) the
9 costs were not reasonably foreseeable; (ii) the costs were
10 due to circumstances beyond the clean coal SNG brownfield
11 facility's control; and (iii) the clean coal SNG brownfield
12 facility took all reasonable steps to mitigate the costs.
13 If the Commission determines that sequestration costs may
14 be increased, the Commission shall provide for notice and a
15 public hearing for approval of the increased sequestration
16 costs.

17 (4) Actual delivered and processed fuel costs shall be
18 set by the Illinois Power Agency through a SNG feedstock
19 procurement, pursuant to Sections 1-20, 1-77, and 1-78 of
20 the Illinois Power Agency Act, to be performed at least
21 every 5 years and purchased by the clean coal SNG
22 brownfield facility pursuant to feedstock procurement
23 contracts developed by the Illinois Power Agency, with coal
24 comprising at least 50% of the total feedstock over the
25 term of the sourcing agreement and petroleum coke
26 comprising the remainder of the SNG feedstock. If the

1 Commission fails to approve a feedstock procurement plan or
2 fails to approve the results of a feedstock procurement
3 event, then the fuel shall be purchased by the company
4 month-by-month on the spot market and those actual
5 delivered and processed fuel costs shall be recoverable
6 under the sourcing agreement. If a supplier defaults under
7 the terms of a procurement contract, then the Illinois
8 Power Agency shall immediately initiate a feedstock
9 procurement process to obtain a replacement supply, and,
10 prior to the conclusion of that process, fuel shall be
11 purchased by the company month-by-month on the spot market
12 and those actual delivered and processed fuel costs shall
13 be recoverable under the sourcing agreement.

14 (5) Taxes and fees imposed by the federal government,
15 the State, or any unit of local government applicable to
16 the clean coal SNG brownfield facility, excluding income
17 tax, shall be recoverable by the clean coal SNG brownfield
18 facility under the sourcing agreement to the extent such
19 taxes and fees were not applicable to the facility on July
20 13, 2011.

21 (6) The actual transportation costs, in accordance
22 with the applicable utility's tariffs, and third-party
23 marketer costs incurred by the company, if any, associated
24 with transporting the SNG from the clean coal SNG
25 brownfield facility to the Chicago City-gate to sell such
26 SNG into the natural gas markets shall be recoverable under

1 the sourcing agreement.

2 (7) Unless otherwise provided, within 30 days after a
3 decision of the Commission on recoverable costs under this
4 Section, any interested party to the Commission's decision
5 may apply for a rehearing with respect to the decision. The
6 Commission shall receive and consider the application for
7 rehearing and shall grant or deny the application in whole
8 or in part within 20 days after the date of the receipt of
9 the application by the Commission. If no rehearing is
10 applied for within the required 30 days or an application
11 for rehearing is denied, then the Commission decision shall
12 be final. If an application for rehearing is granted, then
13 the Commission shall hold a rehearing within 30 days after
14 granting the application. The decision of the Commission
15 upon rehearing shall be final.

16 Any person affected by a decision of the Commission
17 under this subsection (h-3) may have the decision reviewed
18 only under and in accordance with the Administrative Review
19 Law. Unless otherwise provided, the provisions of the
20 Administrative Review Law, all amendments and
21 modifications to that Law, and the rules adopted pursuant
22 to that Law shall apply to and govern all proceedings for
23 the judicial review of final administrative decisions of
24 the Commission under this subsection (h-3). The term
25 "administrative decision" is defined as in Section 3-101 of
26 the Code of Civil Procedure.

1 (8) The Capital Development Board shall adopt and make
2 public a policy detailing the process for retaining experts
3 under this Section. Any experts retained to assist with
4 calculating the range of capital costs or operations and
5 maintenance costs shall be retained no later than 45 days
6 after July 13, 2011.

7 (h-4) No later than 90 days after the Illinois Power Agency
8 submits the final draft sourcing agreement pursuant to
9 subsection (h-1), the Commission shall approve a sourcing
10 agreement containing (i) the capital costs, rate of return, and
11 operations and maintenance costs established pursuant to
12 subsection (h-3) and (ii) all other terms and conditions,
13 rights, provisions, exceptions, and limitations contained in
14 the final draft sourcing agreement; provided, however, the
15 Commission shall correct typographical and scrivener's errors
16 and modify the contract only as necessary to provide that the
17 gas utility does not have the right to terminate the sourcing
18 agreement due to any future events that may occur other than
19 the clean coal SNG brownfield facility's failure to timely meet
20 milestones, uncured default, extended force majeure, or
21 abandonment. Once the sourcing agreement is approved, then the
22 gas utility subject to that sourcing agreement shall have 45
23 days after the date of the Commission's approval to enter into
24 the sourcing agreement.

25 (h-5) Sequestration enforcement.

26 (A) All contracts entered into under subsection (h) of

1 this Section and all sourcing agreements under subsection
2 (h-1) of this Section, regardless of duration, shall
3 require the owner of any facility supplying SNG under the
4 contract or sourcing agreement to provide certified
5 documentation to the Commission each year, starting in the
6 facility's first year of commercial operation, accurately
7 reporting the quantity of carbon dioxide emissions from the
8 facility that have been captured and sequestered and
9 reporting any quantities of carbon dioxide released from
10 the site or sites at which carbon dioxide emissions were
11 sequestered in prior years, based on continuous monitoring
12 of those sites.

13 (B) If, in any year, the owner of the clean coal SNG
14 facility fails to demonstrate that the SNG facility
15 captured and sequestered at least 90% of the total carbon
16 dioxide emissions that the facility would otherwise emit or
17 that sequestration of emissions from prior years has
18 failed, resulting in the release of carbon dioxide into the
19 atmosphere, then the owner of the clean coal SNG facility
20 must pay a penalty of \$20 per ton of excess carbon dioxide
21 emissions not to exceed \$40,000,000, in any given year
22 which shall be deposited into the Energy Efficiency Trust
23 Fund and distributed pursuant to subsection (b) of Section
24 6-6 of the Renewable Energy, Energy Efficiency, and Coal
25 Resources Development Law of 1997. On or before the 5-year
26 anniversary of the execution of the contract and every 5

1 years thereafter, an expert hired by the owner of the
2 facility with the approval of the Attorney General shall
3 conduct an analysis to determine the cost of sequestration
4 of at least 90% of the total carbon dioxide emissions the
5 plant would otherwise emit. If the analysis shows that the
6 actual annual cost is greater than the penalty, then the
7 penalty shall be increased to equal the actual cost.
8 Provided, however, to the extent that the owner of the
9 facility described in subsection (h) of this Section can
10 demonstrate that the failure was as a result of acts of God
11 (including fire, flood, earthquake, tornado, lightning,
12 hurricane, or other natural disaster); any amendment,
13 modification, or abrogation of any applicable law or
14 regulation that would prevent performance; war; invasion;
15 act of foreign enemies; hostilities (regardless of whether
16 war is declared); civil war; rebellion; revolution;
17 insurrection; military or usurped power or confiscation;
18 terrorist activities; civil disturbance; riots;
19 nationalization; sabotage; blockage; or embargo, the owner
20 of the facility described in subsection (h) of this Section
21 shall not be subject to a penalty if and only if (i) it
22 promptly provides notice of its failure to the Commission;
23 (ii) as soon as practicable and consistent with any order
24 or direction from the Commission, it submits to the
25 Commission proposed modifications to its carbon capture
26 and sequestration plan; and (iii) it carries out its

1 proposed modifications in the manner and time directed by
2 the Commission.

3 If the Commission finds that the facility has not
4 satisfied each of these requirements, then the facility
5 shall be subject to the penalty. If the owner of the clean
6 coal SNG facility captured and sequestered more than 90% of
7 the total carbon dioxide emissions that the facility would
8 otherwise emit, then the owner of the facility may credit
9 such additional amounts to reduce the amount of any future
10 penalty to be paid. The penalty resulting from the failure
11 to capture and sequester at least the minimum amount of
12 carbon dioxide shall not be passed on to a utility or its
13 customers.

14 If the clean coal SNG facility fails to meet the
15 requirements specified in this subsection (h-5), then the
16 Attorney General, on behalf of the People of the State of
17 Illinois, shall bring an action to enforce the obligations
18 related to the facility set forth in this subsection (h-5),
19 including any penalty payments owed, but not including the
20 physical obligation to capture and sequester at least 90%
21 of the total carbon dioxide emissions that the facility
22 would otherwise emit. Such action may be filed in any
23 circuit court in Illinois. By entering into a contract
24 pursuant to subsection (h) of this Section, the clean coal
25 SNG facility agrees to waive any objections to venue or to
26 the jurisdiction of the court with regard to the Attorney

1 General's action under this subsection (h-5).

2 Compliance with the sequestration requirements and any
3 penalty requirements specified in this subsection (h-5)
4 for the clean coal SNG facility shall be assessed annually
5 by the Commission, which may in its discretion retain an
6 expert to facilitate its assessment. If any expert is
7 retained by the Commission, then the clean coal SNG
8 facility shall pay for the expert's reasonable fees, and
9 such costs shall not be passed through to the utility or
10 its customers.

11 In addition, carbon dioxide emission credits received
12 by the clean coal SNG facility in connection with
13 sequestration of carbon dioxide from the facility must be
14 sold in a timely fashion with any revenue, less applicable
15 fees and expenses and any expenses required to be paid by
16 facility for carbon dioxide transportation or
17 sequestration, deposited into the reconciliation account
18 within 30 days after receipt of such funds by the owner of
19 the clean coal SNG facility.

20 The clean coal SNG facility is prohibited from
21 transporting or sequestering carbon dioxide unless the
22 owner of the carbon dioxide pipeline that transfers the
23 carbon dioxide from the facility and the owner of the
24 sequestration site where the carbon dioxide captured by the
25 facility is stored has acquired all applicable permits
26 under applicable State and federal laws, statutes, rules,

1 or regulations prior to the transfer or sequestration of
2 carbon dioxide. The responsibility for compliance with the
3 sequestration requirements specified in this subsection
4 (h-5) for the clean coal SNG facility shall reside solely
5 with the clean coal SNG facility, regardless of whether the
6 facility has contracted with another party to capture,
7 transport, or sequester carbon dioxide.

8 (C) If, in any year, the owner of a clean coal SNG
9 brownfield facility fails to demonstrate that the clean
10 coal SNG brownfield facility captured and sequestered at
11 least 85% of the total carbon dioxide emissions that the
12 facility would otherwise emit, then the owner of the clean
13 coal SNG brownfield facility must pay a penalty of \$20 per
14 ton of excess carbon emissions up to \$20,000,000, which
15 shall be deposited into the Energy Efficiency Trust Fund
16 and distributed pursuant to subsection (b) of Section 6-6
17 of the Renewable Energy, Energy Efficiency, and Coal
18 Resources Development Law of 1997. Provided, however, to
19 the extent that the owner of the clean coal SNG brownfield
20 facility can demonstrate that the failure was as a result
21 of acts of God (including fire, flood, earthquake, tornado,
22 lightning, hurricane, or other natural disaster); any
23 amendment, modification, or abrogation of any applicable
24 law or regulation that would prevent performance; war;
25 invasion; act of foreign enemies; hostilities (regardless
26 of whether war is declared); civil war; rebellion;

1 revolution; insurrection; military or usurped power or
2 confiscation; terrorist activities; civil disturbances;
3 riots; nationalization; sabotage; blockage; or embargo,
4 the owner of the clean coal SNG brownfield facility shall
5 not be subject to a penalty if and only if (i) it promptly
6 provides notice of its failure to the Commission; (ii) as
7 soon as practicable and consistent with any order or
8 direction from the Commission, it submits to the Commission
9 proposed modifications to its carbon capture and
10 sequestration plan; and (iii) it carries out its proposed
11 modifications in the manner and time directed by the
12 Commission. If the Commission finds that the facility has
13 not satisfied each of these requirements, then the facility
14 shall be subject to the penalty. If the owner of a clean
15 coal SNG brownfield facility demonstrates that the clean
16 coal SNG brownfield facility captured and sequestered more
17 than 85% of the total carbon emissions that the facility
18 would otherwise emit, the owner of the clean coal SNG
19 brownfield facility may credit such additional amounts to
20 reduce the amount of any future penalty to be paid. The
21 penalty resulting from the failure to capture and sequester
22 at least the minimum amount of carbon dioxide shall not be
23 passed on to a utility or its customers.

24 In addition to any penalty for the clean coal SNG
25 brownfield facility's failure to capture and sequester at
26 least its minimum sequestration requirement, the Attorney

1 General, on behalf of the People of the State of Illinois,
2 shall bring an action for specific performance of this
3 subsection (h-5). Such action may be filed in any circuit
4 court in Illinois. By entering into a sourcing agreement
5 pursuant to subsection (h-1) of this Section, the clean
6 coal SNG brownfield facility agrees to waive any objections
7 to venue or to the jurisdiction of the court with regard to
8 the Attorney General's action for specific performance
9 under this subsection (h-5).

10 Compliance with the sequestration requirements and
11 penalty requirements specified in this subsection (h-5)
12 for the clean coal SNG brownfield facility shall be
13 assessed annually by the Commission, which may in its
14 discretion retain an expert to facilitate its assessment.
15 If an expert is retained by the Commission, then the clean
16 coal SNG brownfield facility shall pay for the expert's
17 reasonable fees, and such costs shall not be passed through
18 to a utility or its customers. A SNG facility operating
19 pursuant to this subsection (h-5) shall not forfeit its
20 designation as a clean coal SNG facility or a clean coal
21 SNG brownfield facility if the facility fails to fully
22 comply with the applicable carbon sequestration
23 ~~sequestration~~ requirements in any given year, provided the
24 requisite offsets are purchased or requisite penalties are
25 paid.

26 Responsibility for compliance with the sequestration

1 requirements specified in this subsection (h-5) for the
2 clean coal SNG brownfield facility shall reside solely with
3 the clean coal SNG brownfield facility regardless of
4 whether the facility has contracted with another party to
5 capture, transport, or sequester carbon dioxide.

6 (h-7) Sequestration permitting, oversight, and
7 investigations.

8 (1) No clean coal facility or clean coal SNG brownfield
9 facility may transport or sequester carbon dioxide unless
10 the Commission approves the method of carbon dioxide
11 transportation or sequestration. Such approval shall be
12 required regardless of whether the facility has contracted
13 with another to transport or sequester the carbon dioxide.
14 Nothing in this subsection (h-7) shall release the owner or
15 operator of a carbon dioxide sequestration site or carbon
16 dioxide pipeline from any other permitting requirements
17 under applicable State and federal laws, statutes, rules,
18 or regulations.

19 (2) The Commission shall review carbon dioxide
20 transportation and sequestration methods proposed by a
21 clean coal facility or a clean coal SNG brownfield facility
22 and shall approve those methods it deems reasonable and
23 cost-effective. For purposes of this review,
24 "cost-effective" means a commercially reasonable price for
25 similar carbon dioxide transportation or sequestration
26 techniques. In determining whether sequestration is

1 reasonable and cost-effective, the Commission may consult
2 with the Illinois State Geological Survey and retain third
3 parties to assist in its determination, provided that such
4 third parties shall not own or control any direct or
5 indirect interest in the facility that is proposing the
6 carbon dioxide transportation or the carbon dioxide
7 sequestration method and shall have no contractual
8 relationship with that facility. If a third party is
9 retained by the Commission, then the facility proposing the
10 carbon dioxide transportation or sequestration method
11 shall pay for the expert's reasonable fees, and these costs
12 shall not be passed through to a utility or its customers.

13 No later than 6 months prior to the date upon which the
14 owner intends to commence construction of a clean coal
15 facility or the clean coal SNG brownfield facility, the
16 owner of the facility shall file with the Commission a
17 carbon dioxide transportation or sequestration plan. The
18 Commission shall hold a public hearing within 30 days after
19 receipt of the facility's carbon dioxide transportation or
20 sequestration plan. The Commission shall post notice of the
21 review on its website upon submission of a carbon dioxide
22 transportation or sequestration method and shall accept
23 written public comments. The Commission shall take the
24 comments into account when making its decision.

25 The Commission may not approve a carbon dioxide
26 sequestration method if the owner or operator of the

1 sequestration site has not received (i) an Underground
2 Injection Control permit from the United States
3 Environmental Protection Agency, or from the Illinois
4 Environmental Protection Agency pursuant to the
5 Environmental Protection Act; (ii) an Underground
6 Injection Control permit from the Illinois Department of
7 Natural Resources pursuant to the Illinois Oil and Gas Act;
8 or (iii) an Underground Injection Control permit from the
9 United States Environmental Protection Agency or a permit
10 similar to items (i) or (ii) from the state in which the
11 sequestration site is located if the sequestration will
12 take place outside of Illinois. The Commission shall
13 approve or deny the carbon dioxide transportation or
14 sequestration method within 90 days after the receipt of
15 all required information.

16 (3) At least annually, the Illinois Environmental
17 Protection Agency shall inspect all carbon dioxide
18 sequestration sites in Illinois. The Illinois
19 Environmental Protection Agency may, as often as deemed
20 necessary, monitor and conduct investigations of those
21 sites. The owner or operator of the sequestration site must
22 cooperate with the Illinois Environmental Protection
23 Agency investigations of carbon dioxide sequestration
24 sites.

25 If the Illinois Environmental Protection Agency
26 determines at any time a site creates conditions that

1 warrant the issuance of a seal order under Section 34 of
2 the Environmental Protection Act, then the Illinois
3 Environmental Protection Agency shall seal the site
4 pursuant to the Environmental Protection Act. If the
5 Illinois Environmental Protection Agency determines at any
6 time a carbon dioxide sequestration site creates
7 conditions that warrant the institution of a civil action
8 for an injunction under Section 43 of the Environmental
9 Protection Act, then the Illinois Environmental Protection
10 Agency shall request the State's Attorney or the Attorney
11 General institute such action. The Illinois Environmental
12 Protection Agency shall provide notice of any such actions
13 as soon as possible on its website. The SNG facility shall
14 incur all reasonable costs associated with any such
15 inspection or monitoring of the sequestration sites, and
16 these costs shall not be recoverable from utilities or
17 their customers.

18 (4) (Blank).

19 (h-9) The clean coal SNG brownfield facility shall have the
20 right to recover prudently incurred increased costs or reduced
21 revenue resulting from any new or amendatory legislation or
22 other action. The State of Illinois pledges that the State will
23 not enact any law or take any action to:

24 (1) break, or repeal the authority for, sourcing
25 agreements approved by the Commission and entered into
26 between public utilities and the clean coal SNG brownfield

1 facility;

2 (2) deny public utilities full cost recovery for their
3 costs incurred under those sourcing agreements; or

4 (3) deny the clean coal SNG brownfield facility full
5 cost and revenue recovery as provided under those sourcing
6 agreements that are recoverable pursuant to subsection
7 (h-3) of this Section.

8 These pledges are for the benefit of the parties to those
9 sourcing agreements and the issuers and holders of bonds or
10 other obligations issued or incurred to finance or refinance
11 the clean coal SNG brownfield facility. The clean coal SNG
12 brownfield facility is authorized to include and refer to these
13 pledges in any financing agreement into which it may enter in
14 regard to those sourcing agreements.

15 The State of Illinois retains and reserves all other rights
16 to enact new or amendatory legislation or take any other
17 action, without impairment of the right of the clean coal SNG
18 brownfield facility to recover prudently incurred increased
19 costs or reduced revenue resulting from the new or amendatory
20 legislation or other action, including, but not limited to,
21 such legislation or other action that would (i) directly or
22 indirectly raise the costs the clean coal SNG brownfield
23 facility must incur; (ii) directly or indirectly place
24 additional restrictions, regulations, or requirements on the
25 clean coal SNG brownfield facility; (iii) prohibit
26 sequestration in general or prohibit a specific sequestration

1 method or project; or (iv) increase minimum sequestration
2 requirements for the clean coal SNG brownfield facility to the
3 extent technically feasible. The clean coal SNG brownfield
4 facility shall have the right to recover prudently incurred
5 increased costs or reduced revenue resulting from the new or
6 amendatory legislation or other action as described in this
7 subsection (h-9).

8 (h-10) Contract costs for SNG incurred by an Illinois gas
9 utility are reasonable and prudent and recoverable through the
10 purchased gas adjustment clause and are not subject to review
11 or disallowance by the Commission. Contract costs are costs
12 incurred by the utility under the terms of a contract that
13 incorporates the terms stated in subsection (h) of this Section
14 as confirmed in writing by the Illinois Power Agency as set
15 forth in subsection (h) of this Section, which confirmation
16 shall be deemed conclusive, or as a consequence of or condition
17 to its performance under the contract, including (i) amounts
18 paid for SNG under the SNG contract and (ii) costs of
19 transportation and storage services of SNG purchased from
20 interstate pipelines under federally approved tariffs. The
21 Illinois gas utility shall initiate a clean coal SNG facility
22 rider mechanism that (A) shall be applicable to all customers
23 who receive transportation service from the utility, (B) shall
24 be designed to have an equal percentage impact on the
25 transportation services rates of each class of the utility's
26 total customers, and (C) shall accurately reflect the net

1 customer savings, if any, and above market costs, if any, under
2 the SNG contract. Any contract, the terms of which have been
3 confirmed in writing by the Illinois Power Agency as set forth
4 in subsection (h) of this Section and the performance of the
5 parties under such contract cannot be grounds for challenging
6 prudence or cost recovery by the utility through the purchased
7 gas adjustment clause, and in such cases, the Commission is
8 directed not to consider, and has no authority to consider, any
9 attempted challenges.

10 The contracts entered into by Illinois gas utilities
11 pursuant to subsection (h) of this Section shall provide that
12 the utility retains the right to terminate the contract without
13 further obligation or liability to any party if the contract
14 has been impaired as a result of any legislative,
15 administrative, judicial, or other governmental action that is
16 taken that eliminates all or part of the prudence protection of
17 this subsection (h-10) or denies the recoverability of all or
18 part of the contract costs through the purchased gas adjustment
19 clause. Should any Illinois gas utility exercise its right
20 under this subsection (h-10) to terminate the contract, all
21 contract costs incurred prior to termination are and will be
22 deemed reasonable, prudent, and recoverable as and when
23 incurred and not subject to review or disallowance by the
24 Commission. Any order, issued by the State requiring or
25 authorizing the discontinuation of the merchant function,
26 defined as the purchase and sale of natural gas by an Illinois

1 gas utility for the ultimate consumer in its service territory
2 shall include provisions necessary to prevent the impairment of
3 the value of any contract hereunder over its full term.

4 (h-11) All costs incurred by an Illinois gas utility in
5 procuring SNG from a clean coal SNG brownfield facility
6 pursuant to subsection (h-1) or a third-party marketer pursuant
7 to subsection (h-1) are reasonable and prudent and recoverable
8 through the purchased gas adjustment clause in conjunction with
9 a SNG brownfield facility rider mechanism and are not subject
10 to review or disallowance by the Commission; provided that if a
11 utility is required by law or otherwise elects to connect the
12 clean coal SNG brownfield facility to an interstate pipeline,
13 then the utility shall be entitled to recover pursuant to its
14 tariffs all just and reasonable costs that are prudently
15 incurred. Sourcing agreement costs are costs incurred by the
16 utility under the terms of a sourcing agreement that
17 incorporates the terms stated in subsection (h-1) of this
18 Section as approved by the Commission as set forth in
19 subsection (h-4) of this Section, which approval shall be
20 deemed conclusive, or as a consequence of or condition to its
21 performance under the contract, including (i) amounts paid for
22 SNG under the SNG contract and (ii) costs of transportation and
23 storage services of SNG purchased from interstate pipelines
24 under federally approved tariffs. Any sourcing agreement, the
25 terms of which have been approved by the Commission as set
26 forth in subsection (h-4) of this Section, and the performance

1 of the parties under the sourcing agreement cannot be grounds
2 for challenging prudence or cost recovery by the utility, and
3 in these cases, the Commission is directed not to consider, and
4 has no authority to consider, any attempted challenges.

5 (h-15) Reconciliation account. The clean coal SNG facility
6 shall establish a reconciliation account for the benefit of the
7 retail customers of the utilities that have entered into
8 contracts with the clean coal SNG facility pursuant to
9 subsection (h). The reconciliation account shall be maintained
10 and administered by an independent trustee that is mutually
11 agreed upon by the owners of the clean coal SNG facility, the
12 utilities, and the Commission in an interest-bearing account in
13 accordance with the following:

14 (1) The clean coal SNG facility shall conduct an
15 analysis annually within 60 days after receiving the
16 necessary cost information, which shall be provided by the
17 gas utility within 6 months after the end of the preceding
18 calendar year, to determine (i) the average annual contract
19 SNG cost, which shall be calculated as the total amount
20 paid for SNG purchased from the clean coal SNG facility
21 over the preceding 12 months, plus the cost to the utility
22 of the required transportation and storage services of SNG,
23 divided by the total number of MMBtus of SNG actually
24 purchased from the clean coal SNG facility in the preceding
25 12 months under the utility contract; (ii) the average
26 annual natural gas purchase cost, which shall be calculated

1 as the total annual supply costs paid for baseload natural
2 gas (excluding any SNG) purchased by such utility over the
3 preceding 12 months plus the costs of transportation and
4 storage services of such natural gas (excluding such costs
5 for SNG), divided by the total number of MMBtus of baseload
6 natural gas (excluding SNG) actually purchased by the
7 utility during the year; (iii) the cost differential, which
8 shall be the difference between the average annual contract
9 SNG cost and the average annual natural gas purchase cost;
10 and (iv) the revenue share target which shall be the cost
11 differential multiplied by the total amount of SNG
12 purchased over the preceding 12 months under such utility
13 contract.

14 (A) To the extent the annual average contract SNG
15 cost is less than the annual average natural gas
16 purchase cost, the utility shall credit an amount equal
17 to the revenue share target to the reconciliation
18 account. Such credit payment shall be made monthly
19 starting within 30 days after the completed analysis in
20 this subsection (h-15) and based on collections from
21 all customers via a line item charge in all customer
22 bills designed to have an equal percentage impact on
23 the transportation services of each class of
24 customers. Credit payments made pursuant to this
25 subparagraph (A) shall be deemed prudent and
26 reasonable and not subject to Commission prudence

1 review.

2 (B) To the extent the annual average contract SNG
3 cost is greater than the annual average natural gas
4 purchase cost, the reconciliation account shall be
5 used to provide a credit equal to the revenue share
6 target to the utilities to be used to reduce the
7 utility's natural gas costs through the purchased gas
8 adjustment clause. Such payment shall be made within 30
9 days after the completed analysis pursuant to this
10 subsection (h-15), but only to the extent that the
11 reconciliation account has a positive balance.

12 (2) At the conclusion of the term of the SNG contracts
13 pursuant to subsection (h) and the completion of the final
14 annual analysis pursuant to this subsection (h-15), to the
15 extent the facility owes any amount to retail customers,
16 amounts in the account shall be credited to retail
17 customers to the extent the owed amount is repaid; 50% of
18 any additional amount in the reconciliation account shall
19 be distributed to the utilities to be used to reduce the
20 utilities' natural gas costs through the purchase gas
21 adjustment clause with the remaining amount distributed to
22 the clean coal SNG facility. Such payment shall be made
23 within 30 days after the last completed analysis pursuant
24 to this subsection (h-15). If the facility has repaid all
25 owed amounts, if any, to retail customers and has
26 distributed 50% of any additional amount in the account to

1 the utilities, then the owners of the clean coal SNG
2 facility shall have no further obligation to the utility or
3 the retail customers.

4 If, at the conclusion of the term of the contracts
5 pursuant to subsection (h) and the completion of the final
6 annual analysis pursuant to this subsection (h-15), the
7 facility owes any amount to retail customers and the
8 account has been depleted, then the clean coal SNG facility
9 shall be liable for any remaining amount owed to the retail
10 customers. The clean coal SNG facility shall market the
11 daily production of SNG and distribute on a monthly basis
12 5% of the amounts collected with respect to such future
13 sales to the utilities in proportion to each utility's SNG
14 contract to be used to reduce the utility's natural gas
15 costs through the purchase gas adjustment clause; such
16 payments to the utility shall continue until either 15
17 years after the conclusion of the contract or such time as
18 the sum of such payments equals the remaining amount owed
19 to the retail customers at the end of the contract,
20 whichever is earlier. If the debt to the retail customers
21 is not repaid within 15 years after the conclusion of the
22 contract, then the owner of the clean coal SNG facility
23 must sell the facility, and all proceeds from that sale
24 must be used to repay any amount owed to the retail
25 customers under this subsection (h-15).

26 The retail customers shall have first priority in

1 recovering that debt above any creditors, except the
2 secured lenders to the extent that the secured lenders have
3 any secured debt outstanding, including any parent
4 companies or affiliates of the clean coal SNG facility.

5 (3) 50% of all additional net revenue, defined as
6 miscellaneous net revenue after cost allowance and above
7 the budgeted estimate established for revenue pursuant to
8 subsection (h), including sale of substitute natural gas
9 derived from the clean coal SNG facility above the
10 nameplate capacity of the facility and other by-products
11 produced by the facility, shall be credited to the
12 reconciliation account on an annual basis with such payment
13 made within 30 days after the end of each calendar year
14 during the term of the contract.

15 (4) The clean coal SNG facility shall each year,
16 starting in the facility's first year of commercial
17 operation, file with the Commission, in such form as the
18 Commission shall require, a report as to the reconciliation
19 account. The annual report must contain the following
20 information:

21 (A) the revenue share target amount;

22 (B) the amount credited or debited to the
23 reconciliation account during the year;

24 (C) the amount credited to the utilities to be used
25 to reduce the utilities natural gas costs through the
26 purchase gas adjustment clause;

1 (D) the total amount of reconciliation account at
2 the beginning and end of the year;

3 (E) the total amount of consumer savings to date;
4 and

5 (F) any additional information the Commission may
6 require.

7 When any report is erroneous or defective or appears to the
8 Commission to be erroneous or defective, the Commission may
9 notify the clean coal SNG facility to amend the report within
10 30 days; before or after the termination of the 30-day period,
11 the Commission may examine the trustee of the reconciliation
12 account or the officers, agents, employees, books, records, or
13 accounts of the clean coal SNG facility and correct such items
14 in the report as upon such examination the Commission may find
15 defective or erroneous. All reports shall be under oath.

16 All reports made to the Commission by the clean coal SNG
17 facility and the contents of the reports shall be open to
18 public inspection and shall be deemed a public record under the
19 Freedom of Information Act. Such reports shall be preserved in
20 the office of the Commission. The Commission shall publish an
21 annual summary of the reports prior to February 1 of the
22 following year. The annual summary shall be made available to
23 the public on the Commission's website and shall be submitted
24 to the General Assembly.

25 Any facility that fails to file the report required under
26 this paragraph (4) to the Commission within the time specified

1 or to make specific answer to any question propounded by the
2 Commission within 30 days after the time it is lawfully
3 required to do so, or within such further time not to exceed 90
4 days as may be allowed by the Commission in its discretion,
5 shall pay a penalty of \$500 to the Commission for each day it
6 is in default.

7 Any person who willfully makes any false report to the
8 Commission or to any member, officer, or employee thereof, any
9 person who willfully in a report withholds or fails to provide
10 material information to which the Commission is entitled under
11 this paragraph (4) and which information is either required to
12 be filed by statute, rule, regulation, order, or decision of
13 the Commission or has been requested by the Commission, and any
14 person who willfully aids or abets such person shall be guilty
15 of a Class A misdemeanor.

16 (h-20) The General Assembly authorizes the Illinois
17 Finance Authority to issue bonds to the maximum extent
18 permitted to finance coal gasification facilities described in
19 this Section, which constitute both "industrial projects"
20 under Article 801 of the Illinois Finance Authority Act and
21 "clean coal and energy projects" under Sections 825-65 through
22 825-75 of the Illinois Finance Authority Act.

23 Administrative costs incurred by the Illinois Finance
24 Authority in performance of this subsection (h-20) shall be
25 subject to reimbursement by the clean coal SNG facility on
26 terms as the Illinois Finance Authority and the clean coal SNG

1 facility may agree. The utility and its customers shall have no
2 obligation to reimburse the clean coal SNG facility or the
3 Illinois Finance Authority for any such costs.

4 (h-25) The State of Illinois pledges that the State may not
5 enact any law or take any action to (1) break or repeal the
6 authority for SNG purchase contracts entered into between
7 public gas utilities and the clean coal SNG facility pursuant
8 to subsection (h) of this Section or (2) deny public gas
9 utilities their full cost recovery for contract costs, as
10 defined in subsection (h-10), that are incurred under such SNG
11 purchase contracts. These pledges are for the benefit of the
12 parties to such SNG purchase contracts and the issuers and
13 holders of bonds or other obligations issued or incurred to
14 finance or refinance the clean coal SNG facility. The
15 beneficiaries are authorized to include and refer to these
16 pledges in any finance agreement into which they may enter in
17 regard to such contracts.

18 (h-30) The State of Illinois retains and reserves all other
19 rights to enact new or amendatory legislation or take any other
20 action, including, but not limited to, such legislation or
21 other action that would (1) directly or indirectly raise the
22 costs that the clean coal SNG facility must incur; (2) directly
23 or indirectly place additional restrictions, regulations, or
24 requirements on the clean coal SNG facility; (3) prohibit
25 sequestration in general or prohibit a specific sequestration
26 method or project; or (4) increase minimum sequestration

1 requirements.

2 (i) If a gas utility or an affiliate of a gas utility has
3 an ownership interest in any entity that produces or sells
4 synthetic natural gas, Article VII of this Act shall apply.

5 (Source: P.A. 96-1364, eff. 7-28-10; 97-96, eff. 7-13-11;
6 97-239, eff. 8-2-11; 97-630, eff. 12-8-11; 97-906, eff. 8-7-12;
7 97-1081, eff. 8-24-12; revised 1-24-13.)

8 Section 360. The Child Care Act of 1969 is amended by
9 changing Section 3.5 as follows:

10 (225 ILCS 10/3.5)

11 Sec. 3.5. Group homes for adolescents diagnosed with
12 autism.

13 (a) Subject to appropriation, the Department of Human
14 Services, Developmental Disabilities Division, shall provide
15 for the establishment of 3 children's group homes for
16 adolescents who have been diagnosed with autism and who are at
17 least 15 years of age and not more than 18 years of age. The
18 homes shall be located in 3 separate geographical areas of the
19 State. The homes shall operate 7 days per week and shall be
20 staffed 24 hours per day. The homes shall feature maximum
21 family involvement based on a service and support agreement
22 signed by the adolescent's family and the provider. An eligible
23 service provider: (i) must have a minimum of 5 years experience
24 serving individuals with autism residentially and have

1 successfully supported individuals with challenging behaviors;
2 (ii) must demonstrate that staff have equal experience in this
3 regard; and (iii) must have a full-time Board-Certified
4 Behavior Analyst on staff.

5 (b) The provider shall ensure that the staff at each home
6 receives appropriate training in matters that include, but need
7 not be limited to, the following: behavior analysis, skill
8 training, and other methodologies of teaching such as discrete
9 ~~discreet~~ trial and picture exchange communication system.

10 (c) The homes shall provide therapeutic and other support
11 services to the adolescents being served there. The therapeutic
12 curriculum shall be based on the principles of applied behavior
13 analysis.

14 (d) An agreeable rate shall be established by the
15 Department of Children and Family Services and the Department
16 of Human Services, Developmental Disabilities Division.

17 (Source: P.A. 95-411, eff. 8-24-07; revised 8-3-12.)

18 Section 365. The Illinois Dental Practice Act is amended by
19 changing Section 17 as follows:

20 (225 ILCS 25/17) (from Ch. 111, par. 2317)

21 (Section scheduled to be repealed on January 1, 2016)

22 Sec. 17. Acts Constituting the Practice of Dentistry. A
23 person practices dentistry, within the meaning of this Act:

24 (1) Who represents himself or herself as being able to

1 diagnose or diagnoses, treats, prescribes, or operates for
2 any disease, pain, deformity, deficiency, injury, or
3 physical condition of the human tooth, teeth, alveolar
4 process, gums or jaw; or

5 (2) Who is a manager, proprietor, operator or conductor
6 of a business where dental operations are performed; or

7 (3) Who performs dental operations of any kind; or

8 (4) Who uses an X-Ray machine or X-Ray films for dental
9 diagnostic purposes; or

10 (5) Who extracts a human tooth or teeth, or corrects or
11 attempts to correct malpositions of the human teeth or
12 jaws; or

13 (6) Who offers or undertakes, by any means or method,
14 to diagnose, treat or remove stains, calculus, and bonding
15 materials from human teeth or jaws; or

16 (7) Who uses or administers local or general
17 anesthetics in the treatment of dental or oral diseases or
18 in any preparation incident to a dental operation of any
19 kind or character; or

20 (8) Who takes impressions of the human tooth, teeth, or
21 jaws or performs any phase of any operation incident to the
22 replacement of a part of a tooth, a tooth, teeth or
23 associated tissues by means of a filling, crown, a bridge,
24 a denture or other appliance; or

25 (9) Who offers to furnish, supply, construct,
26 reproduce or repair, or who furnishes, supplies,

1 constructs, reproduces or repairs, prosthetic dentures,
2 bridges or other substitutes for natural teeth, to the user
3 or prospective user thereof; or

4 (10) Who instructs students on clinical matters or
5 performs any clinical operation included in the curricula
6 of recognized dental schools and colleges; or

7 (11) Who takes impressions of human teeth or places his
8 or her hands in the mouth of any person for the purpose of
9 applying teeth whitening materials, or who takes
10 impressions of human teeth or places his or her hands in
11 the mouth of any person for the purpose of assisting in the
12 application of teeth whitening materials. A person does not
13 practice dentistry when he or she discloses to the consumer
14 that he or she is not licensed as a dentist under this Act
15 and (i) discusses the use of teeth whitening materials with
16 a consumer purchasing these materials; (ii) provides
17 instruction on the use of teeth whitening materials with a
18 consumer purchasing these materials; or (iii) provides
19 appropriate equipment on-site to the consumer for the
20 consumer to self-apply teeth whitening materials.

21 The fact that any person engages in or performs, or offers
22 to engage in or perform, any of the practices, acts, or
23 operations set forth in this Section, shall be prima facie
24 evidence that such person is engaged in the practice of
25 dentistry.

26 The following practices, acts, and operations, however,

1 are exempt from the operation of this Act:

2 (a) The rendering of dental relief in emergency cases
3 in the practice of his or her profession by a physician or
4 surgeon, licensed as such under the laws of this State,
5 unless he or she undertakes to reproduce or reproduces lost
6 parts of the human teeth in the mouth or to restore or
7 replace lost or missing teeth in the mouth; or

8 (b) The practice of dentistry in the discharge of their
9 official duties by dentists in any branch of the Armed
10 Services of the United States, the United States Public
11 Health Service, or the United States Veterans
12 Administration; or

13 (c) The practice of dentistry by students in their
14 course of study in dental schools or colleges approved by
15 the Department, when acting under the direction and
16 supervision of dentists acting as instructors; or

17 (d) The practice of dentistry by clinical instructors
18 in the course of their teaching duties in dental schools or
19 colleges approved by the Department:

20 (i) when acting under the direction and
21 supervision of dentists, provided that such clinical
22 instructors have instructed continuously in this State
23 since January 1, 1986; or

24 (ii) when holding the rank of full professor at
25 such approved dental school or college and possessing a
26 current valid license or authorization to practice

1 dentistry in another country; or

2 (e) The practice of dentistry by licensed dentists of
3 other states or countries at meetings of the Illinois State
4 Dental Society or component parts thereof, alumni meetings
5 of dental colleges, or any other like dental organizations,
6 while appearing as clinicians; or

7 (f) The use of X-Ray machines for exposing X-Ray films
8 of dental or oral tissues by dental hygienists or dental
9 assistants; or

10 (g) The performance of any dental service by a dental
11 assistant, if such service is performed under the
12 supervision and full responsibility of a dentist.

13 For purposes of this paragraph (g), "dental service" is
14 defined to mean any intraoral procedure or act which shall
15 be prescribed by rule or regulation of the Department.
16 Dental service, however, shall not include:

17 (1) Any and all diagnosis of or prescription for
18 treatment of disease, pain, deformity, deficiency,
19 injury or physical condition of the human teeth or
20 jaws, or adjacent structures.

21 (2) Removal of, or restoration of, or addition to
22 the hard or soft tissues of the oral cavity, except for
23 the placing, carving, and finishing of amalgam
24 restorations by dental assistants who have had
25 additional formal education and certification as
26 determined by the Department. A dentist utilizing

1 dental assistants shall not supervise more than 4
2 dental assistants at any one time for placing, carving,
3 and finishing of amalgam restorations.

4 (3) Any and all correction of malformation of teeth
5 or of the jaws.

6 (4) Administration of anesthetics, except for
7 application of topical anesthetics and monitoring of
8 nitrous oxide. Monitoring of nitrous oxide may be
9 performed after successful completion of a training
10 program approved by the Department. A dentist
11 utilizing dental assistants shall not supervise more
12 than 4 dental assistants at any one time for the
13 monitoring of nitrous oxide.

14 (5) Removal of calculus from human teeth.

15 (6) Taking of impressions for the fabrication of
16 prosthetic appliances, crowns, bridges, inlays,
17 onlays, or other restorative or replacement dentistry.

18 (7) The operative procedure of dental hygiene
19 consisting of oral prophylactic procedures, except for
20 coronal polishing and pit and fissure sealants, which
21 may be performed by a dental assistant who has
22 successfully completed a training program approved by
23 the Department. Dental assistants may perform coronal
24 polishing under the following circumstances: (i) the
25 coronal polishing shall be limited to polishing the
26 clinical crown of the tooth and existing restorations,

1 supragingivally; (ii) the dental assistant performing
2 the coronal polishing shall be limited to the use of
3 rotary instruments using a rubber cup or brush
4 polishing method (air polishing is not permitted); and
5 (iii) the supervising dentist shall not supervise more
6 than 4 dental assistants at any one time for the task
7 of coronal polishing or pit and fissure sealants.

8 (h) The practice of dentistry by an individual who:

9 (i) has applied in writing to the Department, in
10 form and substance satisfactory to the Department, for
11 a general dental license and has complied with all
12 provisions of Section 9 of this Act, except for the
13 passage of the examination specified in subsection
14 (e), of Section 9, of this Act; or

15 (ii) has applied in writing to the Department, in
16 form and substance satisfactory to the Department, for
17 a temporary dental license and has complied with all
18 provisions of subsection (c), of Section 11, of this
19 Act; and

20 (iii) has been accepted or appointed for specialty
21 or residency training by a hospital situated in this
22 State; or

23 (iv) has been accepted or appointed for specialty
24 training in an approved dental program situated in this
25 State; or

26 (v) has been accepted or appointed for specialty

1 training in a dental public health agency situated in
2 this State.

3 The applicant shall be permitted to practice dentistry
4 for a period of 3 months from the starting date of the
5 program, unless authorized in writing by the Department to
6 continue such practice for a period specified in writing by
7 the Department.

8 The applicant shall only be entitled to perform such
9 acts as may be prescribed by and incidental to his or her
10 program of residency or specialty training and shall not
11 otherwise engage in the practice of dentistry in this
12 State.

13 The authority to practice shall terminate immediately
14 upon:

15 (1) the decision of the Department that the
16 applicant has failed the examination; or

17 (2) denial of licensure by the Department; or

18 (3) withdrawal of the application.

19 (Source: P.A. 96-617, eff. 8-24-09; 97-526, eff. 1-1-12;
20 97-886, eff. 8-2-12; 97-1013, eff. 8-17-12; revised 8-23-12.)

21 Section 370. The Naprapathic Practice Act is amended by
22 changing Section 110 as follows:

23 (225 ILCS 63/110)

24 (Section scheduled to be repealed on January 1, 2023)

1 Sec. 110. Grounds for disciplinary action; refusal,
2 revocation, suspension.

3 (a) The Department may refuse to issue or to renew, or may
4 revoke, suspend, place on probation, reprimand or take other
5 disciplinary or non-disciplinary action as the Department may
6 deem appropriate, including imposing fines not to exceed
7 \$10,000 for each violation, with regard to any licensee or
8 license for any one or combination of the following causes:

9 (1) Violations of this Act or of rules adopted under
10 this Act.

11 (2) Material misstatement in furnishing information to
12 the Department.

13 (3) Conviction by plea of guilty or nolo contendere,
14 finding of guilt, jury verdict, or entry of judgment, or by
15 sentencing of any crime, including, but not limited to,
16 convictions, preceding sentences of supervision,
17 conditional discharge, or first offender probation, under
18 the laws of any jurisdiction of the United States: (i) that
19 is a felony or (ii) that is a misdemeanor, an essential
20 element of which is dishonesty, or that is directly related
21 to the practice of the profession.

22 (4) Fraud or any misrepresentation in applying for or
23 procuring a license under this Act or in connection with
24 applying for renewal of a license under this Act.

25 (5) Professional incompetence or gross negligence.

26 (6) Malpractice.

1 (7) Aiding or assisting another person in violating any
2 provision of this Act or its rules.

3 (8) Failing to provide information within 60 days in
4 response to a written request made by the Department.

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

8 (10) Habitual or excessive use or abuse of drugs
9 defined in law as controlled substances, alcohol, or any
10 other substance which results in the inability to practice
11 with reasonable judgment, skill, or safety.

12 (11) Discipline by another U.S. jurisdiction or
13 foreign nation if at least one of the grounds for the
14 discipline is the same or substantially equivalent to those
15 set forth in this Act.

16 (12) Directly or indirectly giving to or receiving from
17 any person, firm, corporation, partnership, or association
18 any fee, commission, rebate, or other form of compensation
19 for any professional services not actually or personally
20 rendered. This shall not be deemed to include rent or other
21 remunerations paid to an individual, partnership, or
22 corporation by a naprapath for the lease, rental, or use of
23 space, owned or controlled by the individual, partnership,
24 corporation, or association. Nothing in this paragraph
25 (12) affects any bona fide independent contractor or
26 employment arrangements among health care professionals,

1 health facilities, health care providers, or other
2 entities, except as otherwise prohibited by law. Any
3 employment arrangements may include provisions for
4 compensation, health insurance, pension, or other
5 employment benefits for the provision of services within
6 the scope of the licensee's practice under this Act.
7 Nothing in this paragraph (12) shall be construed to
8 require an employment arrangement to receive professional
9 fees for services rendered.

10 (13) Using the title "Doctor" or its abbreviation
11 without further clarifying that title or abbreviation with
12 the word "naprapath" or "naprapathy" or the designation
13 "D.N.".

14 (14) A finding by the Department that the licensee,
15 after having his or her license placed on probationary
16 status, has violated the terms of probation.

17 (15) Abandonment of a patient without cause.

18 (16) Willfully making or filing false records or
19 reports relating to a licensee's practice, including but
20 not limited to, false records filed with State agencies or
21 departments.

22 (17) Willfully failing to report an instance of
23 suspected child abuse or neglect as required by the Abused
24 and Neglected Child Reporting Act.

25 (18) Physical or mental illness or disability,
26 including, but not limited to, deterioration through the

1 aging process or loss of motor skill that results in the
2 inability to practice the profession with reasonable
3 judgment, skill, or safety.

4 (19) Solicitation of professional services by means
5 other than permitted advertising.

6 (20) Failure to provide a patient with a copy of his or
7 her record upon the written request of the patient.

8 (21) Cheating on or attempting to subvert the licensing
9 examination administered under this Act.

10 (22) Allowing one's license under this Act to be used
11 by an unlicensed person in violation of this Act.

12 (23) (Blank).

13 (24) Being named as a perpetrator in an indicated
14 report by the Department of Children and Family Services
15 under the Abused and Neglected Child Reporting Act and upon
16 proof by clear and convincing evidence that the licensee
17 has caused a child to be an abused child or a neglected
18 child as defined in the Abused and Neglected Child
19 Reporting Act.

20 (25) Practicing under a false or, except as provided by
21 law, an assumed name.

22 (26) Immoral conduct in the commission of any act, such
23 as sexual abuse, sexual misconduct, or sexual
24 exploitation, related to the licensee's practice.

25 (27) Maintaining a professional relationship with any
26 person, firm, or corporation when the naprapath knows, or

1 should know, that the person, firm, or corporation is
2 violating this Act.

3 (28) Promotion of the sale of food supplements,
4 devices, appliances, or goods provided for a client or
5 patient in such manner as to exploit the patient or client
6 for financial gain of the licensee.

7 (29) Having treated ailments of human beings other than
8 by the practice of naprapathy as defined in this Act, or
9 having treated ailments of human beings as a licensed
10 naprapath independent of a documented referral or
11 documented current and relevant diagnosis from a
12 physician, dentist, or podiatrist, or having failed to
13 notify the physician, dentist, or podiatrist who
14 established a documented current and relevant diagnosis
15 that the patient is receiving naprapathic treatment
16 pursuant to that diagnosis.

17 (30) Use by a registered naprapath of the word
18 "infirmary", "hospital", "school", "university", in
19 English or any other language, in connection with the place
20 where naprapathy may be practiced or demonstrated.

21 (31) Continuance of a naprapath in the employ of any
22 person, firm, or corporation, or as an assistant to any
23 naprapath or naprapaths, directly or indirectly, after his
24 or her employer or superior has been found guilty of
25 violating or has been enjoined from violating the laws of
26 the State of Illinois relating to the practice of

1 naprapathy when the employer or superior persists in that
2 violation.

3 (32) The performance of naprapathic service in
4 conjunction with a scheme or plan with another person,
5 firm, or corporation known to be advertising in a manner
6 contrary to this Act or otherwise violating the laws of the
7 State of Illinois concerning the practice of naprapathy.

8 (33) Failure to provide satisfactory proof of having
9 participated in approved continuing education programs as
10 determined by and approved by the Secretary. Exceptions for
11 extreme hardships are to be defined by the rules of the
12 Department.

13 (34) (Blank).

14 (35) Gross or willful overcharging for professional
15 services.

16 (36) (Blank).

17 All fines imposed under this Section shall be paid within
18 60 days after the effective date of the order imposing the
19 fine.

20 (b) The Department may refuse to issue or may suspend
21 without hearing, as provided for in the Department of
22 Professional Regulation Law of the Civil Administrative Code,
23 the license of any person who fails to file a return, or pay
24 the tax, penalty, or interest shown in a filed return, or pay
25 any final assessment of the tax, penalty, or interest as
26 required by any tax Act administered by the Illinois Department

1 of Revenue, until such time as the requirements of any such tax
2 Act are satisfied in accordance with subsection (g) of Section
3 2105-15 of the Department of Professional Regulation Law of the
4 Civil Administrative Code of Illinois.

5 (c) The Department shall deny a license or renewal
6 authorized by this Act to a person who has defaulted on an
7 educational loan or scholarship provided or guaranteed by the
8 Illinois Student Assistance Commission or any governmental
9 agency of this State in accordance with item (5) of subsection
10 (a) of Section 2105-15 of the Department of Professional
11 Regulation Law of the Civil Administrative Code of Illinois.

12 (d) In cases where the Department of Healthcare and Family
13 Services has previously determined a licensee or a potential
14 licensee is more than 30 days delinquent in the payment of
15 child support and has subsequently certified the delinquency to
16 the Department, the Department may refuse to issue or renew or
17 may revoke or suspend that person's license or may take other
18 disciplinary action against that person based solely upon the
19 certification of delinquency made by the Department of
20 Healthcare and Family Services in accordance with item (5) of
21 subsection (a) of Section 2105-15 of the Department of
22 Professional Regulation Law of the Civil Administrative Code of
23 Illinois.

24 (e) The determination by a circuit court that a licensee is
25 subject to involuntary admission or judicial admission, as
26 provided in the Mental Health and Developmental ~~Development~~

1 Disabilities Code, operates as an automatic suspension. The
2 suspension shall end only upon a finding by a court that the
3 patient is no longer subject to involuntary admission or
4 judicial admission and the issuance of an order so finding and
5 discharging the patient.

6 (f) In enforcing this Act, the Department, upon a showing
7 of a possible violation, may compel an individual licensed to
8 practice under this Act, or who has applied for licensure under
9 this Act, to submit to a mental or physical examination and
10 evaluation, or both, which may include a substance abuse or
11 sexual offender evaluation, as required by and at the expense
12 of the Department. The Department shall specifically designate
13 the examining physician licensed to practice medicine in all of
14 its branches or, if applicable, the multidisciplinary team
15 involved in providing the mental or physical examination and
16 evaluation, or both. The multidisciplinary team shall be led by
17 a physician licensed to practice medicine in all of its
18 branches and may consist of one or more or a combination of
19 physicians licensed to practice medicine in all of its
20 branches, licensed chiropractic physicians, licensed clinical
21 psychologists, licensed clinical social workers, licensed
22 clinical professional counselors, and other professional and
23 administrative staff. Any examining physician or member of the
24 multidisciplinary team may require any person ordered to submit
25 to an examination and evaluation pursuant to this Section to
26 submit to any additional supplemental testing deemed necessary

1 to complete any examination or evaluation process, including,
2 but not limited to, blood testing, urinalysis, psychological
3 testing, or neuropsychological testing.

4 The Department may order the examining physician or any
5 member of the multidisciplinary team to provide to the
6 Department any and all records including business records that
7 relate to the examination and evaluation, including any
8 supplemental testing performed. The Department may order the
9 examining physician or any member of the multidisciplinary team
10 to present testimony concerning the examination and evaluation
11 of the licensee or applicant, including testimony concerning
12 any supplemental testing or documents in any way related to the
13 examination and evaluation. No information, report, record, or
14 other documents in any way related to the examination and
15 evaluation shall be excluded by reason of any common law or
16 statutory privilege relating to communications between the
17 licensee or applicant and the examining physician or any member
18 of the multidisciplinary team. No authorization is necessary
19 from the licensee or applicant ordered to undergo an evaluation
20 and examination for the examining physician or any member of
21 the multidisciplinary team to provide information, reports,
22 records, or other documents or to provide any testimony
23 regarding the examination and evaluation. The individual to be
24 examined may have, at his or her own expense, another physician
25 of his or her choice present during all aspects of this
26 examination. Failure of an individual to submit to a mental or

1 physical examination and evaluation, or both, when directed,
2 shall result in an automatic suspension without hearing, until
3 such time as the individual submits to the examination.

4 A person holding a license under this Act or who has
5 applied for a license under this Act who, because of a physical
6 or mental illness or disability, including, but not limited to,
7 deterioration through the aging process or loss of motor skill,
8 is unable to practice the profession with reasonable judgment,
9 skill, or safety, may be required by the Department to submit
10 to care, counseling, or treatment by physicians approved or
11 designated by the Department as a condition, term, or
12 restriction for continued, reinstated, or renewed licensure to
13 practice. Submission to care, counseling, or treatment as
14 required by the Department shall not be considered discipline
15 of a license. If the licensee refuses to enter into a care,
16 counseling, or treatment agreement or fails to abide by the
17 terms of the agreement, the Department may file a complaint to
18 revoke, suspend, or otherwise discipline the license of the
19 individual. The Secretary may order the license suspended
20 immediately, pending a hearing by the Department. Fines shall
21 not be assessed in disciplinary actions involving physical or
22 mental illness or impairment.

23 In instances in which the Secretary immediately suspends a
24 person's license under this Section, a hearing on that person's
25 license must be convened by the Department within 15 days after
26 the suspension and completed without appreciable delay. The

1 Department shall have the authority to review the subject
2 individual's record of treatment and counseling regarding the
3 impairment to the extent permitted by applicable federal
4 statutes and regulations safeguarding the confidentiality of
5 medical records.

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

11 (Source: P.A. 96-1482, eff. 11-29-10; 97-778, eff. 7-13-12;
12 revised 8-3-12.)

13 Section 375. The Wholesale Drug Distribution Licensing Act
14 is amended by changing Section 55 as follows:

15 (225 ILCS 120/55) (from Ch. 111, par. 8301-55)

16 (Section scheduled to be repealed on January 1, 2023)

17 Sec. 55. Discipline; grounds.

18 (a) The Department may refuse to issue, restore, or renew,
19 or may revoke, suspend, place on probation, reprimand or take
20 other disciplinary or non-disciplinary action as the
21 Department may deem appropriate, including imposing fines not
22 to exceed \$10,000 for each violation, with regard to any
23 applicant or licensee or any officer, director, manager, or
24 shareholder who owns 5% or more interest in the business that

1 holds the license for any one or a combination of the following
2 reasons:

3 (1) Violation of this Act or of the rules adopted under
4 this Act.

5 (2) Aiding or assisting another person in violating any
6 provision of this Act or the rules adopted under this Act.

7 (3) Failing, within 60 days, to provide information in
8 response to a written requirement made by the Department.

9 (4) Engaging in dishonorable, unethical, or
10 unprofessional conduct of a character likely to deceive,
11 defraud, or harm the public. This includes violations of
12 "good faith" as defined by the Illinois Controlled
13 Substances Act and applies to all prescription drugs.

14 (5) Discipline by another U.S. jurisdiction or foreign
15 nation, if at least one of the grounds for the discipline
16 is the same or substantially equivalent to those set forth
17 in this Act.

18 (6) Selling or engaging in the sale of drug samples
19 provided at no cost by drug manufacturers.

20 (7) Conviction by plea of guilty or nolo contendere,
21 finding of guilt, jury verdict, or entry of judgment or by
22 sentencing of any crime, including, but not limited to,
23 convictions, preceding sentences of supervision,
24 conditional discharge, or first offender probation, under
25 the laws of any jurisdiction of the United States ~~(i)~~ that
26 is (i) a felony or (ii) a misdemeanor, an essential element

1 of which is dishonesty or that is directly related to the
2 practice of this profession.

3 (8) Habitual or excessive use or addiction to alcohol,
4 narcotics, stimulants, or any other chemical agent or drug
5 by the designated representative, as provided for in item
6 (7) of subsection (b) of Section 25 of this Act, any
7 officer, or director that results in the inability to
8 function with reasonable judgment, skill, or safety.
9 ~~proper~~

10 (9) Material misstatement in furnishing information to
11 the Department.

12 (10) A finding by the Department that the licensee,
13 after having his or her license placed on probationary
14 status, has violated the terms of probation.

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

18 (12) Willfully making or filing false records or
19 reports.

20 (13) A finding of a substantial discrepancy in a
21 Department audit of a prescription drug, including a
22 controlled substance as that term is defined in this Act or
23 in the Illinois Controlled Substances Act.

24 (14) Falsifying a pedigree or selling, distributing,
25 transferring, manufacturing, repackaging, handling, or
26 holding a counterfeit prescription drug intended for human

1 use.

2 (15) Interfering with a Department investigation.

3 (16) Failing to adequately secure controlled
4 substances or other prescription drugs from diversion.

5 (17) Acquiring or distributing prescription drugs not
6 obtained from a source licensed by the Department.

7 (18) Failing to properly store drugs.

8 (19) Failing to maintain the licensed premises with
9 proper storage and security controls.

10 (b) The Department may refuse to issue or may suspend the
11 license or registration of any person who fails to file a
12 return, or to pay the tax, penalty or interest shown in a filed
13 return, or to pay any final assessment of tax, penalty or
14 interest, as required by any tax Act administered by the
15 Illinois Department of Revenue, until the time the requirements
16 of the tax Act are satisfied.

17 (c) The Department shall revoke the license or certificate
18 of registration issued under this Act or any prior Act of this
19 State of any person who has been convicted a second time of
20 committing any felony under the Illinois Controlled Substances
21 Act or the Methamphetamine Control and Community Protection Act
22 or who has been convicted a second time of committing a Class 1
23 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid
24 Code. A person whose license or certificate of registration
25 issued under this Act or any prior Act of this State is revoked
26 under this subsection (c) ~~(b)~~ shall be prohibited from engaging

1 in the practice of pharmacy in this State.

2 (Source: P.A. 97-804, eff. 1-1-13; 97-813, eff. 7-13-12;
3 revised 7-25-12.)

4 Section 380. The Detection of Deception Examiners Act is
5 amended by changing Section 14 as follows:

6 (225 ILCS 430/14) (from Ch. 111, par. 2415)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 14. (a) The Department may refuse to issue or renew or
9 may revoke, suspend, place on probation, reprimand, or take
10 other disciplinary or non-disciplinary action as the
11 Department may deem appropriate, including imposing fines not
12 to exceed \$10,000 for each violation, with regard to any
13 license for any one or a combination of the following:

14 (1) Material misstatement in furnishing information to
15 the Department.

16 (2) Violations of this Act, or of the rules adopted
17 under this Act.

18 (3) Conviction by plea of guilty or nolo contendere,
19 finding of guilt, jury verdict, or entry of judgment or by
20 sentencing of any crime, including, but not limited to,
21 convictions, preceding sentences of supervision,
22 conditional discharge, or first offender probation, under
23 the laws of any jurisdiction of the United States: (i) that
24 is a felony or (ii) that is a misdemeanor, an essential

1 element of which is dishonesty, or that is directly related
2 to the practice of the profession.

3 (4) Making any misrepresentation for the purpose of
4 obtaining licensure or violating any provision of this Act
5 or the rules adopted under this Act pertaining to
6 advertising.

7 (5) Professional incompetence.

8 (6) Allowing one's license under this Act to be used by
9 an unlicensed person in violation of this Act.

10 (7) Aiding or assisting another person in violating
11 this Act or any rule adopted under this Act.

12 (8) Where the license holder has been adjudged mentally
13 ill, mentally deficient or subject to involuntary
14 admission as provided in the Mental Health and
15 Developmental Disabilities Code.

16 (9) Failing, within 60 days, to provide information in
17 response to a written request made by the Department.

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

21 (11) Inability to practice with reasonable judgment,
22 skill, or safety as a result of habitual or excessive use
23 or addiction to alcohol, narcotics, stimulants, or any
24 other chemical agent or drug.

25 (12) Discipline by another state, District of
26 Columbia, territory, or foreign nation, if at least one of

1 the grounds for the discipline is the same or substantially
2 equivalent to those set forth in this Section.

3 (13) A finding by the Department that the licensee,
4 after having his or her license placed on probationary
5 status, has violated the terms of probation.

6 (14) Willfully making or filing false records or
7 reports in his or her practice, including, but not limited
8 to, false records filed with State agencies or departments.

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

14 (16) Charging for professional services not rendered,
15 including filing false statements for the collection of
16 fees for which services are not rendered.

17 (17) Practicing under a false or, except as provided by
18 law, an assumed name.

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

22 (19) Cheating on or attempting to subvert the licensing
23 examination administered under this Act.

24 All fines imposed under this Section shall be paid within
25 60 days after the effective date of the order imposing the
26 fine.

1 (b) The Department may refuse to issue or may suspend
2 without hearing, as provided for in the Code of Civil
3 Procedure, the license of any person who fails to file a
4 return, or pay the tax, penalty, or interest shown in a filed
5 return, or pay any final assessment of the tax, penalty, or
6 interest as required by any tax Act administered by the
7 Illinois Department of Revenue, until such time as the
8 requirements of any such tax Act are satisfied in accordance
9 with subsection (g) of Section 2105-15 of the Civil
10 Administrative Code of Illinois.

11 (c) The Department shall deny a license or renewal
12 authorized by this Act to a person who has defaulted on an
13 educational loan or scholarship provided or guaranteed by the
14 Illinois Student Assistance Commission or any governmental
15 agency of this State in accordance with item (5) of subsection
16 (g) of Section 2105-15 of the Civil Administrative Code of
17 Illinois.

18 (d) In cases where the Department of Healthcare and Family
19 Services has previously determined a licensee or a potential
20 licensee is more than 30 days delinquent in the payment of
21 child support and has subsequently certified the delinquency to
22 the Department, the Department may refuse to issue or renew or
23 may revoke or suspend that person's license or may take other
24 disciplinary action against that person based solely upon the
25 certification of delinquency made by the Department of
26 Healthcare and Family Services in accordance with item (5) of

1 subsection (g) of Section 1205-15 of the Civil Administrative
2 Code of Illinois.

3 (e) The determination by a circuit court that a licensee is
4 subject to involuntary admission or judicial admission, as
5 provided in the Mental Health and Developmental ~~Development~~
6 Disabilities Code, operates as an automatic suspension. The
7 suspension will end only upon a finding by a court that the
8 patient is no longer subject to involuntary admission or
9 judicial admission and the issuance of an order so finding and
10 discharging the patient.

11 (f) In enforcing this Act, the Department, upon a showing
12 of a possible violation, may compel an individual licensed to
13 practice under this Act, or who has applied for licensure under
14 this Act, to submit to a mental or physical examination, or
15 both, as required by and at the expense of the Department. The
16 Department may order the examining physician to present
17 testimony concerning the mental or physical examination of the
18 licensee or applicant. No information shall be excluded by
19 reason of any common law or statutory privilege relating to
20 communications between the licensee or applicant and the
21 examining physician. The examining physicians shall be
22 specifically designated by the Department. The individual to be
23 examined may have, at his or her own expense, another physician
24 of his or her choice present during all aspects of this
25 examination. The examination shall be performed by a physician
26 licensed to practice medicine in all its branches. Failure of

1 an individual to submit to a mental or physical examination,
2 when directed, shall result in an automatic suspension without
3 hearing.

4 A person holding a license under this Act or who has
5 applied for a license under this Act who, because of a physical
6 or mental illness or disability, including, but not limited to,
7 deterioration through the aging process or loss of motor skill,
8 is unable to practice the profession with reasonable judgment,
9 skill, or safety, may be required by the Department to submit
10 to care, counseling, or treatment by physicians approved or
11 designated by the Department as a condition, term, or
12 restriction for continued, reinstated, or renewed licensure to
13 practice. Submission to care, counseling, or treatment as
14 required by the Department shall not be considered discipline
15 of a license. If the licensee refuses to enter into a care,
16 counseling, or treatment agreement or fails to abide by the
17 terms of the agreement, the Department may file a complaint to
18 revoke, suspend, or otherwise discipline the license of the
19 individual. The Secretary may order the license suspended
20 immediately, pending a hearing by the Department. Fines shall
21 not be assessed in disciplinary actions involving physical or
22 mental illness or impairment.

23 In instances in which the Secretary immediately suspends a
24 person's license under this Section, a hearing on that person's
25 license must be convened by the Department within 15 days after
26 the suspension and completed without appreciable delay. The

1 Department shall have the authority to review the subject
2 individual's record of treatment and counseling regarding the
3 impairment to the extent permitted by applicable federal
4 statutes and regulations safeguarding the confidentiality of
5 medical records.

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

11 (Source: P.A. 97-168, eff. 7-22-11; revised 8-3-12.)

12 Section 385. The Real Estate Appraiser Licensing Act of
13 2002 is amended by changing Section 30-10 as follows:

14 (225 ILCS 458/30-10)

15 (Section scheduled to be repealed on January 1, 2022)

16 Sec. 30-10. Appraisal Administration Fund.

17 (a) The Appraisal Administration ~~Administrative~~ Fund,
18 created under the Real Estate License Act of 1983 and continued
19 under Section 40 of the Real Estate Appraiser Licensing Act, is
20 continued under this Act. All fees collected under this Act
21 shall be deposited into the Appraisal Administration Fund,
22 created in the State Treasury under the Real Estate License Act
23 of 1983.

24 (b) Appropriations to the Department from the Appraisal

1 Administration Fund for the purpose of administering the Real
2 Estate Appraiser Licensing Act may be used by the Department
3 for the purpose of administering and enforcing the provisions
4 of this Act.

5 (Source: P.A. 96-844, eff. 12-23-09; revised 10-18-12.)

6 Section 390. The Illinois Horse Racing Act of 1975 is
7 amended by changing Section 30.5 as follows:

8 (230 ILCS 5/30.5)

9 Sec. 30.5. Illinois Racing Quarter Horse Breeders Fund.

10 (a) The General Assembly declares that it is the policy of
11 this State to encourage the breeding of racing quarter horses
12 in this State and the ownership of such horses by residents of
13 this State in order to provide for sufficient numbers of high
14 quality racing quarter horses in this State and to establish
15 and preserve the agricultural and commercial benefits of such
16 breeding and racing industries to the State of Illinois. It is
17 the intent of the General Assembly to further this policy by
18 the provisions of this Act.

19 (b) There is hereby created a special fund in the State
20 Treasury to be known as the Illinois Racing Quarter Horse
21 Breeders Fund. Except as provided in subsection (g) of Section
22 27 of this Act, 8.5% of all the moneys received by the State as
23 pari-mutuel taxes on quarter horse racing shall be paid into
24 the Illinois Racing Quarter Horse Breeders Fund.

1 (c) The Illinois Racing Quarter Horse Breeders Fund shall
2 be administered by the Department of Agriculture with the
3 advice and assistance of the Advisory Board created in
4 subsection (d) of this Section.

5 (d) The Illinois Racing Quarter Horse Breeders Fund
6 Advisory Board shall consist of the Director of the Department
7 of Agriculture, who shall serve as Chairman; a member of the
8 Illinois Racing Board, designated by it; one representative of
9 the organization licensees conducting pari-mutuel quarter
10 horse racing meetings, recommended by them; 2 representatives
11 of the Illinois Running Quarter Horse Association, recommended
12 by it; and the Superintendent of Fairs and Promotions from the
13 Department of Agriculture. Advisory Board members shall serve
14 for 2 years commencing January 1 of each odd numbered year. If
15 representatives have not been recommended by January 1 of each
16 odd numbered year, the Director of the Department of
17 Agriculture may make an appointment for the organization
18 failing to so recommend a member of the Advisory Board.
19 Advisory Board members shall receive no compensation for their
20 services as members but may be reimbursed for all actual and
21 necessary expenses and disbursements incurred in the execution
22 of their official duties.

23 (e) No moneys shall be expended from the Illinois Racing
24 Quarter Horse Breeders Fund except as appropriated by the
25 General Assembly. Moneys appropriated from the Illinois Racing
26 Quarter Horse Breeders Fund shall be expended by the Department

1 of Agriculture, with the advice and assistance of the Illinois
2 Racing Quarter Horse Breeders Fund Advisory Board, for the
3 following purposes only:

4 (1) To provide stakes and awards to be paid to the
5 owners of the winning horses in certain races. This
6 provision is limited to Illinois conceived and foaled
7 horses.

8 (2) To provide an award to the owner or owners of an
9 Illinois conceived and foaled horse that wins a race when
10 pari-mutuel wagering is conducted; providing the race is
11 not restricted to Illinois conceived and foaled horses.

12 (3) To provide purse money for an Illinois stallion
13 stakes program.

14 (4) To provide for purses to be distributed for the
15 running of races during the Illinois State Fair and the
16 DuQuoin State Fair exclusively for quarter horses
17 conceived and foaled in Illinois.

18 (5) To provide for purses to be distributed for the
19 running of races at Illinois county fairs exclusively for
20 quarter horses conceived and foaled in Illinois.

21 (6) To provide for purses to be distributed for running
22 races exclusively for quarter horses conceived and foaled
23 in Illinois at locations in Illinois determined by the
24 Department of Agriculture with advice and consent of the
25 Illinois Racing Quarter Horse Breeders Fund Advisory
26 Board.

1 (7) No less than 90% of all moneys appropriated from
2 the Illinois Racing Quarter Horse Breeders Fund shall be
3 expended for the purposes in items (1), (2), (3), (4), and
4 (5) of this subsection (e).

5 (8) To provide for research programs concerning the
6 health, development, and care of racing quarter horses.

7 (9) To provide for dissemination of public information
8 designed to promote the breeding of racing quarter horses
9 in Illinois.

10 (10) To provide for expenses incurred in the
11 administration of the Illinois Racing Quarter Horse
12 Breeders Fund.

13 (f) The Department of Agriculture shall, by rule, with the
14 advice and assistance of the Illinois Racing Quarter Horse
15 Breeders Fund Advisory Board:

16 (1) Qualify stallions for Illinois breeding; such
17 stallions to stand for service within the State of
18 Illinois, at the time of a foal's conception. Such stallion
19 must not stand for service at any place outside the State
20 of Illinois during the calendar year in which the foal is
21 conceived. The Department of Agriculture may assess and
22 collect application fees for the registration of
23 Illinois-eligible stallions. All fees collected are to be
24 paid into the Illinois Racing Quarter Horse Breeders Fund.

25 (2) Provide for the registration of Illinois conceived
26 and foaled horses. No such horse shall compete in the races

1 limited to Illinois conceived and foaled horses unless it
2 is registered with the Department of Agriculture. The
3 Department of Agriculture may prescribe such forms as are
4 necessary to determine the eligibility of such horses. The
5 Department of Agriculture may assess and collect
6 application fees for the registration of Illinois-eligible
7 foals. All fees collected are to be paid into the Illinois
8 Racing Quarter Horse Breeders Fund. No person shall
9 knowingly prepare or cause preparation of an application
10 for registration of such foals that contains false
11 information.

12 (g) The Department of Agriculture, with the advice and
13 assistance of the Illinois Racing Quarter Horse Breeders Fund
14 Advisory Board, shall provide that certain races limited to
15 Illinois conceived and foaled be stakes races and determine the
16 total amount of stakes and awards to be paid to the owners of
17 the winning horses in such races.

18 (Source: P.A. 91-40, eff. 6-25-99; revised 10-18-12.)

19 Section 395. The Liquor Control Act of 1934 is amended by
20 changing Section 6-11 as follows:

21 (235 ILCS 5/6-11)

22 Sec. 6-11. Sale near churches, schools, and hospitals.

23 (a) No license shall be issued for the sale at retail of
24 any alcoholic liquor within 100 feet of any church, school

1 other than an institution of higher learning, hospital, home
2 for aged or indigent persons or for veterans, their spouses or
3 children or any military or naval station, provided, that this
4 prohibition shall not apply to hotels offering restaurant
5 service, regularly organized clubs, or to restaurants, food
6 shops or other places where sale of alcoholic liquors is not
7 the principal business carried on if the place of business so
8 exempted is not located in a municipality of more than 500,000
9 persons, unless required by local ordinance; nor to the renewal
10 of a license for the sale at retail of alcoholic liquor on
11 premises within 100 feet of any church or school where the
12 church or school has been established within such 100 feet
13 since the issuance of the original license. In the case of a
14 church, the distance of 100 feet shall be measured to the
15 nearest part of any building used for worship services or
16 educational programs and not to property boundaries.

17 (b) Nothing in this Section shall prohibit the issuance of
18 a retail license authorizing the sale of alcoholic liquor to a
19 restaurant, the primary business of which is the sale of goods
20 baked on the premises if (i) the restaurant is newly
21 constructed and located on a lot of not less than 10,000 square
22 feet, (ii) the restaurant costs at least \$1,000,000 to
23 construct, (iii) the licensee is the titleholder to the
24 premises and resides on the premises, and (iv) the construction
25 of the restaurant is completed within 18 months of the
26 effective date of this amendatory Act of 1998.

1 (c) Nothing in this Section shall prohibit the issuance of
2 a retail license authorizing the sale of alcoholic liquor
3 incidental to a restaurant if (1) the primary business of the
4 restaurant consists of the sale of food where the sale of
5 liquor is incidental to the sale of food and the applicant is a
6 completely new owner of the restaurant, (2) the immediately
7 prior owner or operator of the premises where the restaurant is
8 located operated the premises as a restaurant and held a valid
9 retail license authorizing the sale of alcoholic liquor at the
10 restaurant for at least part of the 24 months before the change
11 of ownership, and (3) the restaurant is located 75 or more feet
12 from a school.

13 (d) In the interest of further developing Illinois' economy
14 in the area of commerce, tourism, convention, and banquet
15 business, nothing in this Section shall prohibit issuance of a
16 retail license authorizing the sale of alcoholic beverages to a
17 restaurant, banquet facility, grocery store, or hotel having
18 not fewer than 150 guest room accommodations located in a
19 municipality of more than 500,000 persons, notwithstanding the
20 proximity of such hotel, restaurant, banquet facility, or
21 grocery store to any church or school, if the licensed premises
22 described on the license are located within an enclosed mall or
23 building of a height of at least 6 stories, or 60 feet in the
24 case of a building that has been registered as a national
25 landmark, or in a grocery store having a minimum of 56,010
26 square feet of floor space in a single story building in an

1 open mall of at least 3.96 acres that is adjacent to a public
2 school that opened as a boys technical high school in 1934, or
3 in a grocery store having a minimum of 31,000 square feet of
4 floor space in a single story building located a distance of
5 more than 90 feet but less than 100 feet from a high school
6 that opened in 1928 as a junior high school and became a senior
7 high school in 1933, and in each of these cases if the sale of
8 alcoholic liquors is not the principal business carried on by
9 the licensee.

10 For purposes of this Section, a "banquet facility" is any
11 part of a building that caters to private parties and where the
12 sale of alcoholic liquors is not the principal business.

13 (e) Nothing in this Section shall prohibit the issuance of
14 a license to a church or private school to sell at retail
15 alcoholic liquor if any such sales are limited to periods when
16 groups are assembled on the premises solely for the promotion
17 of some common object other than the sale or consumption of
18 alcoholic liquors.

19 (f) Nothing in this Section shall prohibit a church or
20 church affiliated school located in a home rule municipality or
21 in a municipality with 75,000 or more inhabitants from locating
22 within 100 feet of a property for which there is a preexisting
23 license to sell alcoholic liquor at retail. In these instances,
24 the local zoning authority may, by ordinance adopted
25 simultaneously with the granting of an initial special use
26 zoning permit for the church or church affiliated school,

1 provide that the 100-foot restriction in this Section shall not
2 apply to that church or church affiliated school and future
3 retail liquor licenses.

4 (g) Nothing in this Section shall prohibit the issuance of
5 a retail license authorizing the sale of alcoholic liquor at
6 premises within 100 feet, but not less than 90 feet, of a
7 public school if (1) the premises have been continuously
8 licensed to sell alcoholic liquor for a period of at least 50
9 years, (2) the premises are located in a municipality having a
10 population of over 500,000 inhabitants, (3) the licensee is an
11 individual who is a member of a family that has held the
12 previous 3 licenses for that location for more than 25 years,
13 (4) the principal of the school and the alderman of the ward in
14 which the school is located have delivered a written statement
15 to the local liquor control commissioner stating that they do
16 not object to the issuance of a license under this subsection
17 (g), and (5) the local liquor control commissioner has received
18 the written consent of a majority of the registered voters who
19 live within 200 feet of the premises.

20 (h) Notwithstanding any provision of this Section to the
21 contrary, nothing in this Section shall prohibit the issuance
22 or renewal of a license authorizing the sale of alcoholic
23 liquor within premises and at an outdoor patio area attached to
24 premises that are located in a municipality with a population
25 in excess of 300,000 inhabitants and that are within 100 feet
26 of a church if:

1 (1) the sale of alcoholic liquor at the premises is
2 incidental to the sale of food,

3 (2) the sale of liquor is not the principal business
4 carried on by the licensee at the premises,

5 (3) the premises are less than 1,000 square feet,

6 (4) the premises are owned by the University of
7 Illinois,

8 (5) the premises are immediately adjacent to property
9 owned by a church and are not less than 20 nor more than 40
10 feet from the church space used for worship services, and

11 (6) the principal religious leader at the place of
12 worship has indicated his or her support for the issuance
13 of the license in writing.

14 (i) Notwithstanding any provision in this Section to the
15 contrary, nothing in this Section shall prohibit the issuance
16 or renewal of a license to sell alcoholic liquor at a premises
17 that is located within a municipality with a population in
18 excess of 300,000 inhabitants and is within 100 feet of a
19 church, synagogue, or other place of worship if:

20 (1) the primary entrance of the premises and the
21 primary entrance of the church, synagogue, or other place
22 of worship are at least 100 feet apart, on parallel
23 streets, and separated by an alley; and

24 (2) the principal religious leader at the place of
25 worship has not indicated his or her opposition to the
26 issuance or renewal of the license in writing.

1 (j) Notwithstanding any provision in this Section to the
2 contrary, nothing in this Section shall prohibit the issuance
3 of a retail license authorizing the sale of alcoholic liquor at
4 a theater that is within 100 feet of a church if (1) the church
5 owns the theater, (2) the church leases the theater to one or
6 more entities, and (3) the theater is used by at least 5
7 different not-for-profit theater groups.

8 (k) Notwithstanding any provision in this Section to the
9 contrary, nothing in this Section shall prohibit the issuance
10 or renewal of a license authorizing the sale of alcoholic
11 liquor at a premises that is located within a municipality with
12 a population in excess of 1,000,000 inhabitants and is within
13 100 feet of a school if:

14 (1) the primary entrance of the premises and the
15 primary entrance of the school are parallel, on different
16 streets, and separated by an alley;

17 (2) the southeast corner of the premises are at least
18 350 feet from the southwest corner of the school;

19 (3) the school was built in 1978;

20 (4) the sale of alcoholic liquor at the premises is
21 incidental to the sale of food;

22 (5) the sale of alcoholic liquor is not the principal
23 business carried on by the licensee at the premises;

24 (6) the applicant is the owner of the restaurant and
25 has held a valid license authorizing the sale of alcoholic
26 liquor for the business to be conducted on the premises at

1 a different location for more than 7 years; and

2 (7) the premises is at least 2,300 square feet and sits
3 on a lot that is between 6,100 and 6,150 square feet.

4 (1) Notwithstanding any provision in this Section to the
5 contrary, nothing in this Section shall prohibit the issuance
6 or renewal of a license authorizing the sale of alcoholic
7 liquor at a premises that is located within a municipality with
8 a population in excess of 1,000,000 inhabitants and is within
9 100 feet of a church or school if:

10 (1) the primary entrance of the premises and the
11 closest entrance of the church or school is at least 90
12 feet apart and no greater than 95 feet apart;

13 (2) the shortest distance between the premises and the
14 church or school is at least 80 feet apart and no greater
15 than 85 feet apart;

16 (3) the applicant is the owner of the restaurant and on
17 November 15, 2006 held a valid license authorizing the sale
18 of alcoholic liquor for the business to be conducted on the
19 premises for at least 14 different locations;

20 (4) the sale of alcoholic liquor at the premises is
21 incidental to the sale of food;

22 (5) the sale of alcoholic liquor is not the principal
23 business carried on by the licensee at the premises;

24 (6) the premises is at least 3,200 square feet and sits
25 on a lot that is between 7,150 and 7,200 square feet; and

26 (7) the principal religious leader at the place of

1 worship has not indicated his or her opposition to the
2 issuance or renewal of the license in writing.

3 (m) Notwithstanding any provision in this Section to the
4 contrary, nothing in this Section shall prohibit the issuance
5 or renewal of a license authorizing the sale of alcoholic
6 liquor at a premises that is located within a municipality with
7 a population in excess of 1,000,000 inhabitants and is within
8 100 feet of a church if:

9 (1) the premises and the church are perpendicular, and
10 the primary entrance of the premises faces South while the
11 primary entrance of the church faces West and the distance
12 between the two entrances is more than 100 feet;

13 (2) the shortest distance between the premises lot line
14 and the exterior wall of the church is at least 80 feet;

15 (3) the church was established at the current location
16 in 1916 and the present structure was erected in 1925;

17 (4) the premises is a single story, single use building
18 with at least 1,750 square feet and no more than 2,000
19 square feet;

20 (5) the sale of alcoholic liquor at the premises is
21 incidental to the sale of food;

22 (6) the sale of alcoholic liquor is not the principal
23 business carried on by the licensee at the premises; and

24 (7) the principal religious leader at the place of
25 worship has not indicated his or her opposition to the
26 issuance or renewal of the license in writing.

1 (n) Notwithstanding any provision in this Section to the
2 contrary, nothing in this Section shall prohibit the issuance
3 or renewal of a license authorizing the sale of alcoholic
4 liquor at a premises that is located within a municipality with
5 a population in excess of 1,000,000 inhabitants and is within
6 100 feet of a school if:

7 (1) the school is a City of Chicago School District 299
8 school;

9 (2) the school is located within subarea E of City of
10 Chicago Residential Business Planned Development Number
11 70;

12 (3) the sale of alcoholic liquor is not the principal
13 business carried on by the licensee on the premises;

14 (4) the sale of alcoholic liquor at the premises is
15 incidental to the sale of food; and

16 (5) the administration of City of Chicago School
17 District 299 has expressed, in writing, its support for the
18 issuance of the license.

19 (o) Notwithstanding any provision of this Section to the
20 contrary, nothing in this Section shall prohibit the issuance
21 or renewal of a retail license authorizing the sale of
22 alcoholic liquor at a premises that is located within a
23 municipality in excess of 1,000,000 inhabitants and within 100
24 feet of a church if:

25 (1) the sale of alcoholic liquor at the premises is
26 incidental to the sale of food;

1 (2) the sale of alcoholic liquor is not the principal
2 business carried on by the licensee at the premises;

3 (3) the premises is located on a street that runs
4 perpendicular to the street on which the church is located;

5 (4) the primary entrance of the premises is at least
6 100 feet from the primary entrance of the church;

7 (5) the shortest distance between any part of the
8 premises and any part of the church is at least 60 feet;

9 (6) the premises is between 3,600 and 4,000 square feet
10 and sits on a lot that is between 3,600 and 4,000 square
11 feet; and

12 (7) the premises was built in the year 1909.

13 For purposes of this subsection (o), "premises" means a
14 place of business together with a privately owned outdoor
15 location that is adjacent to the place of business.

16 (p) Notwithstanding any provision in this Section to the
17 contrary, nothing in this Section shall prohibit the issuance
18 or renewal of a license authorizing the sale of alcoholic
19 liquor at a premises that is located within a municipality with
20 a population in excess of 1,000,000 inhabitants and within 100
21 feet of a church if:

22 (1) the shortest distance between the backdoor of the
23 premises, which is used as an emergency exit, and the
24 church is at least 80 feet;

25 (2) the church was established at the current location
26 in 1889; and

1 (3) liquor has been sold on the premises since at least
2 1985.

3 (q) Notwithstanding any provision of this Section to the
4 contrary, nothing in this Section shall prohibit the issuance
5 or renewal of a license authorizing the sale of alcoholic
6 liquor within a premises that is located in a municipality with
7 a population in excess of 1,000,000 inhabitants and within 100
8 feet of a church-owned property if:

9 (1) the premises is located within a larger building
10 operated as a grocery store;

11 (2) the area of the premises does not exceed 720 square
12 feet and the area of the larger building exceeds 18,000
13 square feet;

14 (3) the larger building containing the premises is
15 within 100 feet of the nearest property line of a
16 church-owned property on which a church-affiliated school
17 is located;

18 (4) the sale of liquor is not the principal business
19 carried on within the larger building;

20 (5) the primary entrance of the larger building and the
21 premises and the primary entrance of the church-affiliated
22 school are on different, parallel streets, and the distance
23 between the 2 primary entrances is more than 100 feet;

24 (6) the larger building is separated from the
25 church-owned property and church-affiliated school by an
26 alley;

1 (7) the larger building containing the premises and the
2 church building front are on perpendicular streets and are
3 separated by a street; and

4 (8) (Blank).

5 (r) Notwithstanding any provision of this Section to the
6 contrary, nothing in this Section shall prohibit the issuance,
7 renewal, or maintenance of a license authorizing the sale of
8 alcoholic liquor incidental to the sale of food within a
9 restaurant established in a premises that is located in a
10 municipality with a population in excess of 1,000,000
11 inhabitants and within 100 feet of a church if:

12 (1) the primary entrance of the church and the primary
13 entrance of the restaurant are at least 100 feet apart;

14 (2) the restaurant has operated on the ground floor and
15 lower level of a multi-story, multi-use building for more
16 than 40 years;

17 (3) the primary business of the restaurant consists of
18 the sale of food where the sale of liquor is incidental to
19 the sale of food;

20 (4) the sale of alcoholic liquor is conducted primarily
21 in the below-grade level of the restaurant to which the
22 only public access is by a staircase located inside the
23 restaurant; and

24 (5) the restaurant has held a license authorizing the
25 sale of alcoholic liquor on the premises for more than 40
26 years.

1 (s) Notwithstanding any provision of this Section to the
2 contrary, nothing in this Section shall prohibit renewal of a
3 license authorizing the sale of alcoholic liquor at a premises
4 that is located within a municipality with a population more
5 than 5,000 and less than 10,000 and is within 100 feet of a
6 church if:

7 (1) the church was established at the location within
8 100 feet of the premises after a license for the sale of
9 alcoholic liquor at the premises was first issued;

10 (2) a license for sale of alcoholic liquor at the
11 premises was first issued before January 1, 2007; and

12 (3) a license for the sale of alcoholic liquor on the
13 premises has been continuously in effect since January 1,
14 2007, except for interruptions between licenses of no more
15 than 90 days.

16 (t) Notwithstanding any provision of this Section to the
17 contrary, nothing in this Section shall prohibit the issuance
18 or renewal of a license authorizing the sale of alcoholic
19 liquor incidental to the sale of food within a restaurant that
20 is established in a premises that is located in a municipality
21 with a population in excess of 1,000,000 inhabitants and within
22 100 feet of a school and a church if:

23 (1) the restaurant is located inside a five-story
24 building with over 16,800 square feet of commercial space;

25 (2) the area of the premises does not exceed 31,050
26 square feet;

1 (3) the area of the restaurant does not exceed 5,800
2 square feet;

3 (4) the building has no less than 78 condominium units;

4 (5) the construction of the building in which the
5 restaurant is located was completed in 2006;

6 (6) the building has 10 storefront properties, 3 of
7 which are used for the restaurant;

8 (7) the restaurant will open for business in 2010;

9 (8) the building is north of the school and separated
10 by an alley; and

11 (9) the principal religious leader of the church and
12 either the alderman of the ward in which the school is
13 located or the principal of the school have delivered a
14 written statement to the local liquor control commissioner
15 stating that he or she does not object to the issuance of a
16 license under this subsection (t).

17 (u) Notwithstanding any provision in this Section to the
18 contrary, nothing in this Section shall prohibit the issuance
19 or renewal of a license to sell alcoholic liquor at a premises
20 that is located within a municipality with a population in
21 excess of 1,000,000 inhabitants and within 100 feet of a school
22 if:

23 (1) the premises operates as a restaurant and has been
24 in operation since February 2008;

25 (2) the applicant is the owner of the premises;

26 (3) the sale of alcoholic liquor is incidental to the

1 sale of food;

2 (4) the sale of alcoholic liquor is not the principal
3 business carried on by the licensee on the premises;

4 (5) the premises occupy the first floor of a 3-story
5 building that is at least 90 years old;

6 (6) the rear lot of the school and the rear corner of
7 the building that the premises occupy are separated by an
8 alley;

9 (7) the distance from the southwest corner of the
10 property line of the school and the northeast corner of the
11 building that the premises occupy is at least 16 feet, 5
12 inches;

13 (8) the distance from the rear door of the premises to
14 the southwest corner of the property line of the school is
15 at least 93 feet;

16 (9) the school is a City of Chicago School District 299
17 school;

18 (10) the school's main structure was erected in 1902
19 and an addition was built to the main structure in 1959;
20 and

21 (11) the principal of the school and the alderman in
22 whose district the premises are located have expressed, in
23 writing, their support for the issuance of the license.

24 (v) Notwithstanding any provision in this Section to the
25 contrary, nothing in this Section shall prohibit the issuance
26 or renewal of a license authorizing the sale of alcoholic

1 liquor at a premises that is located within a municipality with
2 a population in excess of 1,000,000 inhabitants and is within
3 100 feet of a school if:

4 (1) the total land area of the premises for which the
5 license or renewal is sought is more than 600,000 square
6 feet;

7 (2) the premises for which the license or renewal is
8 sought has more than 600 parking stalls;

9 (3) the total area of all buildings on the premises for
10 which the license or renewal is sought exceeds 140,000
11 square feet;

12 (4) the property line of the premises for which the
13 license or renewal is sought is separated from the property
14 line of the school by a street;

15 (5) the distance from the school's property line to the
16 property line of the premises for which the license or
17 renewal is sought is at least 60 feet;

18 (6) as of the effective date of this amendatory Act of
19 the 97th General Assembly, the premises for which the
20 license or renewal is sought is located in the Illinois
21 Medical District.

22 (w) Notwithstanding any provision in this Section to the
23 contrary, nothing in this Section shall prohibit the issuance
24 or renewal of a license to sell alcoholic liquor at a premises
25 that is located within a municipality with a population in
26 excess of 1,000,000 inhabitants and within 100 feet of a church

1 if:

2 (1) the sale of alcoholic liquor at the premises is
3 incidental to the sale of food;

4 (2) the sale of alcoholic liquor is not the principal
5 business carried on by the licensee at the premises;

6 (3) the premises occupy the first floor and basement of
7 a 2-story building that is 106 years old;

8 (4) the premises is at least 7,000 square feet and
9 located on a lot that is at least 11,000 square feet;

10 (5) the premises is located directly west of the
11 church, on perpendicular streets, and separated by an
12 alley;

13 (6) the distance between the property line of the
14 premises and the property line of the church is at least 20
15 feet;

16 (7) the distance between the primary entrance of the
17 premises and the primary entrance of the church is at least
18 130 feet; and

19 (8) the church has been at its location for at least 40
20 years.

21 (x) Notwithstanding any provision of this Section to the
22 contrary, nothing in this Section shall prohibit the issuance
23 or renewal of a license authorizing the sale of alcoholic
24 liquor at a premises that is located within a municipality with
25 a population in excess of 1,000,000 inhabitants and within 100
26 feet of a church if:

1 (1) the sale of alcoholic liquor is not the principal
2 business carried on by the licensee at the premises;

3 (2) the church has been operating in its current
4 location since 1973;

5 (3) the premises has been operating in its current
6 location since 1988;

7 (4) the church and the premises are owned by the same
8 parish;

9 (5) the premises is used for cultural and educational
10 purposes;

11 (6) the primary entrance to the premises and the
12 primary entrance to the church are located on the same
13 street;

14 (7) the principal religious leader of the church has
15 indicated his support of the issuance of the license;

16 (8) the premises is a 2-story building of approximately
17 23,000 square feet; and

18 (9) the premises houses a ballroom on its ground floor
19 of approximately 5,000 square feet.

20 (y) Notwithstanding any provision of this Section to the
21 contrary, nothing in this Section shall prohibit the issuance
22 or renewal of a license authorizing the sale of alcoholic
23 liquor at a premises that is located within a municipality with
24 a population in excess of 1,000,000 inhabitants and within 100
25 feet of a school if:

26 (1) the sale of alcoholic liquor is not the principal

1 business carried on by the licensee at the premises;

2 (2) the sale of alcoholic liquor at the premises is
3 incidental to the sale of food;

4 (3) according to the municipality, the distance
5 between the east property line of the premises and the west
6 property line of the school is 97.8 feet;

7 (4) the school is a City of Chicago School District 299
8 school;

9 (5) the school has been operating since 1959;

10 (6) the primary entrance to the premises and the
11 primary entrance to the school are located on the same
12 street;

13 (7) the street on which the entrances of the premises
14 and the school are located is a major diagonal
15 thoroughfare;

16 (8) the premises is a single-story building of
17 approximately 2,900 square feet; and

18 (9) the premises is used for commercial purposes only.

19 (z) Notwithstanding any provision of this Section to the
20 contrary, nothing in this Section shall prohibit the issuance
21 or renewal of a license authorizing the sale of alcoholic
22 liquor at a premises that is located within a municipality with
23 a population in excess of 1,000,000 inhabitants and within 100
24 feet of a mosque if:

25 (1) the sale of alcoholic liquor is not the principal
26 business carried on by the licensee at the premises;

1 (2) the licensee shall only sell packaged liquors at
2 the premises;

3 (3) the licensee is a national retail chain having over
4 100 locations within the municipality;

5 (4) the licensee has over 8,000 locations nationwide;

6 (5) the licensee has locations in all 50 states;

7 (6) the premises is located in the North-East quadrant
8 of the municipality;

9 (7) the premises is a free-standing building that has
10 "drive-through" pharmacy service;

11 (8) the premises has approximately 14,490 square feet
12 of retail space;

13 (9) the premises has approximately 799 square feet of
14 pharmacy space;

15 (10) the premises is located on a major arterial street
16 that runs east-west and accepts truck traffic; and

17 (11) the alderman of the ward in which the premises is
18 located has expressed, in writing, his or her support for
19 the issuance of the license.

20 (aa) Notwithstanding any provision of this Section to the
21 contrary, nothing in this Section shall prohibit the issuance
22 or renewal of a license authorizing the sale of alcoholic
23 liquor at a premises that is located within a municipality with
24 a population in excess of 1,000,000 inhabitants and within 100
25 feet of a church if:

26 (1) the sale of alcoholic liquor is not the principal

1 business carried on by the licensee at the premises;

2 (2) the licensee shall only sell packaged liquors at
3 the premises;

4 (3) the licensee is a national retail chain having over
5 100 locations within the municipality;

6 (4) the licensee has over 8,000 locations nationwide;

7 (5) the licensee has locations in all 50 states;

8 (6) the premises is located in the North-East quadrant
9 of the municipality;

10 (7) the premises is located across the street from a
11 national grocery chain outlet;

12 (8) the premises has approximately 16,148 square feet
13 of retail space;

14 (9) the premises has approximately 992 square feet of
15 pharmacy space;

16 (10) the premises is located on a major arterial street
17 that runs north-south and accepts truck traffic; and

18 (11) the alderman of the ward in which the premises is
19 located has expressed, in writing, his or her support for
20 the issuance of the license.

21 (bb) Notwithstanding any provision of this Section to the
22 contrary, nothing in this Section shall prohibit the issuance
23 or renewal of a license authorizing the sale of alcoholic
24 liquor at a premises that is located within a municipality with
25 a population in excess of 1,000,000 inhabitants and within 100
26 feet of a church if:

1 (1) the sale of alcoholic liquor is not the principal
2 business carried on by the licensee at the premises;

3 (2) the sale of alcoholic liquor at the premises is
4 incidental to the sale of food;

5 (3) the primary entrance to the premises and the
6 primary entrance to the church are located on the same
7 street;

8 (4) the premises is across the street from the church;

9 (5) the street on which the premises and the church are
10 located is a major arterial street that runs east-west;

11 (6) the church is an elder-led and Bible-based Assyrian
12 church;

13 (7) the premises and the church are both single-story
14 buildings;

15 (8) the storefront directly west of the church is being
16 used as a restaurant; and

17 (9) the distance between the northern-most property
18 line of the premises and the southern-most property line of
19 the church is 65 feet.

20 (cc) Notwithstanding any provision of this Section to the
21 contrary, nothing in this Section shall prohibit the issuance
22 or renewal of a license authorizing the sale of alcoholic
23 liquor at a premises that is located within a municipality with
24 a population in excess of 1,000,000 inhabitants and within 100
25 feet of a school if:

26 (1) the sale of alcoholic liquor is not the principal

1 business carried on by the licensee at the premises;

2 (2) the licensee shall only sell packaged liquors at
3 the premises;

4 (3) the licensee is a national retail chain;

5 (4) as of October 25, 2011, the licensee has 1,767
6 stores operating nationwide, 87 stores operating in the
7 State, and 10 stores operating within the municipality;

8 (5) the licensee shall occupy approximately 124,000
9 square feet of space in the basement and first and second
10 floors of a building located across the street from a
11 school;

12 (6) the school opened in August of 2009 and occupies
13 approximately 67,000 square feet of space; and

14 (7) the building in which the premises shall be located
15 has been listed on the National Register of Historic Places
16 since April 17, 1970.

17 (dd) Notwithstanding any provision in this Section to the
18 contrary, nothing in this Section shall prohibit the issuance
19 or renewal of a license authorizing the sale of alcoholic
20 liquor within a full-service grocery store at a premises that
21 is located within a municipality with a population in excess of
22 1,000,000 inhabitants and is within 100 feet of a school if:

23 (1) the premises is constructed on land that was
24 purchased from the municipality at a fair market price;

25 (2) the premises is constructed on land that was
26 previously used as a parking facility for public safety

1 employees;

2 (3) the sale of alcoholic liquor is not the principal
3 business carried on by the licensee at the premises;

4 (4) the main entrance to the store is more than 100
5 feet from the main entrance to the school;

6 (5) the premises is to be new construction;

7 (6) the school is a private school;

8 (7) the principal of the school has given written
9 approval for the license;

10 (8) the alderman of the ward where the premises is
11 located has given written approval of the issuance of the
12 license;

13 (9) the grocery store level of the premises is between
14 60,000 and 70,000 square feet; and

15 (10) the owner and operator of the grocery store
16 operates 2 other grocery stores that have alcoholic liquor
17 licenses within the same municipality.

18 (ee) Notwithstanding any provision in this Section to the
19 contrary, nothing in this Section shall prohibit the issuance
20 or renewal of a license authorizing the sale of alcoholic
21 liquor within a full-service grocery store at a premises that
22 is located within a municipality with a population in excess of
23 1,000,000 inhabitants and is within 100 ~~hundred~~ feet of a
24 school if:

25 (1) the premises is constructed on land that once
26 contained an industrial steel facility;

1 (2) the premises is located on land that has undergone
2 environmental remediation;

3 (3) the premises is located within a retail complex
4 containing retail stores where some of the stores sell
5 alcoholic beverages;

6 (4) the principal activity of any restaurant in the
7 retail complex is the sale of food, and the sale of
8 alcoholic liquor is incidental to the sale of food;

9 (5) the sale of alcoholic liquor is not the principal
10 business carried on by the grocery store;

11 (6) the entrance to any business that sells alcoholic
12 liquor is more than 100 feet from the entrance to the
13 school;

14 (7) the alderman of the ward where the premises is
15 located has given written approval of the issuance of the
16 license; and

17 (8) the principal of the school has given written
18 consent to the issuance of the license.

19 (ff) ~~(dd)~~ Notwithstanding any provision of this Section to
20 the contrary, nothing in this Section shall prohibit the
21 issuance or renewal of a license authorizing the sale of
22 alcoholic liquor at a premises that is located within a
23 municipality with a population in excess of 1,000,000
24 inhabitants and within 100 feet of a school if:

25 (1) the sale of alcoholic liquor is not the principal
26 business carried on at the premises;

1 (2) the sale of alcoholic liquor at the premises is
2 incidental to the operation of a theater;

3 (3) the premises is a one and one-half-story building
4 of approximately 10,000 square feet;

5 (4) the school is a City of Chicago School District 299
6 school;

7 (5) the primary entrance of the premises and the
8 primary entrance of the school are at least 300 feet apart
9 and no more than 400 feet apart;

10 (6) the alderman of the ward in which the premises is
11 located has expressed, in writing, his support for the
12 issuance of the license; and

13 (7) the principal of the school has expressed, in
14 writing, that there is no objection to the issuance of a
15 license under this subsection (ff) ~~(dd)~~.

16 (Source: P.A. 96-283, eff. 8-11-09; 96-744, eff. 8-25-09;
17 96-851, eff. 12-23-09; 96-871, eff. 1-21-10; 96-1051, eff.
18 7-14-10; 97-9, eff. 6-14-11; 97-12, eff. 6-14-11; 97-634, eff.
19 12-16-11; 97-774, eff. 7-13-12; 97-780, eff. 7-13-12; 97-806,
20 eff. 7-13-12; revised 7-23-12.)

21 Section 400. The Safety Deposit License Act is amended by
22 changing Section 22.1 as follows:

23 (240 ILCS 5/22.1)

24 Sec. 22.1. All moneys received by the Department of

1 Financial Institutions under this Act shall be deposited in the
2 Financial Institution ~~Institutions~~ Fund created under Section
3 6z-26 of the State Finance Act.

4 (Source: P.A. 88-13; revised 10-18-12.)

5 Section 405. The Illinois Public Aid Code is amended by
6 changing Sections 5-2, 5-4.2, 5-5, 5-5.12, 5A-5, 5A-8, 5A-10,
7 5A-12.4, 5C-1, 5C-5, 5C-7, 11-26, 12-5, and 14-8 as follows:

8 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

9 Sec. 5-2. Classes of Persons Eligible. Medical assistance
10 under this Article shall be available to any of the following
11 classes of persons in respect to whom a plan for coverage has
12 been submitted to the Governor by the Illinois Department and
13 approved by him:

14 1. Recipients of basic maintenance grants under
15 Articles III and IV.

16 2. Persons otherwise eligible for basic maintenance
17 under Articles III and IV, excluding any eligibility
18 requirements that are inconsistent with any federal law or
19 federal regulation, as interpreted by the U.S. Department
20 of Health and Human Services, but who fail to qualify
21 thereunder on the basis of need or who qualify but are not
22 receiving basic maintenance under Article IV, and who have
23 insufficient income and resources to meet the costs of
24 necessary medical care, including but not limited to the

1 following:

2 (a) All persons otherwise eligible for basic
3 maintenance under Article III but who fail to qualify
4 under that Article on the basis of need and who meet
5 either of the following requirements:

6 (i) their income, as determined by the
7 Illinois Department in accordance with any federal
8 requirements, is equal to or less than 70% in
9 fiscal year 2001, equal to or less than 85% in
10 fiscal year 2002 and until a date to be determined
11 by the Department by rule, and equal to or less
12 than 100% beginning on the date determined by the
13 Department by rule, of the nonfarm income official
14 poverty line, as defined by the federal Office of
15 Management and Budget and revised annually in
16 accordance with Section 673(2) of the Omnibus
17 Budget Reconciliation Act of 1981, applicable to
18 families of the same size; or

19 (ii) their income, after the deduction of
20 costs incurred for medical care and for other types
21 of remedial care, is equal to or less than 70% in
22 fiscal year 2001, equal to or less than 85% in
23 fiscal year 2002 and until a date to be determined
24 by the Department by rule, and equal to or less
25 than 100% beginning on the date determined by the
26 Department by rule, of the nonfarm income official

1 poverty line, as defined in item (i) of this
2 subparagraph (a).

3 (b) All persons who, excluding any eligibility
4 requirements that are inconsistent with any federal
5 law or federal regulation, as interpreted by the U.S.
6 Department of Health and Human Services, would be
7 determined eligible for such basic maintenance under
8 Article IV by disregarding the maximum earned income
9 permitted by federal law.

10 3. Persons who would otherwise qualify for Aid to the
11 Medically Indigent under Article VII.

12 4. Persons not eligible under any of the preceding
13 paragraphs who fall sick, are injured, or die, not having
14 sufficient money, property or other resources to meet the
15 costs of necessary medical care or funeral and burial
16 expenses.

17 5.(a) Women during pregnancy, after the fact of
18 pregnancy has been determined by medical diagnosis, and
19 during the 60-day period beginning on the last day of the
20 pregnancy, together with their infants and children born
21 after September 30, 1983, whose income and resources are
22 insufficient to meet the costs of necessary medical care to
23 the maximum extent possible under Title XIX of the Federal
24 Social Security Act.

25 (b) The Illinois Department and the Governor shall
26 provide a plan for coverage of the persons eligible under

1 paragraph 5(a) by April 1, 1990. Such plan shall provide
2 ambulatory prenatal care to pregnant women during a
3 presumptive eligibility period and establish an income
4 eligibility standard that is equal to 133% of the nonfarm
5 income official poverty line, as defined by the federal
6 Office of Management and Budget and revised annually in
7 accordance with Section 673(2) of the Omnibus Budget
8 Reconciliation Act of 1981, applicable to families of the
9 same size, provided that costs incurred for medical care
10 are not taken into account in determining such income
11 eligibility.

12 (c) The Illinois Department may conduct a
13 demonstration in at least one county that will provide
14 medical assistance to pregnant women, together with their
15 infants and children up to one year of age, where the
16 income eligibility standard is set up to 185% of the
17 nonfarm income official poverty line, as defined by the
18 federal Office of Management and Budget. The Illinois
19 Department shall seek and obtain necessary authorization
20 provided under federal law to implement such a
21 demonstration. Such demonstration may establish resource
22 standards that are not more restrictive than those
23 established under Article IV of this Code.

24 6. Persons under the age of 18 who fail to qualify as
25 dependent under Article IV and who have insufficient income
26 and resources to meet the costs of necessary medical care

1 to the maximum extent permitted under Title XIX of the
2 Federal Social Security Act.

3 7. (Blank).

4 8. Persons who become ineligible for basic maintenance
5 assistance under Article IV of this Code in programs
6 administered by the Illinois Department due to employment
7 earnings and persons in assistance units comprised of
8 adults and children who become ineligible for basic
9 maintenance assistance under Article VI of this Code due to
10 employment earnings. The plan for coverage for this class
11 of persons shall:

12 (a) extend the medical assistance coverage for up
13 to 12 months following termination of basic
14 maintenance assistance; and

15 (b) offer persons who have initially received 6
16 months of the coverage provided in paragraph (a) above,
17 the option of receiving an additional 6 months of
18 coverage, subject to the following:

19 (i) such coverage shall be pursuant to
20 provisions of the federal Social Security Act;

21 (ii) such coverage shall include all services
22 covered while the person was eligible for basic
23 maintenance assistance;

24 (iii) no premium shall be charged for such
25 coverage; and

26 (iv) such coverage shall be suspended in the

1 event of a person's failure without good cause to
2 file in a timely fashion reports required for this
3 coverage under the Social Security Act and
4 coverage shall be reinstated upon the filing of
5 such reports if the person remains otherwise
6 eligible.

7 9. Persons with acquired immunodeficiency syndrome
8 (AIDS) or with AIDS-related conditions with respect to whom
9 there has been a determination that but for home or
10 community-based services such individuals would require
11 the level of care provided in an inpatient hospital,
12 skilled nursing facility or intermediate care facility the
13 cost of which is reimbursed under this Article. Assistance
14 shall be provided to such persons to the maximum extent
15 permitted under Title XIX of the Federal Social Security
16 Act.

17 10. Participants in the long-term care insurance
18 partnership program established under the Illinois
19 Long-Term Care Partnership Program Act who meet the
20 qualifications for protection of resources described in
21 Section 15 of that Act.

22 11. Persons with disabilities who are employed and
23 eligible for Medicaid, pursuant to Section
24 1902(a)(10)(A)(ii)(xv) of the Social Security Act, and,
25 subject to federal approval, persons with a medically
26 improved disability who are employed and eligible for

1 Medicaid pursuant to Section 1902(a)(10)(A)(ii)(xvi) of
2 the Social Security Act, as provided by the Illinois
3 Department by rule. In establishing eligibility standards
4 under this paragraph 11, the Department shall, subject to
5 federal approval:

6 (a) set the income eligibility standard at not
7 lower than 350% of the federal poverty level;

8 (b) exempt retirement accounts that the person
9 cannot access without penalty before the age of 59 1/2,
10 and medical savings accounts established pursuant to
11 26 U.S.C. 220;

12 (c) allow non-exempt assets up to \$25,000 as to
13 those assets accumulated during periods of eligibility
14 under this paragraph 11; and

15 (d) continue to apply subparagraphs (b) and (c) in
16 determining the eligibility of the person under this
17 Article even if the person loses eligibility under this
18 paragraph 11.

19 12. Subject to federal approval, persons who are
20 eligible for medical assistance coverage under applicable
21 provisions of the federal Social Security Act and the
22 federal Breast and Cervical Cancer Prevention and
23 Treatment Act of 2000. Those eligible persons are defined
24 to include, but not be limited to, the following persons:

25 (1) persons who have been screened for breast or
26 cervical cancer under the U.S. Centers for Disease

1 Control and Prevention Breast and Cervical Cancer
2 Program established under Title XV of the federal
3 Public Health Services Act in accordance with the
4 requirements of Section 1504 of that Act as
5 administered by the Illinois Department of Public
6 Health; and

7 (2) persons whose screenings under the above
8 program were funded in whole or in part by funds
9 appropriated to the Illinois Department of Public
10 Health for breast or cervical cancer screening.

11 "Medical assistance" under this paragraph 12 shall be
12 identical to the benefits provided under the State's
13 approved plan under Title XIX of the Social Security Act.
14 The Department must request federal approval of the
15 coverage under this paragraph 12 within 30 days after the
16 effective date of this amendatory Act of the 92nd General
17 Assembly.

18 In addition to the persons who are eligible for medical
19 assistance pursuant to subparagraphs (1) and (2) of this
20 paragraph 12, and to be paid from funds appropriated to the
21 Department for its medical programs, any uninsured person
22 as defined by the Department in rules residing in Illinois
23 who is younger than 65 years of age, who has been screened
24 for breast and cervical cancer in accordance with standards
25 and procedures adopted by the Department of Public Health
26 for screening, and who is referred to the Department by the

1 Department of Public Health as being in need of treatment
2 for breast or cervical cancer is eligible for medical
3 assistance benefits that are consistent with the benefits
4 provided to those persons described in subparagraphs (1)
5 and (2). Medical assistance coverage for the persons who
6 are eligible under the preceding sentence is not dependent
7 on federal approval, but federal moneys may be used to pay
8 for services provided under that coverage upon federal
9 approval.

10 13. Subject to appropriation and to federal approval,
11 persons living with HIV/AIDS who are not otherwise eligible
12 under this Article and who qualify for services covered
13 under Section 5-5.04 as provided by the Illinois Department
14 by rule.

15 14. Subject to the availability of funds for this
16 purpose, the Department may provide coverage under this
17 Article to persons who reside in Illinois who are not
18 eligible under any of the preceding paragraphs and who meet
19 the income guidelines of paragraph 2(a) of this Section and
20 (i) have an application for asylum pending before the
21 federal Department of Homeland Security or on appeal before
22 a court of competent jurisdiction and are represented
23 either by counsel or by an advocate accredited by the
24 federal Department of Homeland Security and employed by a
25 not-for-profit organization in regard to that application
26 or appeal, or (ii) are receiving services through a

1 federally funded torture treatment center. Medical
2 coverage under this paragraph 14 may be provided for up to
3 24 continuous months from the initial eligibility date so
4 long as an individual continues to satisfy the criteria of
5 this paragraph 14. If an individual has an appeal pending
6 regarding an application for asylum before the Department
7 of Homeland Security, eligibility under this paragraph 14
8 may be extended until a final decision is rendered on the
9 appeal. The Department may adopt rules governing the
10 implementation of this paragraph 14.

11 15. Family Care Eligibility.

12 (a) On and after July 1, 2012, a caretaker relative
13 who is 19 years of age or older when countable income
14 is at or below 133% of the Federal Poverty Level
15 Guidelines, as published annually in the Federal
16 Register, for the appropriate family size. A person may
17 not spend down to become eligible under this paragraph
18 15.

19 (b) Eligibility shall be reviewed annually.

20 (c) (Blank).

21 (d) (Blank).

22 (e) (Blank).

23 (f) (Blank).

24 (g) (Blank).

25 (h) (Blank).

26 (i) Following termination of an individual's

1 coverage under this paragraph 15, the individual must
2 be determined eligible before the person can be
3 re-enrolled.

4 16. Subject to appropriation, uninsured persons who
5 are not otherwise eligible under this Section who have been
6 certified and referred by the Department of Public Health
7 as having been screened and found to need diagnostic
8 evaluation or treatment, or both diagnostic evaluation and
9 treatment, for prostate or testicular cancer. For the
10 purposes of this paragraph 16, uninsured persons are those
11 who do not have creditable coverage, as defined under the
12 Health Insurance Portability and Accountability Act, or
13 have otherwise exhausted any insurance benefits they may
14 have had, for prostate or testicular cancer diagnostic
15 evaluation or treatment, or both diagnostic evaluation and
16 treatment. To be eligible, a person must furnish a Social
17 Security number. A person's assets are exempt from
18 consideration in determining eligibility under this
19 paragraph 16. Such persons shall be eligible for medical
20 assistance under this paragraph 16 for so long as they need
21 treatment for the cancer. A person shall be considered to
22 need treatment if, in the opinion of the person's treating
23 physician, the person requires therapy directed toward
24 cure or palliation of prostate or testicular cancer,
25 including recurrent metastatic cancer that is a known or
26 presumed complication of prostate or testicular cancer and

1 complications resulting from the treatment modalities
2 themselves. Persons who require only routine monitoring
3 services are not considered to need treatment. "Medical
4 assistance" under this paragraph 16 shall be identical to
5 the benefits provided under the State's approved plan under
6 Title XIX of the Social Security Act. Notwithstanding any
7 other provision of law, the Department (i) does not have a
8 claim against the estate of a deceased recipient of
9 services under this paragraph 16 and (ii) does not have a
10 lien against any homestead property or other legal or
11 equitable real property interest owned by a recipient of
12 services under this paragraph 16.

13 17. Persons who, pursuant to a waiver approved by the
14 Secretary of the U.S. Department of Health and Human
15 Services, are eligible for medical assistance under Title
16 XIX or XXI of the federal Social Security Act.
17 Notwithstanding any other provision of this Code and
18 consistent with the terms of the approved waiver, the
19 Illinois Department, may by rule:

20 (a) Limit the geographic areas in which the waiver
21 program operates.

22 (b) Determine the scope, quantity, duration, and
23 quality, and the rate and method of reimbursement, of
24 the medical services to be provided, which may differ
25 from those for other classes of persons eligible for
26 assistance under this Article.

1 (c) Restrict the persons' freedom in choice of
2 providers.

3 In implementing the provisions of Public Act 96-20, the
4 Department is authorized to adopt only those rules necessary,
5 including emergency rules. Nothing in Public Act 96-20 permits
6 the Department to adopt rules or issue a decision that expands
7 eligibility for the FamilyCare Program to a person whose income
8 exceeds 185% of the Federal Poverty Level as determined from
9 time to time by the U.S. Department of Health and Human
10 Services, unless the Department is provided with express
11 statutory authority.

12 The Illinois Department and the Governor shall provide a
13 plan for coverage of the persons eligible under paragraph 7 as
14 soon as possible after July 1, 1984.

15 The eligibility of any such person for medical assistance
16 under this Article is not affected by the payment of any grant
17 under the Senior Citizens and Disabled Persons Property Tax
18 Relief Act or any distributions or items of income described
19 under subparagraph (X) of paragraph (2) of subsection (a) of
20 Section 203 of the Illinois Income Tax Act. The Department
21 shall by rule establish the amounts of assets to be disregarded
22 in determining eligibility for medical assistance, which shall
23 at a minimum equal the amounts to be disregarded under the
24 Federal Supplemental Security Income Program. The amount of
25 assets of a single person to be disregarded shall not be less
26 than \$2,000, and the amount of assets of a married couple to be

1 disregarded shall not be less than \$3,000.

2 To the extent permitted under federal law, any person found
3 guilty of a second violation of Article VIIIA shall be
4 ineligible for medical assistance under this Article, as
5 provided in Section 8A-8.

6 The eligibility of any person for medical assistance under
7 this Article shall not be affected by the receipt by the person
8 of donations or benefits from fundraisers held for the person
9 in cases of serious illness, as long as neither the person nor
10 members of the person's family have actual control over the
11 donations or benefits or the disbursement of the donations or
12 benefits.

13 Notwithstanding any other provision of this Code, if the
14 United States Supreme Court holds Title II, Subtitle A, Section
15 2001(a) of Public Law 111-148 to be unconstitutional, or if a
16 holding of Public Law 111-148 makes Medicaid eligibility
17 allowed under Section 2001(a) inoperable, the State or a unit
18 of local government shall be prohibited from enrolling
19 individuals in the Medical Assistance Program as the result of
20 federal approval of a State Medicaid waiver on or after the
21 effective date of this amendatory Act of the 97th General
22 Assembly, and any individuals enrolled in the Medical
23 Assistance Program pursuant to eligibility permitted as a
24 result of such a State Medicaid waiver shall become immediately
25 ineligible.

26 Notwithstanding any other provision of this Code, if an Act

1 of Congress that becomes a Public Law eliminates Section
2 2001(a) of Public Law 111-148, the State or a unit of local
3 government shall be prohibited from enrolling individuals in
4 the Medical Assistance Program as the result of federal
5 approval of a State Medicaid waiver on or after the effective
6 date of this amendatory Act of the 97th General Assembly, and
7 any individuals enrolled in the Medical Assistance Program
8 pursuant to eligibility permitted as a result of such a State
9 Medicaid waiver shall become immediately ineligible.

10 (Source: P.A. 96-20, eff. 6-30-09; 96-181, eff. 8-10-09;
11 96-328, eff. 8-11-09; 96-567, eff. 1-1-10; 96-1000, eff.
12 7-2-10; 96-1123, eff. 1-1-11; 96-1270, eff. 7-26-10; 97-48,
13 eff. 6-28-11; 97-74, eff. 6-30-11; 97-333, eff. 8-12-11;
14 97-687, eff. 6-14-12; 97-689, eff. 6-14-12; 97-813, eff.
15 7-13-12; revised 7-23-12.)

16 (305 ILCS 5/5-4.2) (from Ch. 23, par. 5-4.2)

17 Sec. 5-4.2. Ambulance services payments.

18 (a) For ambulance services provided to a recipient of aid
19 under this Article on or after January 1, 1993, the Illinois
20 Department shall reimburse ambulance service providers at
21 rates calculated in accordance with this Section. It is the
22 intent of the General Assembly to provide adequate
23 reimbursement for ambulance services so as to ensure adequate
24 access to services for recipients of aid under this Article and
25 to provide appropriate incentives to ambulance service

1 providers to provide services in an efficient and
2 cost-effective manner. Thus, it is the intent of the General
3 Assembly that the Illinois Department implement a
4 reimbursement system for ambulance services that, to the extent
5 practicable and subject to the availability of funds
6 appropriated by the General Assembly for this purpose, is
7 consistent with the payment principles of Medicare. To ensure
8 uniformity between the payment principles of Medicare and
9 Medicaid, the Illinois Department shall follow, to the extent
10 necessary and practicable and subject to the availability of
11 funds appropriated by the General Assembly for this purpose,
12 the statutes, laws, regulations, policies, procedures,
13 principles, definitions, guidelines, and manuals used to
14 determine the amounts paid to ambulance service providers under
15 Title XVIII of the Social Security Act (Medicare).

16 (b) For ambulance services provided to a recipient of aid
17 under this Article on or after January 1, 1996, the Illinois
18 Department shall reimburse ambulance service providers based
19 upon the actual distance traveled if a natural disaster,
20 weather conditions, road repairs, or traffic congestion
21 necessitates the use of a route other than the most direct
22 route.

23 (c) For purposes of this Section, "ambulance services"
24 includes medical transportation services provided by means of
25 an ambulance, medi-car, service car, or taxi.

26 (c-1) For purposes of this Section, "ground ambulance

1 service" means medical transportation services that are
2 described as ground ambulance services by the Centers for
3 Medicare and Medicaid Services and provided in a vehicle that
4 is licensed as an ambulance by the Illinois Department of
5 Public Health pursuant to the Emergency Medical Services (EMS)
6 Systems Act.

7 (c-2) For purposes of this Section, "ground ambulance
8 service provider" means a vehicle service provider as described
9 in the Emergency Medical Services (EMS) Systems Act that
10 operates licensed ambulances for the purpose of providing
11 emergency ambulance services, or non-emergency ambulance
12 services, or both. For purposes of this Section, this includes
13 both ambulance providers and ambulance suppliers as described
14 by the Centers for Medicare and Medicaid Services.

15 (d) This Section does not prohibit separate billing by
16 ambulance service providers for oxygen furnished while
17 providing advanced life support services.

18 (e) Beginning with services rendered on or after July 1,
19 2008, all providers of non-emergency medi-car and service car
20 transportation must certify that the driver and employee
21 attendant, as applicable, have completed a safety program
22 approved by the Department to protect both the patient and the
23 driver, prior to transporting a patient. The provider must
24 maintain this certification in its records. The provider shall
25 produce such documentation upon demand by the Department or its
26 representative. Failure to produce documentation of such

1 training shall result in recovery of any payments made by the
2 Department for services rendered by a non-certified driver or
3 employee attendant. Medi-car and service car providers must
4 maintain legible documentation in their records of the driver
5 and, as applicable, employee attendant that actually
6 transported the patient. Providers must recertify all drivers
7 and employee attendants every 3 years.

8 Notwithstanding the requirements above, any public
9 transportation provider of medi-car and service car
10 transportation that receives federal funding under 49 U.S.C.
11 5307 and 5311 need not certify its drivers and employee
12 attendants under this Section, since safety training is already
13 federally mandated.

14 (f) With respect to any policy or program administered by
15 the Department or its agent regarding approval of non-emergency
16 medical transportation by ground ambulance service providers,
17 including, but not limited to, the Non-Emergency
18 Transportation Services Prior Approval Program (NETSPAP), the
19 Department shall establish by rule a process by which ground
20 ambulance service providers of non-emergency medical
21 transportation may appeal any decision by the Department or its
22 agent for which no denial was received prior to the time of
23 transport that either (i) denies a request for approval for
24 payment of non-emergency transportation by means of ground
25 ambulance service or (ii) grants a request for approval of
26 non-emergency transportation by means of ground ambulance

1 service at a level of service that entitles the ground
2 ambulance service provider to a lower level of compensation
3 from the Department than the ground ambulance service provider
4 would have received as compensation for the level of service
5 requested. The rule shall be filed by December 15, 2012 and
6 shall provide that, for any decision rendered by the Department
7 or its agent on or after the date the rule takes effect, the
8 ground ambulance service provider shall have 60 days from the
9 date the decision is received to file an appeal. The rule
10 established by the Department shall be, insofar as is
11 practical, consistent with the Illinois Administrative
12 Procedure Act. The Director's decision on an appeal under this
13 Section shall be a final administrative decision subject to
14 review under the Administrative Review Law.

15 (f-5) ~~(g)~~ Beginning 90 days after July 20, 2012 (the
16 effective date of Public Act 97-842) ~~this amendatory Act of the~~
17 ~~97th General Assembly~~, (i) no denial of a request for approval
18 for payment of non-emergency transportation by means of ground
19 ambulance service, and (ii) no approval of non-emergency
20 transportation by means of ground ambulance service at a level
21 of service that entitles the ground ambulance service provider
22 to a lower level of compensation from the Department than would
23 have been received at the level of service submitted by the
24 ground ambulance service provider, may be issued by the
25 Department or its agent unless the Department has submitted the
26 criteria for determining the appropriateness of the transport

1 for first notice publication in the Illinois Register pursuant
2 to Section 5-40 of the Illinois Administrative Procedure Act.

3 (g) Whenever a patient covered by a medical assistance
4 program under this Code or by another medical program
5 administered by the Department is being discharged from a
6 facility, a physician discharge order as described in this
7 Section shall be required for each patient whose discharge
8 requires medically supervised ground ambulance services.
9 Facilities shall develop procedures for a physician with
10 medical staff privileges to provide a written and signed
11 physician discharge order. The physician discharge order shall
12 specify the level of ground ambulance services needed and
13 complete a medical certification establishing the criteria for
14 approval of non-emergency ambulance transportation, as
15 published by the Department of Healthcare and Family Services,
16 that is met by the patient. This order and the medical
17 certification shall be completed prior to ordering an ambulance
18 service and prior to patient discharge.

19 Pursuant to subsection (E) of Section 12-4.25 of this Code,
20 the Department is entitled to recover overpayments paid to a
21 provider or vendor, including, but not limited to, from the
22 discharging physician, the discharging facility, and the
23 ground ambulance service provider, in instances where a
24 non-emergency ground ambulance service is rendered as the
25 result of improper or false certification.

26 (h) On and after July 1, 2012, the Department shall reduce

1 any rate of reimbursement for services or other payments or
2 alter any methodologies authorized by this Code to reduce any
3 rate of reimbursement for services or other payments in
4 accordance with Section 5-5e.

5 (Source: P.A. 97-584, eff. 8-26-11; 97-689, eff. 6-14-12;
6 97-842, eff. 7-20-12; revised 8-3-12.)

7 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

8 Sec. 5-5. Medical services. The Illinois Department, by
9 rule, shall determine the quantity and quality of and the rate
10 of reimbursement for the medical assistance for which payment
11 will be authorized, and the medical services to be provided,
12 which may include all or part of the following: (1) inpatient
13 hospital services; (2) outpatient hospital services; (3) other
14 laboratory and X-ray services; (4) skilled nursing home
15 services; (5) physicians' services whether furnished in the
16 office, the patient's home, a hospital, a skilled nursing home,
17 or elsewhere; (6) medical care, or any other type of remedial
18 care furnished by licensed practitioners; (7) home health care
19 services; (8) private duty nursing service; (9) clinic
20 services; (10) dental services, including prevention and
21 treatment of periodontal disease and dental caries disease for
22 pregnant women, provided by an individual licensed to practice
23 dentistry or dental surgery; for purposes of this item (10),
24 "dental services" means diagnostic, preventive, or corrective
25 procedures provided by or under the supervision of a dentist in

1 the practice of his or her profession; (11) physical therapy
2 and related services; (12) prescribed drugs, dentures, and
3 prosthetic devices; and eyeglasses prescribed by a physician
4 skilled in the diseases of the eye, or by an optometrist,
5 whichever the person may select; (13) other diagnostic,
6 screening, preventive, and rehabilitative services, including
7 to ensure that the individual's need for intervention or
8 treatment of mental disorders or substance use disorders or
9 co-occurring mental health and substance use disorders is
10 determined using a uniform screening, assessment, and
11 evaluation process inclusive of criteria, for children and
12 adults; for purposes of this item (13), a uniform screening,
13 assessment, and evaluation process refers to a process that
14 includes an appropriate evaluation and, as warranted, a
15 referral; "uniform" does not mean the use of a singular
16 instrument, tool, or process that all must utilize; (14)
17 transportation and such other expenses as may be necessary;
18 (15) medical treatment of sexual assault survivors, as defined
19 in Section 1a of the Sexual Assault Survivors Emergency
20 Treatment Act, for injuries sustained as a result of the sexual
21 assault, including examinations and laboratory tests to
22 discover evidence which may be used in criminal proceedings
23 arising from the sexual assault; (16) the diagnosis and
24 treatment of sickle cell anemia; and (17) any other medical
25 care, and any other type of remedial care recognized under the
26 laws of this State, but not including abortions, or induced

1 miscarriages or premature births, unless, in the opinion of a
2 physician, such procedures are necessary for the preservation
3 of the life of the woman seeking such treatment, or except an
4 induced premature birth intended to produce a live viable child
5 and such procedure is necessary for the health of the mother or
6 her unborn child. The Illinois Department, by rule, shall
7 prohibit any physician from providing medical assistance to
8 anyone eligible therefor under this Code where such physician
9 has been found guilty of performing an abortion procedure in a
10 wilful and wanton manner upon a woman who was not pregnant at
11 the time such abortion procedure was performed. The term "any
12 other type of remedial care" shall include nursing care and
13 nursing home service for persons who rely on treatment by
14 spiritual means alone through prayer for healing.

15 Notwithstanding any other provision of this Section, a
16 comprehensive tobacco use cessation program that includes
17 purchasing prescription drugs or prescription medical devices
18 approved by the Food and Drug Administration shall be covered
19 under the medical assistance program under this Article for
20 persons who are otherwise eligible for assistance under this
21 Article.

22 Notwithstanding any other provision of this Code, the
23 Illinois Department may not require, as a condition of payment
24 for any laboratory test authorized under this Article, that a
25 physician's handwritten signature appear on the laboratory
26 test order form. The Illinois Department may, however, impose

1 other appropriate requirements regarding laboratory test order
2 documentation.

3 On and after July 1, 2012, the Department of Healthcare and
4 Family Services may provide the following services to persons
5 eligible for assistance under this Article who are
6 participating in education, training or employment programs
7 operated by the Department of Human Services as successor to
8 the Department of Public Aid:

9 (1) dental services provided by or under the
10 supervision of a dentist; and

11 (2) eyeglasses prescribed by a physician skilled in the
12 diseases of the eye, or by an optometrist, whichever the
13 person may select.

14 Notwithstanding any other provision of this Code and
15 subject to federal approval, the Department may adopt rules to
16 allow a dentist who is volunteering his or her service at no
17 cost to render dental services through an enrolled
18 not-for-profit health clinic without the dentist personally
19 enrolling as a participating provider in the medical assistance
20 program. A not-for-profit health clinic shall include a public
21 health clinic or Federally Qualified Health Center or other
22 enrolled provider, as determined by the Department, through
23 which dental services covered under this Section are performed.
24 The Department shall establish a process for payment of claims
25 for reimbursement for covered dental services rendered under
26 this provision.

1 The Illinois Department, by rule, may distinguish and
2 classify the medical services to be provided only in accordance
3 with the classes of persons designated in Section 5-2.

4 The Department of Healthcare and Family Services must
5 provide coverage and reimbursement for amino acid-based
6 elemental formulas, regardless of delivery method, for the
7 diagnosis and treatment of (i) eosinophilic disorders and (ii)
8 short bowel syndrome when the prescribing physician has issued
9 a written order stating that the amino acid-based elemental
10 formula is medically necessary.

11 The Illinois Department shall authorize the provision of,
12 and shall authorize payment for, screening by low-dose
13 mammography for the presence of occult breast cancer for women
14 35 years of age or older who are eligible for medical
15 assistance under this Article, as follows:

16 (A) A baseline mammogram for women 35 to 39 years of
17 age.

18 (B) An annual mammogram for women 40 years of age or
19 older.

20 (C) A mammogram at the age and intervals considered
21 medically necessary by the woman's health care provider for
22 women under 40 years of age and having a family history of
23 breast cancer, prior personal history of breast cancer,
24 positive genetic testing, or other risk factors.

25 (D) A comprehensive ultrasound screening of an entire
26 breast or breasts if a mammogram demonstrates

1 heterogeneous or dense breast tissue, when medically
2 necessary as determined by a physician licensed to practice
3 medicine in all of its branches.

4 All screenings shall include a physical breast exam,
5 instruction on self-examination and information regarding the
6 frequency of self-examination and its value as a preventative
7 tool. For purposes of this Section, "low-dose mammography"
8 means the x-ray examination of the breast using equipment
9 dedicated specifically for mammography, including the x-ray
10 tube, filter, compression device, and image receptor, with an
11 average radiation exposure delivery of less than one rad per
12 breast for 2 views of an average size breast. The term also
13 includes digital mammography.

14 On and after January 1, 2012, providers participating in a
15 quality improvement program approved by the Department shall be
16 reimbursed for screening and diagnostic mammography at the same
17 rate as the Medicare program's rates, including the increased
18 reimbursement for digital mammography.

19 The Department shall convene an expert panel including
20 representatives of hospitals, free-standing mammography
21 facilities, and doctors, including radiologists, to establish
22 quality standards.

23 Subject to federal approval, the Department shall
24 establish a rate methodology for mammography at federally
25 qualified health centers and other encounter-rate clinics.
26 These clinics or centers may also collaborate with other

1 hospital-based mammography facilities.

2 The Department shall establish a methodology to remind
3 women who are age-appropriate for screening mammography, but
4 who have not received a mammogram within the previous 18
5 months, of the importance and benefit of screening mammography.

6 The Department shall establish a performance goal for
7 primary care providers with respect to their female patients
8 over age 40 receiving an annual mammogram. This performance
9 goal shall be used to provide additional reimbursement in the
10 form of a quality performance bonus to primary care providers
11 who meet that goal.

12 The Department shall devise a means of case-managing or
13 patient navigation for beneficiaries diagnosed with breast
14 cancer. This program shall initially operate as a pilot program
15 in areas of the State with the highest incidence of mortality
16 related to breast cancer. At least one pilot program site shall
17 be in the metropolitan Chicago area and at least one site shall
18 be outside the metropolitan Chicago area. An evaluation of the
19 pilot program shall be carried out measuring health outcomes
20 and cost of care for those served by the pilot program compared
21 to similarly situated patients who are not served by the pilot
22 program.

23 Any medical or health care provider shall immediately
24 recommend, to any pregnant woman who is being provided prenatal
25 services and is suspected of drug abuse or is addicted as
26 defined in the Alcoholism and Other Drug Abuse and Dependency

1 Act, referral to a local substance abuse treatment provider
2 licensed by the Department of Human Services or to a licensed
3 hospital which provides substance abuse treatment services.
4 The Department of Healthcare and Family Services shall assure
5 coverage for the cost of treatment of the drug abuse or
6 addiction for pregnant recipients in accordance with the
7 Illinois Medicaid Program in conjunction with the Department of
8 Human Services.

9 All medical providers providing medical assistance to
10 pregnant women under this Code shall receive information from
11 the Department on the availability of services under the Drug
12 Free Families with a Future or any comparable program providing
13 case management services for addicted women, including
14 information on appropriate referrals for other social services
15 that may be needed by addicted women in addition to treatment
16 for addiction.

17 The Illinois Department, in cooperation with the
18 Departments of Human Services (as successor to the Department
19 of Alcoholism and Substance Abuse) and Public Health, through a
20 public awareness campaign, may provide information concerning
21 treatment for alcoholism and drug abuse and addiction, prenatal
22 health care, and other pertinent programs directed at reducing
23 the number of drug-affected infants born to recipients of
24 medical assistance.

25 Neither the Department of Healthcare and Family Services
26 nor the Department of Human Services shall sanction the

1 recipient solely on the basis of her substance abuse.

2 The Illinois Department shall establish such regulations
3 governing the dispensing of health services under this Article
4 as it shall deem appropriate. The Department should seek the
5 advice of formal professional advisory committees appointed by
6 the Director of the Illinois Department for the purpose of
7 providing regular advice on policy and administrative matters,
8 information dissemination and educational activities for
9 medical and health care providers, and consistency in
10 procedures to the Illinois Department.

11 The Illinois Department may develop and contract with
12 Partnerships of medical providers to arrange medical services
13 for persons eligible under Section 5-2 of this Code.
14 Implementation of this Section may be by demonstration projects
15 in certain geographic areas. The Partnership shall be
16 represented by a sponsor organization. The Department, by rule,
17 shall develop qualifications for sponsors of Partnerships.
18 Nothing in this Section shall be construed to require that the
19 sponsor organization be a medical organization.

20 The sponsor must negotiate formal written contracts with
21 medical providers for physician services, inpatient and
22 outpatient hospital care, home health services, treatment for
23 alcoholism and substance abuse, and other services determined
24 necessary by the Illinois Department by rule for delivery by
25 Partnerships. Physician services must include prenatal and
26 obstetrical care. The Illinois Department shall reimburse

1 medical services delivered by Partnership providers to clients
2 in target areas according to provisions of this Article and the
3 Illinois Health Finance Reform Act, except that:

4 (1) Physicians participating in a Partnership and
5 providing certain services, which shall be determined by
6 the Illinois Department, to persons in areas covered by the
7 Partnership may receive an additional surcharge for such
8 services.

9 (2) The Department may elect to consider and negotiate
10 financial incentives to encourage the development of
11 Partnerships and the efficient delivery of medical care.

12 (3) Persons receiving medical services through
13 Partnerships may receive medical and case management
14 services above the level usually offered through the
15 medical assistance program.

16 Medical providers shall be required to meet certain
17 qualifications to participate in Partnerships to ensure the
18 delivery of high quality medical services. These
19 qualifications shall be determined by rule of the Illinois
20 Department and may be higher than qualifications for
21 participation in the medical assistance program. Partnership
22 sponsors may prescribe reasonable additional qualifications
23 for participation by medical providers, only with the prior
24 written approval of the Illinois Department.

25 Nothing in this Section shall limit the free choice of
26 practitioners, hospitals, and other providers of medical

1 services by clients. In order to ensure patient freedom of
2 choice, the Illinois Department shall immediately promulgate
3 all rules and take all other necessary actions so that provided
4 services may be accessed from therapeutically certified
5 optometrists to the full extent of the Illinois Optometric
6 Practice Act of 1987 without discriminating between service
7 providers.

8 The Department shall apply for a waiver from the United
9 States Health Care Financing Administration to allow for the
10 implementation of Partnerships under this Section.

11 The Illinois Department shall require health care
12 providers to maintain records that document the medical care
13 and services provided to recipients of Medical Assistance under
14 this Article. Such records must be retained for a period of not
15 less than 6 years from the date of service or as provided by
16 applicable State law, whichever period is longer, except that
17 if an audit is initiated within the required retention period
18 then the records must be retained until the audit is completed
19 and every exception is resolved. The Illinois Department shall
20 require health care providers to make available, when
21 authorized by the patient, in writing, the medical records in a
22 timely fashion to other health care providers who are treating
23 or serving persons eligible for Medical Assistance under this
24 Article. All dispensers of medical services shall be required
25 to maintain and retain business and professional records
26 sufficient to fully and accurately document the nature, scope,

1 details and receipt of the health care provided to persons
2 eligible for medical assistance under this Code, in accordance
3 with regulations promulgated by the Illinois Department. The
4 rules and regulations shall require that proof of the receipt
5 of prescription drugs, dentures, prosthetic devices and
6 eyeglasses by eligible persons under this Section accompany
7 each claim for reimbursement submitted by the dispenser of such
8 medical services. No such claims for reimbursement shall be
9 approved for payment by the Illinois Department without such
10 proof of receipt, unless the Illinois Department shall have put
11 into effect and shall be operating a system of post-payment
12 audit and review which shall, on a sampling basis, be deemed
13 adequate by the Illinois Department to assure that such drugs,
14 dentures, prosthetic devices and eyeglasses for which payment
15 is being made are actually being received by eligible
16 recipients. Within 90 days after the effective date of this
17 amendatory Act of 1984, the Illinois Department shall establish
18 a current list of acquisition costs for all prosthetic devices
19 and any other items recognized as medical equipment and
20 supplies reimbursable under this Article and shall update such
21 list on a quarterly basis, except that the acquisition costs of
22 all prescription drugs shall be updated no less frequently than
23 every 30 days as required by Section 5-5.12.

24 The rules and regulations of the Illinois Department shall
25 require that a written statement including the required opinion
26 of a physician shall accompany any claim for reimbursement for

1 abortions, or induced miscarriages or premature births. This
2 statement shall indicate what procedures were used in providing
3 such medical services.

4 The Illinois Department shall require all dispensers of
5 medical services, other than an individual practitioner or
6 group of practitioners, desiring to participate in the Medical
7 Assistance program established under this Article to disclose
8 all financial, beneficial, ownership, equity, surety or other
9 interests in any and all firms, corporations, partnerships,
10 associations, business enterprises, joint ventures, agencies,
11 institutions or other legal entities providing any form of
12 health care services in this State under this Article.

13 The Illinois Department may require that all dispensers of
14 medical services desiring to participate in the medical
15 assistance program established under this Article disclose,
16 under such terms and conditions as the Illinois Department may
17 by rule establish, all inquiries from clients and attorneys
18 regarding medical bills paid by the Illinois Department, which
19 inquiries could indicate potential existence of claims or liens
20 for the Illinois Department.

21 Enrollment of a vendor shall be subject to a provisional
22 period and shall be conditional for one year. During the period
23 of conditional enrollment, the Department may terminate the
24 vendor's eligibility to participate in, or may disenroll the
25 vendor from, the medical assistance program without cause.
26 Unless otherwise specified, such termination of eligibility or

1 disenrollment is not subject to the Department's hearing
2 process. However, a disenrolled vendor may reapply without
3 penalty.

4 The Department has the discretion to limit the conditional
5 enrollment period for vendors based upon category of risk of
6 the vendor.

7 Prior to enrollment and during the conditional enrollment
8 period in the medical assistance program, all vendors shall be
9 subject to enhanced oversight, screening, and review based on
10 the risk of fraud, waste, and abuse that is posed by the
11 category of risk of the vendor. The Illinois Department shall
12 establish the procedures for oversight, screening, and review,
13 which may include, but need not be limited to: criminal and
14 financial background checks; fingerprinting; license,
15 certification, and authorization verifications; unscheduled or
16 unannounced site visits; database checks; prepayment audit
17 reviews; audits; payment caps; payment suspensions; and other
18 screening as required by federal or State law.

19 The Department shall define or specify the following: (i)
20 by provider notice, the "category of risk of the vendor" for
21 each type of vendor, which shall take into account the level of
22 screening applicable to a particular category of vendor under
23 federal law and regulations; (ii) by rule or provider notice,
24 the maximum length of the conditional enrollment period for
25 each category of risk of the vendor; and (iii) by rule, the
26 hearing rights, if any, afforded to a vendor in each category

1 of risk of the vendor that is terminated or disenrolled during
2 the conditional enrollment period.

3 To be eligible for payment consideration, a vendor's
4 payment claim or bill, either as an initial claim or as a
5 resubmitted claim following prior rejection, must be received
6 by the Illinois Department, or its fiscal intermediary, no
7 later than 180 days after the latest date on the claim on which
8 medical goods or services were provided, with the following
9 exceptions:

10 (1) In the case of a provider whose enrollment is in
11 process by the Illinois Department, the 180-day period
12 shall not begin until the date on the written notice from
13 the Illinois Department that the provider enrollment is
14 complete.

15 (2) In the case of errors attributable to the Illinois
16 Department or any of its claims processing intermediaries
17 which result in an inability to receive, process, or
18 adjudicate a claim, the 180-day period shall not begin
19 until the provider has been notified of the error.

20 (3) In the case of a provider for whom the Illinois
21 Department initiates the monthly billing process.

22 For claims for services rendered during a period for which
23 a recipient received retroactive eligibility, claims must be
24 filed within 180 days after the Department determines the
25 applicant is eligible. For claims for which the Illinois
26 Department is not the primary payer, claims must be submitted

1 to the Illinois Department within 180 days after the final
2 adjudication by the primary payer.

3 In the case of long term care facilities, admission
4 documents shall be submitted within 30 days of an admission to
5 the facility through the Medical Electronic Data Interchange
6 (MEDI) or the Recipient Eligibility Verification (REV) System,
7 or shall be submitted directly to the Department of Human
8 Services using required admission forms. Confirmation numbers
9 assigned to an accepted transaction shall be retained by a
10 facility to verify timely submittal. Once an admission
11 transaction has been completed, all resubmitted claims
12 following prior rejection are subject to receipt no later than
13 180 days after the admission transaction has been completed.

14 Claims that are not submitted and received in compliance
15 with the foregoing requirements shall not be eligible for
16 payment under the medical assistance program, and the State
17 shall have no liability for payment of those claims.

18 To the extent consistent with applicable information and
19 privacy, security, and disclosure laws, State and federal
20 agencies and departments shall provide the Illinois Department
21 access to confidential and other information and data necessary
22 to perform eligibility and payment verifications and other
23 Illinois Department functions. This includes, but is not
24 limited to: information pertaining to licensure;
25 certification; earnings; immigration status; citizenship; wage
26 reporting; unearned and earned income; pension income;

1 employment; supplemental security income; social security
2 numbers; National Provider Identifier (NPI) numbers; the
3 National Practitioner Data Bank (NPDB); program and agency
4 exclusions; taxpayer identification numbers; tax delinquency;
5 corporate information; and death records.

6 The Illinois Department shall enter into agreements with
7 State agencies and departments, and is authorized to enter into
8 agreements with federal agencies and departments, under which
9 such agencies and departments shall share data necessary for
10 medical assistance program integrity functions and oversight.
11 The Illinois Department shall develop, in cooperation with
12 other State departments and agencies, and in compliance with
13 applicable federal laws and regulations, appropriate and
14 effective methods to share such data. At a minimum, and to the
15 extent necessary to provide data sharing, the Illinois
16 Department shall enter into agreements with State agencies and
17 departments, and is authorized to enter into agreements with
18 federal agencies and departments, including but not limited to:
19 the Secretary of State; the Department of Revenue; the
20 Department of Public Health; the Department of Human Services;
21 and the Department of Financial and Professional Regulation.

22 Beginning in fiscal year 2013, the Illinois Department
23 shall set forth a request for information to identify the
24 benefits of a pre-payment, post-adjudication, and post-edit
25 claims system with the goals of streamlining claims processing
26 and provider reimbursement, reducing the number of pending or

1 rejected claims, and helping to ensure a more transparent
2 adjudication process through the utilization of: (i) provider
3 data verification and provider screening technology; and (ii)
4 clinical code editing; and (iii) pre-pay, pre- or
5 post-adjudicated predictive modeling with an integrated case
6 management system with link analysis. Such a request for
7 information shall not be considered as a request for proposal
8 or as an obligation on the part of the Illinois Department to
9 take any action or acquire any products or services.

10 The Illinois Department shall establish policies,
11 procedures, standards and criteria by rule for the acquisition,
12 repair and replacement of orthotic and prosthetic devices and
13 durable medical equipment. Such rules shall provide, but not be
14 limited to, the following services: (1) immediate repair or
15 replacement of such devices by recipients; and (2) rental,
16 lease, purchase or lease-purchase of durable medical equipment
17 in a cost-effective manner, taking into consideration the
18 recipient's medical prognosis, the extent of the recipient's
19 needs, and the requirements and costs for maintaining such
20 equipment. Subject to prior approval, such rules shall enable a
21 recipient to temporarily acquire and use alternative or
22 substitute devices or equipment pending repairs or
23 replacements of any device or equipment previously authorized
24 for such recipient by the Department.

25 The Department shall execute, relative to the nursing home
26 prescreening project, written inter-agency agreements with the

1 Department of Human Services and the Department on Aging, to
2 effect the following: (i) intake procedures and common
3 eligibility criteria for those persons who are receiving
4 non-institutional services; and (ii) the establishment and
5 development of non-institutional services in areas of the State
6 where they are not currently available or are undeveloped; and
7 (iii) notwithstanding any other provision of law, subject to
8 federal approval, on and after July 1, 2012, an increase in the
9 determination of need (DON) scores from 29 to 37 for applicants
10 for institutional and home and community-based long term care;
11 if and only if federal approval is not granted, the Department
12 may, in conjunction with other affected agencies, implement
13 utilization controls or changes in benefit packages to
14 effectuate a similar savings amount for this population; and
15 (iv) no later than July 1, 2013, minimum level of care
16 eligibility criteria for institutional and home and
17 community-based long term care. In order to select the minimum
18 level of care eligibility criteria, the Governor shall
19 establish a workgroup that includes affected agency
20 representatives and stakeholders representing the
21 institutional and home and community-based long term care
22 interests. This Section shall not restrict the Department from
23 implementing lower level of care eligibility criteria for
24 community-based services in circumstances where federal
25 approval has been granted.

26 The Illinois Department shall develop and operate, in

1 cooperation with other State Departments and agencies and in
2 compliance with applicable federal laws and regulations,
3 appropriate and effective systems of health care evaluation and
4 programs for monitoring of utilization of health care services
5 and facilities, as it affects persons eligible for medical
6 assistance under this Code.

7 The Illinois Department shall report annually to the
8 General Assembly, no later than the second Friday in April of
9 1979 and each year thereafter, in regard to:

10 (a) actual statistics and trends in utilization of
11 medical services by public aid recipients;

12 (b) actual statistics and trends in the provision of
13 the various medical services by medical vendors;

14 (c) current rate structures and proposed changes in
15 those rate structures for the various medical vendors; and

16 (d) efforts at utilization review and control by the
17 Illinois Department.

18 The period covered by each report shall be the 3 years
19 ending on the June 30 prior to the report. The report shall
20 include suggested legislation for consideration by the General
21 Assembly. The filing of one copy of the report with the
22 Speaker, one copy with the Minority Leader and one copy with
23 the Clerk of the House of Representatives, one copy with the
24 President, one copy with the Minority Leader and one copy with
25 the Secretary of the Senate, one copy with the Legislative
26 Research Unit, and such additional copies with the State

1 Government Report Distribution Center for the General Assembly
2 as is required under paragraph (t) of Section 7 of the State
3 Library Act shall be deemed sufficient to comply with this
4 Section.

5 Rulemaking authority to implement Public Act 95-1045, if
6 any, is conditioned on the rules being adopted in accordance
7 with all provisions of the Illinois Administrative Procedure
8 Act and all rules and procedures of the Joint Committee on
9 Administrative Rules; any purported rule not so adopted, for
10 whatever reason, is unauthorized.

11 On and after July 1, 2012, the Department shall reduce any
12 rate of reimbursement for services or other payments or alter
13 any methodologies authorized by this Code to reduce any rate of
14 reimbursement for services or other payments in accordance with
15 Section 5-5e.

16 (Source: P.A. 96-156, eff. 1-1-10; 96-806, eff. 7-1-10; 96-926,
17 eff. 1-1-11; 96-1000, eff. 7-2-10; 97-48, eff. 6-28-11; 97-638,
18 eff. 1-1-12; 97-689, eff. 6-14-12; 97-1061, eff. 8-24-12;
19 revised 9-20-12.)

20 (305 ILCS 5/5-5.12) (from Ch. 23, par. 5-5.12)

21 Sec. 5-5.12. Pharmacy payments.

22 (a) Every request submitted by a pharmacy for reimbursement
23 under this Article for prescription drugs provided to a
24 recipient of aid under this Article shall include the name of
25 the prescriber or an acceptable identification number as

1 established by the Department.

2 (b) Pharmacies providing prescription drugs under this
3 Article shall be reimbursed at a rate which shall include a
4 professional dispensing fee as determined by the Illinois
5 Department, plus the current acquisition cost of the
6 prescription drug dispensed. The Illinois Department shall
7 update its information on the acquisition costs of all
8 prescription drugs no less frequently than every 30 days.
9 However, the Illinois Department may set the rate of
10 reimbursement for the acquisition cost, by rule, at a
11 percentage of the current average wholesale acquisition cost.

12 (c) (Blank).

13 (d) The Department shall review utilization of narcotic
14 medications in the medical assistance program and impose
15 utilization controls that protect against abuse.

16 (e) When making determinations as to which drugs shall be
17 on a prior approval list, the Department shall include as part
18 of the analysis for this determination, the degree to which a
19 drug may affect individuals in different ways based on factors
20 including the gender of the person taking the medication.

21 (f) The Department shall cooperate with the Department of
22 Public Health and the Department of Human Services Division of
23 Mental Health in identifying psychotropic medications that,
24 when given in a particular form, manner, duration, or frequency
25 (including "as needed") in a dosage, or in conjunction with
26 other psychotropic medications to a nursing home resident or to

1 a resident of a facility licensed under the ID/DD Community
2 Care Act, may constitute a chemical restraint or an
3 "unnecessary drug" as defined by the Nursing Home Care Act or
4 Titles XVIII and XIX of the Social Security Act and the
5 implementing rules and regulations. The Department shall
6 require prior approval for any such medication prescribed for a
7 nursing home resident or to a resident of a facility licensed
8 under the ID/DD Community Care Act, that appears to be a
9 chemical restraint or an unnecessary drug. The Department shall
10 consult with the Department of Human Services Division of
11 Mental Health in developing a protocol and criteria for
12 deciding whether to grant such prior approval.

13 (g) The Department may by rule provide for reimbursement of
14 the dispensing of a 90-day supply of a generic or brand name,
15 non-narcotic maintenance medication in circumstances where it
16 is cost effective.

17 (g-5) On and after July 1, 2012, the Department may require
18 the dispensing of drugs to nursing home residents be in a 7-day
19 supply or other amount less than a 31-day supply. The
20 Department shall pay only one dispensing fee per 31-day supply.

21 (h) Effective July 1, 2011, the Department shall
22 discontinue coverage of select over-the-counter drugs,
23 including analgesics and cough and cold and allergy
24 medications.

25 (h-5) On and after July 1, 2012, the Department shall
26 impose utilization controls, including, but not limited to,

1 prior approval on specialty drugs, oncolytic drugs, drugs for
2 the treatment of HIV or AIDS, immunosuppressant drugs, and
3 biological products in order to maximize savings on these
4 drugs. The Department may adjust payment methodologies for
5 non-pharmacy billed drugs in order to incentivize the selection
6 of lower-cost drugs. For drugs for the treatment of AIDS, the
7 Department shall take into consideration the potential for
8 non-adherence by certain populations, and shall develop
9 protocols with organizations or providers primarily serving
10 those with HIV/AIDS, as long as such measures intend to
11 maintain cost neutrality with other utilization management
12 controls such as prior approval. For hemophilia, the Department
13 shall develop a program of utilization review and control which
14 may include, in the discretion of the Department, prior
15 approvals. The Department may impose special standards on
16 providers that dispense blood factors which shall include, in
17 the discretion of the Department, staff training and education;
18 patient outreach and education; case management; in-home
19 patient assessments; assay management; maintenance of stock;
20 emergency dispensing timeframes; data collection and
21 reporting; dispensing of supplies related to blood factor
22 infusions; cold chain management and packaging practices; care
23 coordination; product recalls; and emergency clinical
24 consultation. The Department may require patients to receive a
25 comprehensive examination annually at an appropriate provider
26 in order to be eligible to continue to receive blood factor.

1 (i) On and after July 1, 2012, the Department shall reduce
2 any rate of reimbursement for services or other payments or
3 alter any methodologies authorized by this Code to reduce any
4 rate of reimbursement for services or other payments in
5 accordance with Section 5-5e.

6 ~~(i) (Blank).~~

7 (j) On and after July 1, 2012, the Department shall impose
8 limitations on prescription drugs such that the Department
9 shall not provide reimbursement for more than 4 prescriptions,
10 including 3 brand name prescriptions, for distinct drugs in a
11 30-day period, unless prior approval is received for all
12 prescriptions in excess of the 4-prescription limit. Drugs in
13 the following therapeutic classes shall not be subject to prior
14 approval as a result of the 4-prescription limit:
15 immunosuppressant drugs, oncolytic drugs, and anti-retroviral
16 drugs.

17 (k) No medication therapy management program implemented
18 by the Department shall be contrary to the provisions of the
19 Pharmacy Practice Act.

20 (l) Any provider enrolled with the Department that bills
21 the Department for outpatient drugs and is eligible to enroll
22 in the federal Drug Pricing Program under Section 340B of the
23 federal Public Health Services Act shall enroll in that
24 program. No entity participating in the federal Drug Pricing
25 Program under Section 340B of the federal Public Health
26 Services Act may exclude Medicaid from their participation in

1 that program, although the Department may exclude entities
2 defined in Section 1905(1)(2)(B) of the Social Security Act
3 from this requirement.

4 (Source: P.A. 96-1269, eff. 7-26-10; 96-1372, eff. 7-29-10;
5 96-1501, eff. 1-25-11; 97-38, eff. 6-28-11; 97-74, eff.
6 6-30-11; 97-333, eff. 8-12-11; 97-426, eff. 1-1-12; 97-689,
7 eff. 6-14-12; 97-813, eff. 7-13-12; revised 8-3-12.)

8 (305 ILCS 5/5A-5) (from Ch. 23, par. 5A-5)

9 Sec. 5A-5. Notice; penalty; maintenance of records.

10 (a) The Illinois Department shall send a notice of
11 assessment to every hospital provider subject to assessment
12 under this Article. The notice of assessment shall notify the
13 hospital of its assessment and shall be sent after receipt by
14 the Department of notification from the Centers for Medicare
15 and Medicaid Services of the U.S. Department of Health and
16 Human Services that the payment methodologies required under
17 this Article and, if necessary, the waiver granted under 42 CFR
18 433.68 have been approved. The notice shall be on a form
19 prepared by the Illinois Department and shall state the
20 following:

21 (1) The name of the hospital provider.

22 (2) The address of the hospital provider's principal
23 place of business from which the provider engages in the
24 occupation of hospital provider in this State, and the name
25 and address of each hospital operated, conducted, or

1 maintained by the provider in this State.

2 (3) The occupied bed days, occupied bed days less
3 Medicare days, adjusted gross hospital revenue, or
4 outpatient gross revenue of the hospital provider
5 (whichever is applicable), the amount of assessment
6 imposed under Section 5A-2 for the State fiscal year for
7 which the notice is sent, and the amount of each
8 installment to be paid during the State fiscal year.

9 (4) (Blank).

10 (5) Other reasonable information as determined by the
11 Illinois Department.

12 (b) If a hospital provider conducts, operates, or maintains
13 more than one hospital licensed by the Illinois Department of
14 Public Health, the provider shall pay the assessment for each
15 hospital separately.

16 (c) Notwithstanding any other provision in this Article, in
17 the case of a person who ceases to conduct, operate, or
18 maintain a hospital in respect of which the person is subject
19 to assessment under this Article as a hospital provider, the
20 assessment for the State fiscal year in which the cessation
21 occurs shall be adjusted by multiplying the assessment computed
22 under Section 5A-2 by a fraction, the numerator of which is the
23 number of days in the year during which the provider conducts,
24 operates, or maintains the hospital and the denominator of
25 which is 365. Immediately upon ceasing to conduct, operate, or
26 maintain a hospital, the person shall pay the assessment for

1 the year as so adjusted (to the extent not previously paid).

2 (d) Notwithstanding any other provision in this Article, a
3 provider who commences conducting, operating, or maintaining a
4 hospital, upon notice by the Illinois Department, shall pay the
5 assessment computed under Section 5A-2 and subsection (e) in
6 installments on the due dates stated in the notice and on the
7 regular installment due dates for the State fiscal year
8 occurring after the due dates of the initial notice.

9 (e) Notwithstanding any other provision in this Article,
10 for State fiscal years 2009 through 2014 ~~2015~~, in the case of a
11 hospital provider that did not conduct, operate, or maintain a
12 hospital in 2005, the assessment for that State fiscal year
13 shall be computed on the basis of hypothetical occupied bed
14 days for the full calendar year as determined by the Illinois
15 Department. Notwithstanding any other provision in this
16 Article, for State fiscal years 2013 through 2014, and for July
17 1, 2014 through December 31, 2014, in the case of a hospital
18 provider that did not conduct, operate, or maintain a hospital
19 in 2009, the assessment under subsection (b-5) of Section 5A-2
20 for that State fiscal year shall be computed on the basis of
21 hypothetical gross outpatient revenue for the full calendar
22 year as determined by the Illinois Department.

23 (f) Every hospital provider subject to assessment under
24 this Article shall keep sufficient records to permit the
25 determination of adjusted gross hospital revenue for the
26 hospital's fiscal year. All such records shall be kept in the

1 English language and shall, at all times during regular
2 business hours of the day, be subject to inspection by the
3 Illinois Department or its duly authorized agents and
4 employees.

5 (g) The Illinois Department may, by rule, provide a
6 hospital provider a reasonable opportunity to request a
7 clarification or correction of any clerical or computational
8 errors contained in the calculation of its assessment, but such
9 corrections shall not extend to updating the cost report
10 information used to calculate the assessment.

11 (h) (Blank).

12 (Source: P.A. 96-1530, eff. 2-16-11; 97-688, eff. 6-14-12;
13 97-689, eff. 6-14-12; revised 10-17-12.)

14 (305 ILCS 5/5A-8) (from Ch. 23, par. 5A-8)

15 Sec. 5A-8. Hospital Provider Fund.

16 (a) There is created in the State Treasury the Hospital
17 Provider Fund. Interest earned by the Fund shall be credited to
18 the Fund. The Fund shall not be used to replace any moneys
19 appropriated to the Medicaid program by the General Assembly.

20 (b) The Fund is created for the purpose of receiving moneys
21 in accordance with Section 5A-6 and disbursing moneys only for
22 the following purposes, notwithstanding any other provision of
23 law:

24 (1) For making payments to hospitals as required under
25 this Code, under the Children's Health Insurance Program

1 Act, under the Covering ALL KIDS Health Insurance Act, and
2 under the Long Term Acute Care Hospital Quality Improvement
3 Transfer Program Act.

4 (2) For the reimbursement of moneys collected by the
5 Illinois Department from hospitals or hospital providers
6 through error or mistake in performing the activities
7 authorized under this Code.

8 (3) For payment of administrative expenses incurred by
9 the Illinois Department or its agent in performing
10 activities under this Code, under the Children's Health
11 Insurance Program Act, under the Covering ALL KIDS Health
12 Insurance Act, and under the Long Term Acute Care Hospital
13 Quality Improvement Transfer Program Act.

14 (4) For payments of any amounts which are reimbursable
15 to the federal government for payments from this Fund which
16 are required to be paid by State warrant.

17 (5) For making transfers, as those transfers are
18 authorized in the proceedings authorizing debt under the
19 Short Term Borrowing Act, but transfers made under this
20 paragraph (5) shall not exceed the principal amount of debt
21 issued in anticipation of the receipt by the State of
22 moneys to be deposited into the Fund.

23 (6) For making transfers to any other fund in the State
24 treasury, but transfers made under this paragraph (6) shall
25 not exceed the amount transferred previously from that
26 other fund into the Hospital Provider Fund plus any

1 interest that would have been earned by that fund on the
2 monies that had been transferred.

3 (6.5) For making transfers to the Healthcare Provider
4 Relief Fund, except that transfers made under this
5 paragraph (6.5) shall not exceed \$60,000,000 in the
6 aggregate.

7 (7) For making transfers not exceeding the following
8 amounts, in State fiscal years 2013 and 2014 ~~in each State~~
9 ~~fiscal year during which an assessment is imposed pursuant~~
10 ~~to Section 5A-2~~, to the following designated funds:

11	Health and Human Services Medicaid Trust	
12	Fund	\$20,000,000
13	Long-Term Care Provider Fund	\$30,000,000
14	General Revenue Fund	\$80,000,000.

15 Transfers under this paragraph shall be made within 7 days
16 after the payments have been received pursuant to the
17 schedule of payments provided in subsection (a) of Section
18 5A-4.

19 (7.1) For making transfers not exceeding the following
20 amounts, in State fiscal year 2015, to the following
21 designated funds:

22	Health and Human Services Medicaid Trust	
23	Fund	\$10,000,000
24	Long-Term Care Provider Fund	\$15,000,000
25	General Revenue Fund	\$40,000,000.

26 Transfers under this paragraph shall be made within 7 days

1 after the payments have been received pursuant to the
2 schedule of payments provided in subsection (a) of Section
3 5A-4.

4 (7.5) (Blank).

5 (7.8) (Blank).

6 (7.9) (Blank).

7 (7.10) For State fiscal years 2013 and 2014, for making
8 transfers of the moneys resulting from the assessment under
9 subsection (b-5) of Section 5A-2 and received from hospital
10 providers under Section 5A-4 and transferred into the
11 Hospital Provider Fund under Section 5A-6 to the designated
12 funds not exceeding the following amounts in that State
13 fiscal year:

14 Health Care Provider Relief Fund \$50,000,000

15 Transfers under this paragraph shall be made within 7
16 days after the payments have been received pursuant to the
17 schedule of payments provided in subsection (a) of Section
18 5A-4.

19 (7.11) For State fiscal year 2015, for making transfers
20 of the moneys resulting from the assessment under
21 subsection (b-5) of Section 5A-2 and received from hospital
22 providers under Section 5A-4 and transferred into the
23 Hospital Provider Fund under Section 5A-6 to the designated
24 funds not exceeding the following amounts in that State
25 fiscal year:

26 Health Care Provider Relief Fund \$25,000,000

1 Transfers under this paragraph shall be made within 7
2 days after the payments have been received pursuant to the
3 schedule of payments provided in subsection (a) of Section
4 5A-4.

5 (8) For making refunds to hospital providers pursuant
6 to Section 5A-10.

7 Disbursements from the Fund, other than transfers
8 authorized under paragraphs (5) and (6) of this subsection,
9 shall be by warrants drawn by the State Comptroller upon
10 receipt of vouchers duly executed and certified by the Illinois
11 Department.

12 (c) The Fund shall consist of the following:

13 (1) All moneys collected or received by the Illinois
14 Department from the hospital provider assessment imposed
15 by this Article.

16 (2) All federal matching funds received by the Illinois
17 Department as a result of expenditures made by the Illinois
18 Department that are attributable to moneys deposited in the
19 Fund.

20 (3) Any interest or penalty levied in conjunction with
21 the administration of this Article.

22 (4) Moneys transferred from another fund in the State
23 treasury.

24 (5) All other moneys received for the Fund from any
25 other source, including interest earned thereon.

26 (d) (Blank).

1 (Source: P.A. 96-3, eff. 2-27-09; 96-45, eff. 7-15-09; 96-821,
2 eff. 11-20-09; 96-1530, eff. 2-16-11; 97-688, eff. 6-14-12;
3 97-689, eff. 6-14-12; revised 10-17-12.)

4 (305 ILCS 5/5A-10) (from Ch. 23, par. 5A-10)

5 Sec. 5A-10. Applicability.

6 (a) The assessment imposed by subsection (a) of Section
7 5A-2 shall cease to be imposed and the Department's obligation
8 to make payments shall immediately cease, and any moneys
9 remaining in the Fund shall be refunded to hospital providers
10 in proportion to the amounts paid by them, if:

11 (1) The payments to hospitals required under this
12 Article are not eligible for federal matching funds under
13 Title XIX or XXI of the Social Security Act;

14 (2) For State fiscal years 2009 through 2014, and July
15 1, 2014 through December 31, 2014, the Department of
16 Healthcare and Family Services adopts any administrative
17 rule change to reduce payment rates or alters any payment
18 methodology that reduces any payment rates made to
19 operating hospitals under the approved Title XIX or Title
20 XXI State plan in effect January 1, 2008 except for:

21 (A) any changes for hospitals described in
22 subsection (b) of Section 5A-3;

23 (B) any rates for payments made under this Article
24 V-A;

25 (C) any changes proposed in State plan amendment

1 transmittal numbers 08-01, 08-02, 08-04, 08-06, and
2 08-07;

3 (D) in relation to any admissions on or after
4 January 1, 2011, a modification in the methodology for
5 calculating outlier payments to hospitals for
6 exceptionally costly stays, for hospitals reimbursed
7 under the diagnosis-related grouping methodology in
8 effect on July 1, 2011 ~~January 1, 2011~~; provided that
9 the Department shall be limited to one such
10 modification during the 36-month period after the
11 effective date of this amendatory Act of the 96th
12 General Assembly; or

13 (E) any changes affecting hospitals authorized by
14 Public Act 97-689 ~~this amendatory Act of the 97th~~
15 ~~General Assembly~~.

16 (b) The assessment imposed by Section 5A-2 shall not take
17 effect or shall cease to be imposed, and the Department's
18 obligation to make payments shall immediately cease, if the
19 assessment is determined to be an impermissible tax under Title
20 XIX of the Social Security Act. Moneys in the Hospital Provider
21 Fund derived from assessments imposed prior thereto shall be
22 disbursed in accordance with Section 5A-8 to the extent federal
23 financial participation is not reduced due to the
24 impermissibility of the assessments, and any remaining moneys
25 shall be refunded to hospital providers in proportion to the
26 amounts paid by them.

1 (c) The assessments imposed by subsection (b-5) of Section
2 5A-2 shall not take effect or shall cease to be imposed, the
3 Department's obligation to make payments shall immediately
4 cease, and any moneys remaining in the Fund shall be refunded
5 to hospital providers in proportion to the amounts paid by
6 them, if the payments to hospitals required under Section
7 5A-12.4 are not eligible for federal matching funds under Title
8 XIX of the Social Security Act.

9 (d) The assessments imposed by Section 5A-2 shall not take
10 effect or shall cease to be imposed, the Department's
11 obligation to make payments shall immediately cease, and any
12 moneys remaining in the Fund shall be refunded to hospital
13 providers in proportion to the amounts paid by them, if:

14 (1) for State fiscal years 2013 through 2014, and July
15 1, 2014 through December 31, 2014, the Department reduces
16 any payment rates to hospitals as in effect on May 1, 2012,
17 or alters any payment methodology as in effect on May 1,
18 2012, that has the effect of reducing payment rates to
19 hospitals, except for any changes affecting hospitals
20 authorized in Public Act 97-689 ~~Senate Bill 2840 of the~~
21 ~~97th General Assembly in the form in which it becomes law,~~
22 and except for any changes authorized under Section 5A-15;
23 or

24 (2) for State fiscal years 2013 through 2014, and July
25 1, 2014 through December 31, 2014, the Department reduces
26 any supplemental payments made to hospitals below the

1 amounts paid for services provided in State fiscal year
2 2011 as implemented by administrative rules adopted and in
3 effect on or prior to June 30, 2011, except for any changes
4 affecting hospitals authorized in Public Act 97-689 ~~Senate~~
5 ~~Bill 2840 of the 97th General Assembly in the form in which~~
6 ~~it becomes law~~, and except for any changes authorized under
7 Section 5A-15.

8 (Source: P.A. 96-8, eff. 4-28-09; 96-1530, eff. 2-16-11; 97-72,
9 eff. 7-1-11; 97-74, eff. 6-30-11; 97-688, eff. 6-14-12; 97-689,
10 eff. 6-14-12; revised 10-17-12.)

11 (305 ILCS 5/5A-12.4)

12 (Section scheduled to be repealed on January 1, 2015)

13 Sec. 5A-12.4. Hospital access improvement payments on or
14 after July 1, 2012.

15 (a) Hospital access improvement payments. To preserve and
16 improve access to hospital services, for hospital and physician
17 services rendered on or after July 1, 2012, the Illinois
18 Department shall, except for hospitals described in subsection
19 (b) of Section 5A-3, make payments to hospitals as set forth in
20 this Section. These payments shall be paid in 12 equal
21 installments on or before the 7th State business day of each
22 month, except that no payment shall be due within 100 days
23 after the later of the date of notification of federal approval
24 of the payment methodologies required under this Section or any
25 waiver required under 42 CFR 433.68, at which time the sum of

1 amounts required under this Section prior to the date of
2 notification is due and payable. Payments under this Section
3 are not due and payable, however, until (i) the methodologies
4 described in this Section are approved by the federal
5 government in an appropriate State Plan amendment and (ii) the
6 assessment imposed under subsection (b-5) of Section 5A-2 of
7 this Article is determined to be a permissible tax under Title
8 XIX of the Social Security Act. The Illinois Department shall
9 take all actions necessary to implement the payments under this
10 Section effective July 1, 2012, including but not limited to
11 providing public notice pursuant to federal requirements, the
12 filing of a State Plan amendment, and the adoption of
13 administrative rules.

14 (a-5) Accelerated schedule. The Illinois Department may,
15 when practicable, accelerate the schedule upon which payments
16 authorized under this Section are made.

17 (b) Magnet and perinatal hospital adjustment. In addition
18 to rates paid for inpatient hospital services, the Department
19 shall pay to each Illinois general acute care hospital that, as
20 of August 25, 2011, was recognized as a Magnet hospital by the
21 American Nurses Credentialing Center and that, as of September
22 14, 2011, was designated as a level III perinatal center
23 amounts as follows:

24 (1) For hospitals with a case mix index equal to or
25 greater than the 80th percentile of case mix indices for
26 all Illinois hospitals, \$470 for each Medicaid general

1 acute care inpatient day of care provided by the hospital
2 during State fiscal year 2009.

3 (2) For all other hospitals, \$170 for each Medicaid
4 general acute care inpatient day of care provided by the
5 hospital during State fiscal year 2009.

6 (c) Trauma level II adjustment. In addition to rates paid
7 for inpatient hospital services, the Department shall pay to
8 each Illinois general acute care hospital that, as of July 1,
9 2011, was designated as a level II trauma center amounts as
10 follows:

11 (1) For hospitals with a case mix index equal to or
12 greater than the 50th percentile of case mix indices for
13 all Illinois hospitals, \$470 for each Medicaid general
14 acute care inpatient day of care provided by the hospital
15 during State fiscal year 2009.

16 (2) For all other hospitals, \$170 for each Medicaid
17 general acute care inpatient day of care provided by the
18 hospital during State fiscal year 2009.

19 (3) For the purposes of this adjustment, hospitals
20 located in the same city that alternate their trauma center
21 designation as defined in 89 Ill. Adm. Code 148.295(a)(2)
22 shall have the adjustment provided under this Section
23 divided between the 2 hospitals.

24 (d) Dual-eligible adjustment. In addition to rates paid for
25 inpatient services, the Department shall pay each Illinois
26 general acute care hospital that had a ratio of crossover days

1 to total inpatient days for programs under Title XIX of the
2 Social Security Act administered by the Department (utilizing
3 information from 2009 paid claims) greater than 50%, and a case
4 mix index equal to or greater than the 75th percentile of case
5 mix indices for all Illinois hospitals, a rate of \$400 for each
6 Medicaid inpatient day during State fiscal year 2009 including
7 crossover days.

8 (e) Medicaid volume adjustment. In addition to rates paid
9 for inpatient hospital services, the Department shall pay to
10 each Illinois general acute care hospital that provided more
11 than 10,000 Medicaid inpatient days of care in State fiscal
12 year 2009, has a Medicaid inpatient utilization rate of at
13 least 29.05% as calculated by the Department for the Rate Year
14 2011 Disproportionate Share determination, and is not eligible
15 for Medicaid Percentage Adjustment payments in rate year 2011
16 an amount equal to \$135 for each Medicaid inpatient day of care
17 provided during State fiscal year 2009.

18 (f) Outpatient service adjustment. In addition to the rates
19 paid for outpatient hospital services, the Department shall pay
20 each Illinois hospital an amount at least equal to \$100
21 multiplied by the hospital's outpatient ambulatory procedure
22 listing services (excluding categories 3B and 3C) and by the
23 hospital's end stage renal disease treatment services provided
24 for State fiscal year 2009.

25 (g) Ambulatory service adjustment.

26 (1) In addition to the rates paid for outpatient

1 hospital services provided in the emergency department,
2 the Department shall pay each Illinois hospital an amount
3 equal to \$105 multiplied by the hospital's outpatient
4 ambulatory procedure listing services for categories 3A,
5 3B, and 3C for State fiscal year 2009.

6 (2) In addition to the rates paid for outpatient
7 hospital services, the Department shall pay each Illinois
8 freestanding psychiatric hospital an amount equal to \$200
9 multiplied by the hospital's ambulatory procedure listing
10 services for category 5A for State fiscal year 2009.

11 (h) Specialty hospital adjustment. In addition to the rates
12 paid for outpatient hospital services, the Department shall pay
13 each Illinois long term acute care hospital and each Illinois
14 hospital devoted exclusively to the treatment of cancer, an
15 amount equal to \$700 multiplied by the hospital's outpatient
16 ambulatory procedure listing services and by the hospital's end
17 stage renal disease treatment services (including services
18 provided to individuals eligible for both Medicaid and
19 Medicare) provided for State fiscal year 2009.

20 (h-1) ER Safety Net Payments. In addition to rates paid for
21 outpatient services, the Department shall pay to each Illinois
22 general acute care hospital with an emergency room ratio equal
23 to or greater than 55%, that is not eligible for Medicaid
24 percentage adjustments payments in rate year 2011, with a case
25 mix index equal to or greater than the 20th percentile, and
26 that is not designated as a trauma center by the Illinois

1 Department of Public Health on July 1, 2011, as follows:

2 (1) Each hospital with an emergency room ratio equal to
3 or greater than 74% shall receive a rate of \$225 for each
4 outpatient ambulatory procedure listing and end-stage
5 renal disease treatment service provided for State fiscal
6 year 2009.

7 (2) For all other hospitals, \$65 shall be paid for each
8 outpatient ambulatory procedure listing and end-stage
9 renal disease treatment service provided for State fiscal
10 year 2009.

11 (i) Physician supplemental adjustment. In addition to the
12 rates paid for physician services, the Department shall make an
13 adjustment payment for services provided by physicians as
14 follows:

15 (1) Physician services eligible for the adjustment
16 payment are those provided by physicians employed by or who
17 have a contract to provide services to patients of the
18 following hospitals: (i) Illinois general acute care
19 hospitals that provided at least 17,000 Medicaid inpatient
20 days of care in State fiscal year 2009 and are eligible for
21 Medicaid Percentage Adjustment Payments in rate year 2011;
22 and (ii) Illinois freestanding children's hospitals, as
23 defined in 89 Ill. Adm. Code 149.50(c) (3) (A).

24 (2) The amount of the adjustment for each eligible
25 hospital under this subsection (i) shall be determined by
26 rule by the Department to spend a total pool of at least

1 \$6,960,000 annually. This pool shall be allocated among the
2 eligible hospitals based on the difference between the
3 upper payment limit for what could have been paid under
4 Medicaid for physician services provided during State
5 fiscal year 2009 by physicians employed by or who had a
6 contract with the hospital and the amount that was paid
7 under Medicaid for such services, provided however, that in
8 no event shall physicians at any individual hospital
9 collectively receive an annual, aggregate adjustment in
10 excess of \$435,000, except that any amount that is not
11 distributed to a hospital because of the upper payment
12 limit shall be reallocated among the remaining eligible
13 hospitals that are below the upper payment limitation, on a
14 proportionate basis.

15 (i-5) For any children's hospital which did not charge for
16 its services during the base period, the Department shall use
17 data supplied by the hospital to determine payments using
18 similar methodologies for freestanding children's hospitals
19 under this Section or Section 5A-12.2 ~~12.2~~.

20 (j) For purposes of this Section, a hospital that is
21 enrolled to provide Medicaid services during State fiscal year
22 2009 shall have its utilization and associated reimbursements
23 annualized prior to the payment calculations being performed
24 under this Section.

25 (k) For purposes of this Section, the terms "Medicaid
26 days", "ambulatory procedure listing services", and

1 "ambulatory procedure listing payments" do not include any
2 days, charges, or services for which Medicare or a managed care
3 organization reimbursed on a capitated basis was liable for
4 payment, except where explicitly stated otherwise in this
5 Section.

6 (1) Definitions. Unless the context requires otherwise or
7 unless provided otherwise in this Section, the terms used in
8 this Section for qualifying criteria and payment calculations
9 shall have the same meanings as those terms have been given in
10 the Illinois Department's administrative rules as in effect on
11 October 1, 2011. Other terms shall be defined by the Illinois
12 Department by rule.

13 As used in this Section, unless the context requires
14 otherwise:

15 "Case mix index" means, for a given hospital, the sum of
16 the per admission (DRG) relative weighting factors in effect on
17 January 1, 2005, for all general acute care admissions for
18 State fiscal year 2009, excluding Medicare crossover
19 admissions and transplant admissions reimbursed under 89 Ill.
20 Adm. Code 148.82, divided by the total number of general acute
21 care admissions for State fiscal year 2009, excluding Medicare
22 crossover admissions and transplant admissions reimbursed
23 under 89 Ill. Adm. Code 148.82.

24 "Emergency room ratio" means, for a given hospital, a
25 fraction, the denominator of which is the number of the
26 hospital's outpatient ambulatory procedure listing and

1 end-stage renal disease treatment services provided for State
2 fiscal year 2009 and the numerator of which is the hospital's
3 outpatient ambulatory procedure listing services for
4 categories 3A, 3B, and 3C for State fiscal year 2009.

5 "Medicaid inpatient day" means, for a given hospital, the
6 sum of days of inpatient hospital days provided to recipients
7 of medical assistance under Title XIX of the federal Social
8 Security Act, excluding days for individuals eligible for
9 Medicare under Title XVIII of that Act (Medicaid/Medicare
10 crossover days), as tabulated from the Department's paid claims
11 data for admissions occurring during State fiscal year 2009
12 that was adjudicated by the Department through June 30, 2010.

13 "Outpatient ambulatory procedure listing services" means,
14 for a given hospital, ambulatory procedure listing services, as
15 described in 89 Ill. Adm. Code 148.140(b), provided to
16 recipients of medical assistance under Title XIX of the federal
17 Social Security Act, excluding services for individuals
18 eligible for Medicare under Title XVIII of the Act
19 (Medicaid/Medicare crossover days), as tabulated from the
20 Department's paid claims data for services occurring in State
21 fiscal year 2009 that were adjudicated by the Department
22 through September 2, 2010.

23 "Outpatient end-stage renal disease treatment services"
24 means, for a given hospital, the services, as described in 89
25 Ill. Adm. Code 148.140(c), provided to recipients of medical
26 assistance under Title XIX of the federal Social Security Act,

1 excluding payments for individuals eligible for Medicare under
2 Title XVIII of the Act (Medicaid/Medicare crossover days), as
3 tabulated from the Department's paid claims data for services
4 occurring in State fiscal year 2009 that were adjudicated by
5 the Department through September 2, 2010.

6 (m) The Department may adjust payments made under this
7 Section 5A-12.4 to comply with federal law or regulations
8 regarding hospital-specific payment limitations on
9 government-owned or government-operated hospitals.

10 (n) Notwithstanding any of the other provisions of this
11 Section, the Department is authorized to adopt rules that
12 change the hospital access improvement payments specified in
13 this Section, but only to the extent necessary to conform to
14 any federally approved amendment to the Title XIX State plan.
15 Any such rules shall be adopted by the Department as authorized
16 by Section 5-50 of the Illinois Administrative Procedure Act.
17 Notwithstanding any other provision of law, any changes
18 implemented as a result of this subsection (n) shall be given
19 retroactive effect so that they shall be deemed to have taken
20 effect as of the effective date of this Section.

21 (o) The Department of Healthcare and Family Services must
22 submit a State Medicaid Plan Amendment to the Centers of
23 Medicare and Medicaid Services to implement the payments under
24 this Section within 30 days of June 14, 2012 (the effective
25 date of Public Act 97-688) ~~this Act~~.

26 (Source: P.A. 97-688, eff. 6-14-12; revised 8-3-12.)

1 (305 ILCS 5/5C-1) (from Ch. 23, par. 5C-1)

2 Sec. 5C-1. Definitions. As used in this Article, unless the
3 context requires otherwise:

4 "Fund" means the ~~Developmentally Disabled~~ Care Provider
5 Fund for Persons with a Developmental Disability.

6 "Developmentally disabled care facility" means an
7 intermediate care facility for the intellectually disabled
8 within the meaning of Title XIX of the Social Security Act,
9 whether public or private and whether organized for profit or
10 not-for-profit, but shall not include any facility operated by
11 the State.

12 "Developmentally disabled care provider" means a person
13 conducting, operating, or maintaining a developmentally
14 disabled care facility. For this purpose, "person" means any
15 political subdivision of the State, municipal corporation,
16 individual, firm, partnership, corporation, company, limited
17 liability company, association, joint stock association, or
18 trust, or a receiver, executor, trustee, guardian or other
19 representative appointed by order of any court.

20 "Adjusted gross developmentally disabled care revenue"
21 shall be computed separately for each developmentally disabled
22 care facility conducted, operated, or maintained by a
23 developmentally disabled care provider, and means the
24 developmentally disabled care provider's total revenue for
25 inpatient residential services less contractual allowances and

1 discounts on patients' accounts, but does not include
2 non-patient revenue from sources such as contributions,
3 donations or bequests, investments, day training services,
4 television and telephone service, and rental of facility space.
5 (Source: P.A. 97-227, eff. 1-1-12; revised 10-18-12.)

6 (305 ILCS 5/5C-5) (from Ch. 23, par. 5C-5)

7 Sec. 5C-5. Disposition of proceeds. The Illinois
8 Department shall pay all moneys received from developmentally
9 disabled care providers under this Article into the
10 ~~Developmentally Disabled~~ Care Provider Fund for Persons with a
11 Developmental Disability. Upon certification by the Illinois
12 Department to the State Comptroller of its intent to withhold
13 from a provider under Section 5C-6(b), the State Comptroller
14 shall draw a warrant on the treasury or other fund held by the
15 State Treasurer, as appropriate. The warrant shall state the
16 amount for which the provider is entitled to a warrant, the
17 amount of the deduction, and the reason therefor and shall
18 direct the State Treasurer to pay the balance to the provider,
19 all in accordance with Section 10.05 of the State Comptroller
20 Act. The warrant also shall direct the State Treasurer to
21 transfer the amount of the deduction so ordered from the
22 treasury or other fund into the ~~Developmentally Disabled~~ Care
23 Provider Fund for Persons with a Developmental Disability.
24 (Source: P.A. 87-861; revised 10-18-12.)

1 (305 ILCS 5/5C-7) (from Ch. 23, par. 5C-7)

2 Sec. 5C-7. ~~Developmentally Disabled~~ Care Provider Fund for
3 Persons with a Developmental Disability.

4 (a) There is created in the State Treasury the
5 ~~Developmentally Disabled~~ Care Provider Fund for Persons with a
6 Developmental Disability. Interest earned by the Fund shall be
7 credited to the Fund. The Fund shall not be used to replace any
8 moneys appropriated to the Medicaid program by the General
9 Assembly.

10 (b) The Fund is created for the purpose of receiving and
11 disbursing assessment moneys in accordance with this Article.
12 Disbursements from the Fund shall be made only as follows:

13 (1) For payments to intermediate care facilities for
14 the developmentally disabled under Title XIX of the Social
15 Security Act and Article V of this Code.

16 (2) For the reimbursement of moneys collected by the
17 Illinois Department through error or mistake, and to make
18 required payments under Section 5-4.28(a)(1) of this Code
19 if there are no moneys available for such payments in the
20 Medicaid Developmentally Disabled Provider Participation
21 Fee Trust Fund.

22 (3) For payment of administrative expenses incurred by
23 the Department of Human Services or its agent or the
24 Illinois Department or its agent in performing the
25 activities authorized by this Article.

26 (4) For payments of any amounts which are reimbursable

1 to the federal government for payments from this Fund which
2 are required to be paid by State warrant.

3 (5) For making transfers to the General Obligation Bond
4 Retirement and Interest Fund as those transfers are
5 authorized in the proceedings authorizing debt under the
6 Short Term Borrowing Act, but transfers made under this
7 paragraph (5) shall not exceed the principal amount of debt
8 issued in anticipation of the receipt by the State of
9 moneys to be deposited into the Fund.

10 Disbursements from the Fund, other than transfers to the
11 General Obligation Bond Retirement and Interest Fund, shall be
12 by warrants drawn by the State Comptroller upon receipt of
13 vouchers duly executed and certified by the Illinois
14 Department.

15 (c) The Fund shall consist of the following:

16 (1) All moneys collected or received by the Illinois
17 Department from the developmentally disabled care provider
18 assessment imposed by this Article.

19 (2) All federal matching funds received by the Illinois
20 Department as a result of expenditures made by the Illinois
21 Department that are attributable to moneys deposited in the
22 Fund.

23 (3) Any interest or penalty levied in conjunction with
24 the administration of this Article.

25 (4) Any balance in the Medicaid Developmentally
26 Disabled Care Provider Participation Fee Trust Fund in the

1 State Treasury. The balance shall be transferred to the
2 Fund upon certification by the Illinois Department to the
3 State Comptroller that all of the disbursements required by
4 Section 5-4.21(b) of this Code have been made.

5 (5) All other moneys received for the Fund from any
6 other source, including interest earned thereon.

7 (Source: P.A. 89-21, eff. 7-1-95; 89-507, eff. 7-1-97; revised
8 10-18-12.)

9 (305 ILCS 5/11-26) (from Ch. 23, par. 11-26)

10 Sec. 11-26. Recipient's abuse of medical care;
11 restrictions on access to medical care.

12 (a) When the Department determines, on the basis of
13 statistical norms and medical judgment, that a medical care
14 recipient has received medical services in excess of need and
15 with such frequency or in such a manner as to constitute an
16 abuse of the recipient's medical care privileges, the
17 recipient's access to medical care may be restricted.

18 (b) When the Department has determined that a recipient is
19 abusing his or her medical care privileges as described in this
20 Section, it may require that the recipient designate a primary
21 provider type of the recipient's own choosing to assume
22 responsibility for the recipient's care. For the purposes of
23 this subsection, "primary provider type" means a provider type
24 as determined by the Department. Instead of requiring a
25 recipient to make a designation as provided in this subsection,

1 the Department, pursuant to rules adopted by the Department and
2 without regard to any choice of an entity that the recipient
3 might otherwise make, may initially designate a primary
4 provider type provided that the primary provider type is
5 willing to provide that care.

6 (c) When the Department has requested that a recipient
7 designate a primary provider type and the recipient fails or
8 refuses to do so, the Department may, after a reasonable period
9 of time, assign the recipient to a primary provider type of its
10 own choice and determination, provided such primary provider
11 type is willing to provide such care.

12 (d) When a recipient has been restricted to a designated
13 primary provider type, the recipient may change the primary
14 provider type:

15 (1) when the designated source becomes unavailable, as
16 the Department shall determine by rule; or

17 (2) when the designated primary provider type notifies
18 the Department that it wishes to withdraw from any
19 obligation as primary provider type; or

20 (3) in other situations, as the Department shall
21 provide by rule.

22 The Department shall, by rule, establish procedures for
23 providing medical or pharmaceutical services when the
24 designated source becomes unavailable or wishes to withdraw
25 from any obligation as primary provider type, shall, by rule,
26 take into consideration the need for emergency or temporary

1 medical assistance and shall ensure that the recipient has
2 continuous and unrestricted access to medical care from the
3 date on which such unavailability or withdrawal becomes
4 effective until such time as the recipient designates a primary
5 provider type or a primary provider type willing to provide
6 such care is designated by the Department consistent with
7 subsections (b) and (c) and such restriction becomes effective.

8 (e) Prior to initiating any action to restrict a
9 recipient's access to medical or pharmaceutical care, the
10 Department shall notify the recipient of its intended action.
11 Such notification shall be in writing and shall set forth the
12 reasons for and nature of the proposed action. In addition, the
13 notification shall:

14 (1) inform the recipient that (i) the recipient has a
15 right to designate a primary provider type of the
16 recipient's own choosing willing to accept such
17 designation and that the recipient's failure to do so
18 within a reasonable time may result in such designation
19 being made by the Department or (ii) the Department has
20 designated a primary provider type to assume
21 responsibility for the recipient's care; and

22 (2) inform the recipient that the recipient has a right
23 to appeal the Department's determination to restrict the
24 recipient's access to medical care and provide the
25 recipient with an explanation of how such appeal is to be
26 made. The notification shall also inform the recipient of

1 the circumstances under which unrestricted medical
2 eligibility shall continue until a decision is made on
3 appeal and that if the recipient chooses to appeal, the
4 recipient will be able to review the medical payment data
5 that was utilized by the Department to decide that the
6 recipient's access to medical care should be restricted.

7 (f) The Department shall, by rule or regulation, establish
8 procedures for appealing a determination to restrict a
9 recipient's access to medical care, which procedures shall, at
10 a minimum, provide for a reasonable opportunity to be heard
11 and, where the appeal is denied, for a written statement of the
12 reason or reasons for such denial.

13 (g) Except as otherwise provided in this subsection, when a
14 recipient has had his or her medical card restricted for 4 full
15 quarters (without regard to any period of ineligibility for
16 medical assistance under this Code, or any period for which the
17 recipient voluntarily terminates his or her receipt of medical
18 assistance, that may occur before the expiration of those 4
19 full quarters), the Department shall reevaluate the
20 recipient's medical usage to determine whether it is still in
21 excess of need and with such frequency or in such a manner as
22 to constitute an abuse of the receipt of medical assistance. If
23 it is still in excess of need, the restriction shall be
24 continued for another 4 full quarters. If it is no longer in
25 excess of need, the restriction shall be discontinued. If a
26 recipient's access to medical care has been restricted under

1 this Section and the Department then determines, either at
2 reevaluation or after the restriction has been discontinued, to
3 restrict the recipient's access to medical care a second or
4 subsequent time, the second or subsequent restriction may be
5 imposed for a period of more than 4 full quarters. If the
6 Department restricts a recipient's access to medical care for a
7 period of more than 4 full quarters, as determined by rule, the
8 Department shall reevaluate the recipient's medical usage
9 after the end of the restriction period rather than after the
10 end of 4 full quarters. The Department shall notify the
11 recipient, in writing, of any decision to continue the
12 restriction and the reason or reasons therefor. A "quarter",
13 for purposes of this Section, shall be defined as one of the
14 following 3-month periods of time: January-March, April-June,
15 July-September or October-December.

16 (h) In addition to any other recipient whose acquisition of
17 medical care is determined to be in excess of need, the
18 Department may restrict the medical care privileges of the
19 following persons:

20 (1) recipients found to have loaned or altered their
21 cards or misused or falsely represented medical coverage;

22 (2) recipients found in possession of blank or forged
23 prescription pads;

24 (3) recipients who knowingly assist providers in
25 rendering excessive services or defrauding the medical
26 assistance program.

1 The procedural safeguards in this Section shall apply to
2 the above individuals.

3 (i) Restrictions under this Section shall be in addition to
4 and shall not in any way be limited by or limit any actions
5 taken under Article VIIIA ~~VIII-A~~ of this Code.

6 (Source: P.A. 96-1501, eff. 1-25-11; 97-689, eff. 6-14-12;
7 revised 8-3-12.)

8 (305 ILCS 5/12-5) (from Ch. 23, par. 12-5)

9 Sec. 12-5. Appropriations; uses; federal grants; report to
10 General Assembly. From the sums appropriated by the General
11 Assembly, the Illinois Department shall order for payment by
12 warrant from the State Treasury grants for public aid under
13 Articles III, IV, and V, including grants for funeral and
14 burial expenses, and all costs of administration of the
15 Illinois Department and the County Departments relating
16 thereto. Moneys appropriated to the Illinois Department for
17 public aid under Article VI may be used, with the consent of
18 the Governor, to co-operate with federal, State, and local
19 agencies in the development of work projects designed to
20 provide suitable employment for persons receiving public aid
21 under Article VI. The Illinois Department, with the consent of
22 the Governor, may be the agent of the State for the receipt and
23 disbursement of federal funds or commodities for public aid
24 purposes under Article VI and for related purposes in which the
25 co-operation of the Illinois Department is sought by the

1 federal government, and, in connection therewith, may make
2 necessary expenditures from moneys appropriated for public aid
3 under any Article of this Code and for administration. The
4 Illinois Department, with the consent of the Governor, may be
5 the agent of the State for the receipt and disbursement of
6 federal funds pursuant to the Immigration Reform and Control
7 Act of 1986 and may make necessary expenditures from monies
8 appropriated to it for operations, administration, and grants,
9 including payment to the Health Insurance Reserve Fund for
10 group insurance costs at the rate certified by the Department
11 of Central Management Services. All amounts received by the
12 Illinois Department pursuant to the Immigration Reform and
13 Control Act of 1986 shall be deposited in the Immigration
14 Reform and Control Fund. All amounts received into the
15 Immigration Reform and Control Fund as reimbursement for
16 expenditures from the General Revenue Fund shall be transferred
17 to the General Revenue Fund.

18 All grants received by the Illinois Department for programs
19 funded by the Federal Social Services Block Grant shall be
20 deposited in the Social Services Block Grant Fund. All funds
21 received into the Social Services Block Grant Fund as
22 reimbursement for expenditures from the General Revenue Fund
23 shall be transferred to the General Revenue Fund. All funds
24 received into the Social Services Block Grant fund for
25 reimbursement for expenditure out of the Local Initiative Fund
26 shall be transferred into the Local Initiative Fund. Any other

1 federal funds received into the Social Services Block Grant
2 Fund shall be transferred to the Special Purposes Trust Fund.
3 All federal funds received by the Illinois Department as
4 reimbursement for Employment and Training Programs for
5 expenditures made by the Illinois Department from grants,
6 gifts, or legacies as provided in Section 12-4.18 or made by an
7 entity other than the Illinois Department shall be deposited
8 into the Employment and Training Fund, except that federal
9 funds received as reimbursement as a result of the
10 appropriation made for the costs of providing adult education
11 to public assistance recipients under the "Adult Education,
12 Public Assistance Fund" shall be deposited into the General
13 Revenue Fund; provided, however, that all funds, except those
14 that are specified in an interagency agreement between the
15 Illinois Community College Board and the Illinois Department,
16 that are received by the Illinois Department as reimbursement
17 under Title IV-A of the Social Security Act for expenditures
18 that are made by the Illinois Community College Board or any
19 public community college of this State shall be credited to a
20 special account that the State Treasurer shall establish and
21 maintain within the Employment and Training Fund for the
22 purpose of segregating the reimbursements received for
23 expenditures made by those entities. As reimbursements are
24 deposited into the Employment and Training Fund, the Illinois
25 Department shall certify to the State Comptroller and State
26 Treasurer the amount that is to be credited to the special

1 account established within that Fund as a reimbursement for
2 expenditures under Title IV-A of the Social Security Act made
3 by the Illinois Community College Board or any of the public
4 community colleges. All amounts credited to the special account
5 established and maintained within the Employment and Training
6 Fund as provided in this Section shall be held for transfer to
7 the TANF Opportunities Fund as provided in subsection (d) of
8 Section 12-10.3, and shall not be transferred to any other fund
9 or used for any other purpose.

10 Eighty percent of the federal financial participation
11 funds received by the Illinois Department under the Title IV-A
12 Emergency Assistance program as reimbursement for expenditures
13 made from the Illinois Department of Children and Family
14 Services appropriations for the costs of providing services in
15 behalf of Department of Children and Family Services clients
16 shall be deposited into the DCFS Children's Services Fund.

17 All federal funds, except those covered by the foregoing 3
18 paragraphs, received as reimbursement for expenditures from
19 the General Revenue Fund shall be deposited in the General
20 Revenue Fund for administrative and distributive expenditures
21 properly chargeable by federal law or regulation to aid
22 programs established under Articles III through XII and Titles
23 IV, XVI, XIX and XX of the Federal Social Security Act. Any
24 other federal funds received by the Illinois Department under
25 Sections 12-4.6, 12-4.18 and 12-4.19 that are required by
26 Section 12-10 of this Code to be paid into the Special Purposes

1 Trust Fund shall be deposited into the Special Purposes Trust
2 Fund. Any other federal funds received by the Illinois
3 Department pursuant to the Child Support Enforcement Program
4 established by Title IV-D of the Social Security Act shall be
5 deposited in the Child Support Enforcement Trust Fund as
6 required under Section 12-10.2 or in the Child Support
7 Administrative Fund as required under Section 12-10.2a of this
8 Code. Any other federal funds received by the Illinois
9 Department for medical assistance program expenditures made
10 under Title XIX of the Social Security Act and Article V of
11 this Code that are required by Section 5-4.21 of this Code to
12 be paid into the Medicaid Developmentally Disabled Provider
13 Participation Fee Trust Fund shall be deposited into the
14 Medicaid Developmentally Disabled Provider Participation Fee
15 Trust Fund. Any other federal funds received by the Illinois
16 Department for medical assistance program expenditures made
17 under Title XIX of the Social Security Act and Article V of
18 this Code that are required by Section 5-4.31 of this Code to
19 be paid into the Medicaid Long Term Care Provider Participation
20 Fee Trust Fund shall be deposited into the Medicaid Long Term
21 Care Provider Participation Fee Trust Fund. Any other federal
22 funds received by the Illinois Department for hospital
23 inpatient, hospital ambulatory care, and disproportionate
24 share hospital expenditures made under Title XIX of the Social
25 Security Act and Article V of this Code that are required by
26 Section 14-2 of this Code to be paid into the Hospital Services

1 Trust Fund shall be deposited into the Hospital Services Trust
2 Fund. Any other federal funds received by the Illinois
3 Department for expenditures made under Title XIX of the Social
4 Security Act and Articles V and VI of this Code that are
5 required by Section 15-2 of this Code to be paid into the
6 County Provider Trust Fund shall be deposited into the County
7 Provider Trust Fund. Any other federal funds received by the
8 Illinois Department for hospital inpatient, hospital
9 ambulatory care, and disproportionate share hospital
10 expenditures made under Title XIX of the Social Security Act
11 and Article V of this Code that are required by Section 5A-8 of
12 this Code to be paid into the Hospital Provider Fund shall be
13 deposited into the Hospital Provider Fund. Any other federal
14 funds received by the Illinois Department for medical
15 assistance program expenditures made under Title XIX of the
16 Social Security Act and Article V of this Code that are
17 required by Section 5B-8 of this Code to be paid into the
18 Long-Term Care Provider Fund shall be deposited into the
19 Long-Term Care Provider Fund. Any other federal funds received
20 by the Illinois Department for medical assistance program
21 expenditures made under Title XIX of the Social Security Act
22 and Article V of this Code that are required by Section 5C-7 of
23 this Code to be paid into the ~~Developmentally Disabled~~ Care
24 Provider Fund for Persons with a Developmental Disability shall
25 be deposited into the ~~Developmentally Disabled~~ Care Provider
26 Fund for Persons with a Developmental Disability. Any other

1 federal funds received by the Illinois Department for trauma
2 center adjustment payments that are required by Section 5-5.03
3 of this Code and made under Title XIX of the Social Security
4 Act and Article V of this Code shall be deposited into the
5 Trauma Center Fund. Any other federal funds received by the
6 Illinois Department as reimbursement for expenses for early
7 intervention services paid from the Early Intervention
8 Services Revolving Fund shall be deposited into that Fund.

9 The Illinois Department shall report to the General
10 Assembly at the end of each fiscal quarter the amount of all
11 funds received and paid into the Social Service Block Grant
12 Fund and the Local Initiative Fund and the expenditures and
13 transfers of such funds for services, programs and other
14 purposes authorized by law. Such report shall be filed with the
15 Speaker, Minority Leader and Clerk of the House, with the
16 President, Minority Leader and Secretary of the Senate, with
17 the Chairmen of the House and Senate Appropriations Committees,
18 the House Human Resources Committee and the Senate Public
19 Health, Welfare and Corrections Committee, or the successor
20 standing Committees of each as provided by the rules of the
21 House and Senate, respectively, with the Legislative Research
22 Unit and with the State Government Report Distribution Center
23 for the General Assembly as is required under paragraph (t) of
24 Section 7 of the State Library Act shall be deemed sufficient
25 to comply with this Section.

26 (Source: P.A. 96-1100, eff. 1-1-11; revised 10-18-12.)

1 (305 ILCS 5/14-8) (from Ch. 23, par. 14-8)

2 Sec. 14-8. Disbursements to Hospitals.

3 (a) For inpatient hospital services rendered on and after
4 September 1, 1991, the Illinois Department shall reimburse
5 hospitals for inpatient services at an inpatient payment rate
6 calculated for each hospital based upon the Medicare
7 Prospective Payment System as set forth in Sections 1886(b),
8 (d), (g), and (h) of the federal Social Security Act, and the
9 regulations, policies, and procedures promulgated thereunder,
10 except as modified by this Section. Payment rates for inpatient
11 hospital services rendered on or after September 1, 1991 and on
12 or before September 30, 1992 shall be calculated using the
13 Medicare Prospective Payment rates in effect on September 1,
14 1991. Payment rates for inpatient hospital services rendered on
15 or after October 1, 1992 and on or before March 31, 1994 shall
16 be calculated using the Medicare Prospective Payment rates in
17 effect on September 1, 1992. Payment rates for inpatient
18 hospital services rendered on or after April 1, 1994 shall be
19 calculated using the Medicare Prospective Payment rates
20 (including the Medicare grouping methodology and weighting
21 factors as adjusted pursuant to paragraph (1) of this
22 subsection) in effect 90 days prior to the date of admission.
23 For services rendered on or after July 1, 1995, the
24 reimbursement methodology implemented under this subsection
25 shall not include those costs referred to in Sections

1 1886(d)(5)(B) and 1886(h) of the Social Security Act. The
2 additional payment amounts required under Section
3 1886(d)(5)(F) of the Social Security Act, for hospitals serving
4 a disproportionate share of low-income or indigent patients,
5 are not required under this Section. For hospital inpatient
6 services rendered on or after July 1, 1995, the Illinois
7 Department shall reimburse hospitals using the relative
8 weighting factors and the base payment rates calculated for
9 each hospital that were in effect on June 30, 1995, less the
10 portion of such rates attributed by the Illinois Department to
11 the cost of medical education.

12 (1) The weighting factors established under Section
13 1886(d)(4) of the Social Security Act shall not be used in
14 the reimbursement system established under this Section.
15 Rather, the Illinois Department shall establish by rule
16 Medicaid weighting factors to be used in the reimbursement
17 system established under this Section.

18 (2) The Illinois Department shall define by rule those
19 hospitals or distinct parts of hospitals that shall be
20 exempt from the reimbursement system established under
21 this Section. In defining such hospitals, the Illinois
22 Department shall take into consideration those hospitals
23 exempt from the Medicare Prospective Payment System as of
24 September 1, 1991. For hospitals defined as exempt under
25 this subsection, the Illinois Department shall by rule
26 establish a reimbursement system for payment of inpatient

1 hospital services rendered on and after September 1, 1991.
2 For all hospitals that are children's hospitals as defined
3 in Section 5-5.02 of this Code, the reimbursement
4 methodology shall, through June 30, 1992, net of all
5 applicable fees, at least equal each children's hospital
6 1990 ICARE payment rates, indexed to the current year by
7 application of the DRI hospital cost index from 1989 to the
8 year in which payments are made. Excepting county providers
9 as defined in Article XV of this Code, hospitals licensed
10 under the University of Illinois Hospital Act, and
11 facilities operated by the Department of Mental Health and
12 Developmental Disabilities (or its successor, the
13 Department of Human Services) for hospital inpatient
14 services rendered on or after July 1, 1995, the Illinois
15 Department shall reimburse children's hospitals, as
16 defined in 89 Illinois Administrative Code Section
17 149.50(c)(3), at the rates in effect on June 30, 1995, and
18 shall reimburse all other hospitals at the rates in effect
19 on June 30, 1995, less the portion of such rates attributed
20 by the Illinois Department to the cost of medical
21 education. For inpatient hospital services provided on or
22 after August 1, 1998, the Illinois Department may establish
23 by rule a means of adjusting the rates of children's
24 hospitals, as defined in 89 Illinois Administrative Code
25 Section 149.50(c)(3), that did not meet that definition on
26 June 30, 1995, in order for the inpatient hospital rates of

1 such hospitals to take into account the average inpatient
2 hospital rates of those children's hospitals that did meet
3 the definition of children's hospitals on June 30, 1995.

4 (3) (Blank) .

5 (4) Notwithstanding any other provision of this
6 Section, hospitals that on August 31, 1991, have a contract
7 with the Illinois Department under Section 3-4 of the
8 Illinois Health Finance Reform Act may elect to continue to
9 be reimbursed at rates stated in such contracts for general
10 and specialty care.

11 (5) In addition to any payments made under this
12 subsection (a), the Illinois Department shall make the
13 adjustment payments required by Section 5-5.02 of this
14 Code; provided, that in the case of any hospital reimbursed
15 under a per case methodology, the Illinois Department shall
16 add an amount equal to the product of the hospital's
17 average length of stay, less one day, multiplied by 20, for
18 inpatient hospital services rendered on or after September
19 1, 1991 and on or before September 30, 1992.

20 (b) (Blank) .

21 (b-5) Excepting county providers as defined in Article XV
22 of this Code, hospitals licensed under the University of
23 Illinois Hospital Act, and facilities operated by the Illinois
24 Department of Mental Health and Developmental Disabilities (or
25 its successor, the Department of Human Services), for
26 outpatient services rendered on or after July 1, 1995 and

1 before July 1, 1998 the Illinois Department shall reimburse
2 children's hospitals, as defined in the Illinois
3 Administrative Code Section 149.50(c)(3), at the rates in
4 effect on June 30, 1995, less that portion of such rates
5 attributed by the Illinois Department to the outpatient
6 indigent volume adjustment and shall reimburse all other
7 hospitals at the rates in effect on June 30, 1995, less the
8 portions of such rates attributed by the Illinois Department to
9 the cost of medical education and attributed by the Illinois
10 Department to the outpatient indigent volume adjustment. For
11 outpatient services provided on or after July 1, 1998,
12 reimbursement rates shall be established by rule.

13 (c) In addition to any other payments under this Code, the
14 Illinois Department shall develop a hospital disproportionate
15 share reimbursement methodology that, effective July 1, 1991,
16 through September 30, 1992, shall reimburse hospitals
17 sufficiently to expend the fee monies described in subsection
18 (b) of Section 14-3 of this Code and the federal matching funds
19 received by the Illinois Department as a result of expenditures
20 made by the Illinois Department as required by this subsection
21 (c) and Section 14-2 that are attributable to fee monies
22 deposited in the Fund, less amounts applied to adjustment
23 payments under Section 5-5.02.

24 (d) Critical Care Access Payments.

25 (1) In addition to any other payments made under this
26 Code, the Illinois Department shall develop a

1 reimbursement methodology that shall reimburse Critical
2 Care Access Hospitals for the specialized services that
3 qualify them as Critical Care Access Hospitals. No
4 adjustment payments shall be made under this subsection on
5 or after July 1, 1995.

6 (2) "Critical Care Access Hospitals" includes, but is
7 not limited to, hospitals that meet at least one of the
8 following criteria:

9 (A) Hospitals located outside of a metropolitan
10 statistical area that are designated as Level II
11 Perinatal Centers and that provide a disproportionate
12 share of perinatal services to recipients; or

13 (B) Hospitals that are designated as Level I Trauma
14 Centers (adult or pediatric) and certain Level II
15 Trauma Centers as determined by the Illinois
16 Department; or

17 (C) Hospitals located outside of a metropolitan
18 statistical area and that provide a disproportionate
19 share of obstetrical services to recipients.

20 (e) Inpatient high volume adjustment. For hospital
21 inpatient services, effective with rate periods beginning on or
22 after October 1, 1993, in addition to rates paid for inpatient
23 services by the Illinois Department, the Illinois Department
24 shall make adjustment payments for inpatient services
25 furnished by Medicaid high volume hospitals. The Illinois
26 Department shall establish by rule criteria for qualifying as a

1 Medicaid high volume hospital and shall establish by rule a
2 reimbursement methodology for calculating these adjustment
3 payments to Medicaid high volume hospitals. No adjustment
4 payment shall be made under this subsection for services
5 rendered on or after July 1, 1995.

6 (f) The Illinois Department shall modify its current rules
7 governing adjustment payments for targeted access, critical
8 care access, and uncompensated care to classify those
9 adjustment payments as not being payments to disproportionate
10 share hospitals under Title XIX of the federal Social Security
11 Act. Rules adopted under this subsection shall not be effective
12 with respect to services rendered on or after July 1, 1995. The
13 Illinois Department has no obligation to adopt or implement any
14 rules or make any payments under this subsection for services
15 rendered on or after July 1, 1995.

16 (f-5) The State recognizes that adjustment payments to
17 hospitals providing certain services or incurring certain
18 costs may be necessary to assure that recipients of medical
19 assistance have adequate access to necessary medical services.
20 These adjustments include payments for teaching costs and
21 uncompensated care, trauma center payments, rehabilitation
22 hospital payments, perinatal center payments, obstetrical care
23 payments, targeted access payments, Medicaid high volume
24 payments, and outpatient indigent volume payments. On or before
25 April 1, 1995, the Illinois Department shall issue
26 recommendations regarding (i) reimbursement mechanisms or

1 adjustment payments to reflect these costs and services,
2 including methods by which the payments may be calculated and
3 the method by which the payments may be financed, and (ii)
4 reimbursement mechanisms or adjustment payments to reflect
5 costs and services of federally qualified health centers with
6 respect to recipients of medical assistance.

7 (g) If one or more hospitals file suit in any court
8 challenging any part of this Article XIV, payments to hospitals
9 under this Article XIV shall be made only to the extent that
10 sufficient monies are available in the Fund and only to the
11 extent that any monies in the Fund are not prohibited from
12 disbursement under any order of the court.

13 (h) Payments under the disbursement methodology described
14 in this Section are subject to approval by the federal
15 government in an appropriate State plan amendment.

16 (i) The Illinois Department may by rule establish criteria
17 for and develop methodologies for adjustment payments to
18 hospitals participating under this Article.

19 (j) Hospital Residing Long Term Care Services. In addition
20 to any other payments made under this Code, the Illinois
21 Department may by rule establish criteria and develop
22 methodologies for payments to hospitals for Hospital Residing
23 Long Term Care Services.

24 (k) Critical Access Hospital outpatient payments. In
25 addition to any other payments authorized under this Code, the
26 Illinois Department shall reimburse critical access hospitals,

1 as designated by the Illinois Department of Public Health in
2 accordance with 42 CFR 485, Subpart F, for outpatient services
3 at an amount that is no less than the cost of providing such
4 services, based on Medicare cost principles. Payments under
5 this subsection shall be subject to appropriation.

6 (1) On and after July 1, 2012, the Department shall reduce
7 any rate of reimbursement for services or other payments or
8 alter any methodologies authorized by this Code to reduce any
9 rate of reimbursement for services or other payments in
10 accordance with Section 5-5e.

11 (Source: P.A. 96-1382, eff. 1-1-11; 97-689, eff. 6-14-12;
12 revised 8-3-12.)

13 Section 410. The Mental Health and Developmental
14 Disabilities Code is amended by changing Section 4-701 as
15 follows:

16 (405 ILCS 5/4-701) (from Ch. 91 1/2, par. 4-701)

17 Sec. 4-701. (a) Any client admitted to a developmental
18 disabilities facility under this Chapter may be discharged
19 whenever the facility director determines that he is suitable
20 for discharge.

21 (b) Any client admitted to a facility or program of
22 nonresidential services upon court order under Article V of
23 this Chapter or admitted upon court order as intellectually
24 disabled or mentally deficient under any prior statute shall be

1 discharged whenever the facility director determines that he no
2 longer meets the standard for judicial admission. When the
3 facility director believes that continued residence is
4 advisable for such a client, he shall inform the client and his
5 guardian, if any, that the client may remain at the facility on
6 administrative admission status. When a facility director
7 discharges or changes the status of such client, he shall
8 promptly notify the clerk of the court who shall note the
9 action in the court record.

10 (c) When the facility director discharges a client pursuant
11 to subsection (b) of this Section, he shall promptly notify the
12 State's Attorney of the county in which the client resided
13 immediately prior to his admission to a developmental
14 ~~development~~ disabilities facility. Upon receipt of such
15 notice, the State's Attorney may notify such peace officers
16 that he deems appropriate.

17 (d) The facility director may grant a temporary release to
18 any client when such release is appropriate and consistent with
19 the habilitation needs of the client.

20 (Source: P.A. 97-227, eff. 1-1-12; revised 8-3-12.)

21 Section 415. The Crematory Regulation Act is amended by
22 changing Sections 10 and 88 as follows:

23 (410 ILCS 18/10)

24 (Section scheduled to be repealed on January 1, 2021)

1 Sec. 10. Establishment of crematory and licensing of
2 crematory authority.

3 (a) Any person doing business in this State, or any
4 cemetery, funeral establishment, corporation, partnership,
5 joint venture, voluntary organization or any other entity, may
6 erect, maintain, and operate a crematory in this State and
7 provide the necessary appliances and facilities for the
8 cremation of human remains in accordance with this Act.

9 (b) A crematory shall be subject to all local, State, and
10 federal health and environmental protection requirements and
11 shall obtain all necessary licenses and permits from the
12 Department of Financial and Professional Regulation, the
13 Department of Public Health, the federal Department of Health
14 and Human Services, and the Illinois and federal Environmental
15 Protection Agencies, or such other appropriate local, State, or
16 federal agencies.

17 (c) A crematory may be constructed on or adjacent to any
18 cemetery, on or adjacent to any funeral establishment, or at
19 any other location consistent with local zoning regulations.

20 (d) An application for licensure as a crematory authority
21 shall be in writing on forms furnished by the Comptroller.
22 Applications shall be accompanied by a fee of \$50 and shall
23 contain all of the following:

24 (1) The full name and address, both residence and
25 business, of the applicant if the applicant is an
26 individual; the full name and address of every member if

1 the applicant is a partnership; the full name and address
2 of every member of the board of directors if the applicant
3 is an association; and the name and address of every
4 officer, director, and shareholder holding more than 25% of
5 the corporate stock if the applicant is a corporation.

6 (2) The address and location of the crematory.

7 (3) A description of the type of structure and
8 equipment to be used in the operation of the crematory,
9 including the operating permit number issued to the
10 cremation device by the Illinois Environmental Protection
11 Agency.

12 (4) Any further information that the Comptroller
13 reasonably may require.

14 (e) Each crematory authority shall file an annual report
15 with the Comptroller, accompanied with a \$25 fee, providing (i)
16 an affidavit signed by the owner of the crematory authority
17 that at the time of the report the cremation device was in
18 proper operating condition, (ii) the total number of all
19 cremations performed at the crematory during the past year,
20 (iii) attestation by the licensee that all applicable permits
21 and certifications are valid, (iv) either (A) any changes
22 required in the information provided under subsection (d) or
23 (B) an indication that no changes have occurred, and (v) any
24 other information that the Comptroller ~~Department~~ may require.
25 The annual report shall be filed by a crematory authority on or
26 before March 15 of each calendar year. If the fiscal year of a

1 crematory authority is other than on a calendar year basis,
2 then the crematory authority shall file the report required by
3 this Section within 75 days after the end of its fiscal year.
4 If a crematory authority fails to submit an annual report to
5 the Comptroller within the time specified in this Section, the
6 Comptroller shall impose upon the crematory authority a penalty
7 of \$5 for each and every day the crematory authority remains
8 delinquent in submitting the annual report. The Comptroller may
9 abate all or part of the \$5 daily penalty for good cause shown.

10 (f) All records required to be maintained under this Act,
11 including but not limited to those relating to the license and
12 annual report of the crematory authority required to be filed
13 under this Section, shall be subject to inspection by the
14 Comptroller upon reasonable notice.

15 (g) The Comptroller may inspect crematory records at the
16 crematory authority's place of business to review the
17 licensee's compliance with this Act. The inspection must
18 include verification that:

19 (1) the crematory authority has complied with
20 record-keeping requirements of this Act;

21 (2) a crematory device operator's certification of
22 training is conspicuously displayed at the crematory;

23 (3) the cremation device has a current operating permit
24 issued by the Illinois Environmental Protection Agency and
25 the permit is conspicuously displayed in the crematory;

26 (4) the crematory authority is in compliance with local

1 zoning requirements;

2 (5) the crematory authority license issued by the
3 Comptroller is conspicuously displayed at the crematory;
4 and

5 (6) other details as determined by rule.

6 (h) The Comptroller shall issue licenses under this Act to
7 the crematories that are registered with the Comptroller as of
8 on March 1, 2012 without requiring the previously registered
9 crematories to complete license applications.

10 (Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12; 97-813,
11 eff. 7-13-12; revised 7-25-12.)

12 (410 ILCS 18/88)

13 (Section scheduled to be repealed on January 1, 2021)

14 Sec. 88. Rehearing. At the conclusion of the hearing, a
15 copy of the hearing officer's report shall be served upon the
16 applicant or licensee by the Comptroller, either personally or
17 as provided in this Act. Within 20 days after service, the
18 applicant or licensee may present to the Comptroller ~~Department~~
19 a motion in writing for a rehearing, which shall specify the
20 particular grounds for rehearing. The Comptroller may respond
21 to the motion for rehearing within 20 days after its service on
22 the Comptroller. If no motion for rehearing is filed, then upon
23 the expiration of the time specified for filing such a motion,
24 or if a motion for rehearing is denied, then upon denial, the
25 Comptroller may enter an order in accordance with

1 recommendations of the hearing officer except as provided in
2 Section 89 of this Act.

3 If the applicant or licensee orders from the reporting
4 service and pays for a transcript of the record within the time
5 for filing a motion for rehearing, the 20-day period within
6 which a motion may be filed shall commence upon the delivery of
7 the transcript to the applicant or licensee.

8 (Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12; revised
9 7-27-12.)

10 Section 420. The Sexual Assault Survivors Emergency
11 Treatment Act is amended by changing Section 7 as follows:

12 (410 ILCS 70/7) (from Ch. 111 1/2, par. 87-7)

13 Sec. 7. Reimbursement.

14 (a) When any ambulance provider furnishes transportation,
15 hospital provides hospital emergency services and forensic
16 services, hospital or health care professional or laboratory
17 provides follow-up healthcare, or pharmacy dispenses
18 prescribed medications to any sexual assault survivor, as
19 defined by the Department of Healthcare and Family Services,
20 who is neither eligible to receive such services under the
21 Illinois Public Aid Code nor covered as to such services by a
22 policy of insurance, the ambulance provider, hospital, health
23 care professional, pharmacy, or laboratory shall furnish such
24 services to that person without charge and shall be entitled to

1 be reimbursed for providing such services by the Illinois
2 Sexual Assault Emergency Treatment Program under the
3 Department of Healthcare and Family Services and at the
4 Department of Healthcare and Family Services' allowable rates
5 under the Illinois Public Aid Code.

6 (b) The hospital is responsible for submitting the request
7 for reimbursement for ambulance services, hospital emergency
8 services, and forensic services to the Illinois Sexual Assault
9 Emergency Treatment Program. Nothing in this Section precludes
10 hospitals from providing follow-up healthcare and receiving
11 reimbursement under this Section.

12 (c) The health care professional who provides follow-up
13 healthcare and the pharmacy that dispenses prescribed
14 medications to a sexual assault survivor are responsible for
15 submitting the request for reimbursement for follow-up
16 healthcare or pharmacy services to the Illinois Sexual Assault
17 Emergency Treatment Program.

18 (d) On and after July 1, 2012, the Department shall reduce
19 any rate of reimbursement for services or other payments or
20 alter any methodologies authorized by this Act or the Illinois
21 Public Aid Code to reduce any rate of reimbursement for
22 services or other payments in accordance with Section 5-5e of
23 the Illinois Public Aid Code.

24 (e) ~~(d)~~ The Department of Healthcare and Family Services
25 shall establish standards, rules, and regulations to implement
26 this Section.

1 (Source: P.A. 97-689, eff. 6-14-12; revised 8-3-12.)

2 Section 425. The Illinois Solid Waste Management Act is
3 amended by renumbering Section 10 as follows:

4 (415 ILCS 20/7.4)

5 Sec. 7.4 ~~10~~. The Task Force on the Advancement of Materials
6 Recycling.

7 (a) The Task Force on the Advancement of Materials
8 Recycling is hereby created to review the status of recycling
9 and solid waste management planning in Illinois. The goal of
10 the Task Force is to investigate and provide recommendations
11 for expanding waste reduction, recycling, reuse, and
12 composting in Illinois in a manner that protects the
13 environment, as well as public health and safety, and promotes
14 economic development.

15 The Task Force's review shall include, but not be limited
16 to, the following topics: county recycling and waste management
17 planning; current and potential policies and initiatives in
18 Illinois for waste reduction, recycling, composting, and
19 reuse; funding for State and local oversight and regulation of
20 solid waste activities; funding for State and local support of
21 projects that advance solid waste reduction, recycling, reuse,
22 and composting efforts; and the proper management of household
23 hazardous waste. The review shall also evaluate the extent to
24 which materials with economic value are lost to landfilling,

1 and it shall also recommend ways to maximize the productive use
2 of waste materials through efforts such as materials recycling
3 and composting.

4 (b) The Task Force on the Advancement of Materials
5 Recycling shall consist of the following 21 members appointed
6 as follows:

7 (1) four legislators, appointed one each by the
8 President of the Senate, the Minority Leader of the Senate,
9 the Speaker of the House of Representatives, and the
10 Minority Leader of the House of Representatives;

11 (2) the Director of the Illinois Environmental
12 Protection Agency, or his or her representative;

13 (3) the Director of Commerce and Economic Opportunity,
14 or his or her representative;

15 (4) two persons appointed by the Director of Commerce
16 and Economic Opportunity to represent local governments;

17 (5) two persons appointed by the Director of the
18 Illinois Environmental Protection Agency to represent a
19 local solid waste management agency;

20 (6) two persons appointed by the Director of the
21 Illinois Environmental Protection Agency to represent the
22 solid waste management industry;

23 (7) one person appointed by the Director of Commerce
24 and Economic Opportunity to represent non-profit
25 organizations that provide recycling services;

26 (8) one person appointed by the Director of Commerce

1 and Economic Opportunity to represent recycling collection
2 and processing services;

3 (9) one person appointed by the Director of Commerce
4 and Economic Opportunity to represent construction and
5 demolition debris recycling services;

6 (10) one person appointed by the Director of Commerce
7 and Economic Opportunity to represent organic composting
8 services;

9 (11) one person appointed by the Director of Commerce
10 and Economic Opportunity to represent general recycling
11 interests;

12 (12) one person appointed by the Director of the
13 Illinois Environmental Protection Agency to represent
14 environmental interest groups;

15 (13) one person appointed by the Director of Commerce
16 and Economic Opportunity to represent environmental
17 interest groups;

18 (14) one person appointed by the Director of the
19 Illinois Environmental Protection Agency to represent a
20 statewide manufacturing trade association; and

21 (15) one person appointed by the Director of the
22 Illinois Environmental Protection Agency to represent a
23 statewide business association.

24 (c) The Directors of Commerce and Economic Opportunity and
25 the Illinois Environmental Protection Agency, or their
26 representatives, shall co-chair and facilitate the Task Force.

1 (d) The members of the Task Force shall be appointed no
2 later than 90 days after the effective date of this amendatory
3 Act of the 97th General Assembly. The members of the Task Force
4 shall not receive compensation for serving as members of the
5 Task Force.

6 (e) The Task Force shall seek assistance from the Illinois
7 Department of Central Management Services, the Illinois Green
8 Economy Network, and the Illinois Green Governments
9 Coordinating Council to help facilitate the Task Force, using
10 technology, such as video conferencing and meeting space, with
11 the goal of reducing costs and greenhouse gas emissions
12 associated with travel.

13 (f) The Task Force shall prepare a report that summarizes
14 its work and makes recommendations resulting from its study,
15 and it shall submit a report of its findings and
16 recommendations to the Governor and the General Assembly no
17 later than 2 years after the effective date of this amendatory
18 Act of the 97th General Assembly.

19 (g) The Task Force, upon issuing the report described in
20 subsection (f) of this Section, is dissolved and this Section
21 is repealed.

22 (Source: P.A. 97-853, eff. 1-1-13; revised 9-11-12.)

23 Section 430. The Wildlife Code is amended by changing
24 Section 2.30 as follows:

1 (520 ILCS 5/2.30) (from Ch. 61, par. 2.30)

2 Sec. 2.30. It shall be unlawful for any person to trap or
3 to hunt with gun, dog, dog and gun, or bow and arrow, gray fox,
4 red fox, raccoon, weasel, mink, muskrat, badger, and opossum
5 except during the open season which will be set annually by the
6 Director between 12:01 a.m., November 1 to 12:00 midnight,
7 February 15, both inclusive.

8 It is unlawful for any person to take bobcat in this State
9 at any time.

10 It is unlawful to pursue any fur-bearing mammal with a dog
11 or dogs between the hours of sunset and sunrise during the 10
12 day period preceding the opening date of the raccoon hunting
13 season and the 10 day period following the closing date of the
14 raccoon hunting season except that the Department may issue
15 field trial permits in accordance with Section 2.34 of this
16 Act. A non-resident from a state with more restrictive
17 fur-bearer pursuit regulations for any particular species than
18 provided for that species in this Act may not pursue that
19 species in Illinois except during the period of time that
20 Illinois residents are allowed to pursue that species in the
21 non-resident's state of residence. Hound running areas
22 approved by the Department shall be exempt from the provisions
23 of this Section.

24 It shall be unlawful to take beaver, river otter, weasel,
25 mink or muskrat except during the open season set annually by
26 the Director, and then, only with traps.

1 It shall be unlawful for any person to trap beaver or river
2 otter with traps except during the open season which will be
3 set annually by the Director between 12:01 a.m., November 1st
4 and 12:00 midnight, March 31, both inclusive.

5 Coyote may be taken by trapping methods only during the
6 period from September 1 to March 1, both inclusive, and by
7 hunting methods at any time.

8 Striped skunk may be taken by trapping methods only during
9 the period from September 1 to March 1, both inclusive, and by
10 hunting methods at any time.

11 Muskrat may be taken by trapping methods during an open
12 season set annually by the Director.

13 For the purpose of taking fur-bearing mammals, the State
14 may be divided into management zones by administrative rule.

15 ~~The provisions of this Section are subject to modification~~
16 ~~by administrative rule.~~

17 It shall be unlawful to take or possess more than the
18 season limit or possession limit of fur-bearing mammals that
19 shall be set annually by the Director. The season limit for
20 river otter shall not exceed 5 river otters per person per
21 season. Possession limits shall not apply to fur buyers,
22 tanners, manufacturers, and taxidermists, as defined by this
23 Act, who possess fur-bearing mammals in accordance with laws
24 governing such activities.

25 Nothing in this Section shall prohibit the taking or
26 possessing of fur-bearing mammals found dead or

1 unintentionally killed by a vehicle along a roadway during the
2 open season provided the person who possesses such fur-bearing
3 mammals has all appropriate licenses, stamps, or permits; the
4 season for which the species possessed is open; and that such
5 possession and disposal of such fur-bearing mammals is
6 otherwise subject to the provisions of this Section.

7 The provisions of this Section are subject to modification
8 by administrative rule.

9 (Source: P.A. 97-19, eff. 6-28-11; 97-31, eff. 6-28-11; 97-628,
10 eff. 11-10-11; revised 12-16-11.)

11 Section 435. The Illinois Veteran, Youth, and Young Adult
12 Conservation Jobs Act is amended by changing the title of the
13 Act and Sections 4, 5, and 9 as follows:

14 (525 ILCS 50/Act title)

15 An Act in relation to conservation and recreation ~~children~~.

16 (525 ILCS 50/4) (from Ch. 48, par. 2554)

17 Sec. 4. Definition of Terms. For the purposes of this Act:

18 (a) "Department" means the Department of Natural
19 Resources.

20 (b) "Director" means the Director of Natural Resources.

21 (c) "Local sponsor" means any unit of local government or
22 not-for-profit entity that can make available for a summer
23 conservation or recreation program park lands, conservation or

1 recreational lands or facilities, equipment, materials,
2 administration, supervisory personnel, etc.

3 (d) "Managing supervisor" means an enrollee in the Illinois
4 Veteran ~~Veterans~~ Recreation Corps or the Illinois Youth
5 Recreation Corps who is selected by the local sponsor to
6 supervise the activities of the veterans or youth employee
7 enrollees working on the conservation or recreation project. A
8 managing supervisor in the Illinois Youth Recreation Corps may
9 be 19 years of age or older.

10 (e) "Veteran" means an Illinois resident who has served or
11 is currently serving as a member of the United States Armed
12 Forces, a member of the Illinois National Guard, or a member of
13 a Reserve Component of the United States Armed Forces.

14 (Source: P.A. 97-738, eff. 7-5-12; revised 8-3-12.)

15 (525 ILCS 50/5) (from Ch. 48, par. 2555)

16 Sec. 5. Cooperation. The Department of Natural Resources
17 shall have the full cooperation of the Illinois Department of
18 Veterans' Affairs, the Department of Commerce and Economic
19 Opportunity, the Illinois State Job Coordinating Council
20 created by the Federal Job Training Partnership Act (Public Law
21 97-300), and the Department of Employment Security to carry out
22 the purposes of this Act.

23 (Source: P.A. 97-738, eff. 7-5-12; revised 8-3-12.)

24 (525 ILCS 50/9)

1 Sec. 9. Illinois Veteran Recreation Corps. With respect to
2 the Illinois Veteran Recreation Corps:

3 (a) Purpose. The Illinois Veteran Recreation Corps is
4 established for the purpose of making grants to local sponsors
5 to provide wages to veterans of any age operating and
6 instructing in conservation or recreational programs. Such
7 programs shall provide conservation or recreational
8 opportunities and shall include, but are not limited to, the
9 coordination and teaching of natural resource conservation and
10 management, physical activities, or learning activities
11 directly related to natural resource conservation management
12 or recreation. Such programs may charge user fees, but such
13 fees shall be designed to promote as much community involvement
14 as possible, as determined by the Department.

15 (b) Application. Local sponsors who can provide necessary
16 facilities, materials, and management for summer conservation
17 or recreational activities within the community and who desire
18 a grant under this Act for the purpose of hiring managing
19 supervisors as necessary and eligible veterans for such
20 conservation or recreational programs may make application to
21 the Department. Applications shall be evaluated on the basis of
22 program content, location, need, local commitment of
23 resources, and consistency with the purposes of this Act.

24 (c) Enrollment. The Illinois Veteran ~~Veterans~~ Recreation
25 Corps shall be limited to citizens of this State who at the
26 time of enrollment are veterans of any age and are unemployed

1 and who have skills that can be utilized in the summer
2 conservation or recreational program. Preference may be given
3 to veterans with a disability.

4 The ratio of veterans employee enrollees to a managing
5 supervisor must not be less than 10 to 1 for any local sponsor
6 with a total number of veterans employee enrollees of 10 or
7 more. Any local sponsor program with a total number of veteran
8 employee enrollees of less than 10 must be limited to one
9 managing supervisor. Veterans who are unemployed shall be given
10 preference for employment as managing supervisors.

11 The local sponsors shall make public notification of the
12 availability of jobs for eligible veterans in the Illinois
13 Veteran ~~Veterans~~ Recreation Corps by the means of newspapers,
14 electronic media, educational facilities, units of local
15 government, and Department of Employment Security offices.
16 Application for employment shall be made directly to the local
17 sponsor.

18 The Department shall adopt reasonable rules pertaining to
19 the administration of the Illinois Veteran Recreation Corps.

20 (d) Terms of employment. The enrollment period for any
21 successful applicant of the program shall not be longer than 6
22 total months. Once enrolled in the program, each enrollee shall
23 receive a reasonable wage as set by the Department and shall
24 work hours as required by the conservation or recreation
25 program but not in excess of a maximum number of hours as
26 determined by the Department, except that an enrollee working

1 as a managing supervisor shall receive a higher wage than an
2 enrollee working in any other capacity on the conservation or
3 recreation program. Enrollees shall be employees of the local
4 sponsor and not contractual hires for the purpose of employment
5 taxes, except that enrollees shall not be classified as
6 employees of the State or the local sponsor for purposes of
7 contributions to the State Employees' Retirement System of
8 Illinois or any other public employee retirement system.

9 (Source: P.A. 97-738, eff. 7-5-12; revised 8-3-12.)

10 Section 440. The Illinois Vehicle Code is amended by
11 changing Sections 2-123, 3-400, 3-609, 3-658, 3-806, 3-815,
12 3-902, 6-106, 6-110, 6-500, 11-208.6, 11-208.8, 11-501.01,
13 11-1301.1, 11-1301.2, 11-1301.3, 11-1301.5, 11-1302, and
14 12-610.1 as follows:

15 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

16 Sec. 2-123. Sale and Distribution of Information.

17 (a) Except as otherwise provided in this Section, the
18 Secretary may make the driver's license, vehicle and title
19 registration lists, in part or in whole, and any statistical
20 information derived from these lists available to local
21 governments, elected state officials, state educational
22 institutions, and all other governmental units of the State and
23 Federal Government requesting them for governmental purposes.
24 The Secretary shall require any such applicant for services to

1 pay for the costs of furnishing such services and the use of
2 the equipment involved, and in addition is empowered to
3 establish prices and charges for the services so furnished and
4 for the use of the electronic equipment utilized.

5 (b) The Secretary is further empowered to and he may, in
6 his discretion, furnish to any applicant, other than listed in
7 subsection (a) of this Section, vehicle or driver data on a
8 computer tape, disk, other electronic format or computer
9 processable medium, or printout at a fixed fee of \$250 for
10 orders received before October 1, 2003 and \$500 for orders
11 received on or after October 1, 2003, in advance, and require
12 in addition a further sufficient deposit based upon the
13 Secretary of State's estimate of the total cost of the
14 information requested and a charge of \$25 for orders received
15 before October 1, 2003 and \$50 for orders received on or after
16 October 1, 2003, per 1,000 units or part thereof identified or
17 the actual cost, whichever is greater. The Secretary is
18 authorized to refund any difference between the additional
19 deposit and the actual cost of the request. This service shall
20 not be in lieu of an abstract of a driver's record nor of a
21 title or registration search. This service may be limited to
22 entities purchasing a minimum number of records as required by
23 administrative rule. The information sold pursuant to this
24 subsection shall be the entire vehicle or driver data list, or
25 part thereof. The information sold pursuant to this subsection
26 shall not contain personally identifying information unless

1 the information is to be used for one of the purposes
2 identified in subsection (f-5) of this Section. Commercial
3 purchasers of driver and vehicle record databases shall enter
4 into a written agreement with the Secretary of State that
5 includes disclosure of the commercial use of the information to
6 be purchased.

7 (b-1) The Secretary is further empowered to and may, in his
8 or her discretion, furnish vehicle or driver data on a computer
9 tape, disk, or other electronic format or computer processible
10 medium, at no fee, to any State or local governmental agency
11 that uses the information provided by the Secretary to transmit
12 data back to the Secretary that enables the Secretary to
13 maintain accurate driving records, including dispositions of
14 traffic cases. This information may be provided without fee not
15 more often than once every 6 months.

16 (c) Secretary of State may issue registration lists. The
17 Secretary of State may compile a list of all registered
18 vehicles. Each list of registered vehicles shall be arranged
19 serially according to the registration numbers assigned to
20 registered vehicles and may contain in addition the names and
21 addresses of registered owners and a brief description of each
22 vehicle including the serial or other identifying number
23 thereof. Such compilation may be in such form as in the
24 discretion of the Secretary of State may seem best for the
25 purposes intended.

26 (d) The Secretary of State shall furnish no more than 2

1 current available lists of such registrations to the sheriffs
2 of all counties and to the chiefs of police of all cities and
3 villages and towns of 2,000 population and over in this State
4 at no cost. Additional copies may be purchased by the sheriffs
5 or chiefs of police at the fee of \$500 each or at the cost of
6 producing the list as determined by the Secretary of State.
7 Such lists are to be used for governmental purposes only.

8 (e) (Blank).

9 (e-1) (Blank).

10 (f) The Secretary of State shall make a title or
11 registration search of the records of his office and a written
12 report on the same for any person, upon written application of
13 such person, accompanied by a fee of \$5 for each registration
14 or title search. The written application shall set forth the
15 intended use of the requested information. No fee shall be
16 charged for a title or registration search, or for the
17 certification thereof requested by a government agency. The
18 report of the title or registration search shall not contain
19 personally identifying information unless the request for a
20 search was made for one of the purposes identified in
21 subsection (f-5) of this Section. The report of the title or
22 registration search shall not contain highly restricted
23 personal information unless specifically authorized by this
24 Code.

25 The Secretary of State shall certify a title or
26 registration record upon written request. The fee for

1 certification shall be \$5 in addition to the fee required for a
2 title or registration search. Certification shall be made under
3 the signature of the Secretary of State and shall be
4 authenticated by Seal of the Secretary of State.

5 The Secretary of State may notify the vehicle owner or
6 registrant of the request for purchase of his title or
7 registration information as the Secretary deems appropriate.

8 No information shall be released to the requestor until
9 expiration of a 10 day period. This 10 day period shall not
10 apply to requests for information made by law enforcement
11 officials, government agencies, financial institutions,
12 attorneys, insurers, employers, automobile associated
13 businesses, persons licensed as a private detective or firms
14 licensed as a private detective agency under the Private
15 Detective, Private Alarm, Private Security, Fingerprint
16 Vendor, and Locksmith Act of 2004, who are employed by or are
17 acting on behalf of law enforcement officials, government
18 agencies, financial institutions, attorneys, insurers,
19 employers, automobile associated businesses, and other
20 business entities for purposes consistent with the Illinois
21 Vehicle Code, the vehicle owner or registrant or other entities
22 as the Secretary may exempt by rule and regulation.

23 Any misrepresentation made by a requestor of title or
24 vehicle information shall be punishable as a petty offense,
25 except in the case of persons licensed as a private detective
26 or firms licensed as a private detective agency which shall be

1 subject to disciplinary sanctions under Section 40-10 of the
2 Private Detective, Private Alarm, Private Security,
3 Fingerprint Vendor, and Locksmith Act of 2004.

4 (f-5) The Secretary of State shall not disclose or
5 otherwise make available to any person or entity any personally
6 identifying information obtained by the Secretary of State in
7 connection with a driver's license, vehicle, or title
8 registration record unless the information is disclosed for one
9 of the following purposes:

10 (1) For use by any government agency, including any
11 court or law enforcement agency, in carrying out its
12 functions, or any private person or entity acting on behalf
13 of a federal, State, or local agency in carrying out its
14 functions.

15 (2) For use in connection with matters of motor vehicle
16 or driver safety and theft; motor vehicle emissions; motor
17 vehicle product alterations, recalls, or advisories;
18 performance monitoring of motor vehicles, motor vehicle
19 parts, and dealers; and removal of non-owner records from
20 the original owner records of motor vehicle manufacturers.

21 (3) For use in the normal course of business by a
22 legitimate business or its agents, employees, or
23 contractors, but only:

24 (A) to verify the accuracy of personal information
25 submitted by an individual to the business or its
26 agents, employees, or contractors; and

1 (B) if such information as so submitted is not
2 correct or is no longer correct, to obtain the correct
3 information, but only for the purposes of preventing
4 fraud by, pursuing legal remedies against, or
5 recovering on a debt or security interest against, the
6 individual.

7 (4) For use in research activities and for use in
8 producing statistical reports, if the personally
9 identifying information is not published, redisclosed, or
10 used to contact individuals.

11 (5) For use in connection with any civil, criminal,
12 administrative, or arbitral proceeding in any federal,
13 State, or local court or agency or before any
14 self-regulatory body, including the service of process,
15 investigation in anticipation of litigation, and the
16 execution or enforcement of judgments and orders, or
17 pursuant to an order of a federal, State, or local court.

18 (6) For use by any insurer or insurance support
19 organization or by a self-insured entity or its agents,
20 employees, or contractors in connection with claims
21 investigation activities, antifraud activities, rating, or
22 underwriting.

23 (7) For use in providing notice to the owners of towed
24 or impounded vehicles.

25 (8) For use by any person licensed as a private
26 detective or firm licensed as a private detective agency

1 under the Private Detective, Private Alarm, Private
2 Security, Fingerprint Vendor, and Locksmith Act of 2004,
3 private investigative agency or security service licensed
4 in Illinois for any purpose permitted under this
5 subsection.

6 (9) For use by an employer or its agent or insurer to
7 obtain or verify information relating to a holder of a
8 commercial driver's license that is required under chapter
9 313 of title 49 of the United States Code.

10 (10) For use in connection with the operation of
11 private toll transportation facilities.

12 (11) For use by any requester, if the requester
13 demonstrates it has obtained the written consent of the
14 individual to whom the information pertains.

15 (12) For use by members of the news media, as defined
16 in Section 1-148.5, for the purpose of newsgathering when
17 the request relates to the operation of a motor vehicle or
18 public safety.

19 (13) For any other use specifically authorized by law,
20 if that use is related to the operation of a motor vehicle
21 or public safety.

22 (f-6) The Secretary of State shall not disclose or
23 otherwise make available to any person or entity any highly
24 restricted personal information obtained by the Secretary of
25 State in connection with a driver's license, vehicle, or title
26 registration record unless specifically authorized by this

1 Code.

2 (g) 1. The Secretary of State may, upon receipt of a
3 written request and a fee of \$6 before October 1, 2003 and
4 a fee of \$12 on and after October 1, 2003, furnish to the
5 person or agency so requesting a driver's record. Such
6 document may include a record of: current driver's license
7 issuance information, except that the information on
8 judicial driving permits shall be available only as
9 otherwise provided by this Code; convictions; orders
10 entered revoking, suspending or cancelling a driver's
11 license or privilege; and notations of accident
12 involvement. All other information, unless otherwise
13 permitted by this Code, shall remain confidential.
14 Information released pursuant to a request for a driver's
15 record shall not contain personally identifying
16 information, unless the request for the driver's record was
17 made for one of the purposes set forth in subsection (f-5)
18 of this Section. The Secretary of State may, without fee,
19 allow a parent or guardian of a person under the age of 18
20 years, who holds an instruction permit or graduated
21 driver's license, to view that person's driving record
22 online, through a computer connection. The parent or
23 guardian's online access to the driving record will
24 terminate when the instruction permit or graduated
25 driver's license holder reaches the age of 18.

26 2. The Secretary of State shall not disclose or

1 otherwise make available to any person or entity any highly
2 restricted personal information obtained by the Secretary
3 of State in connection with a driver's license, vehicle, or
4 title registration record unless specifically authorized
5 by this Code. The Secretary of State may certify an
6 abstract of a driver's record upon written request
7 therefor. Such certification shall be made under the
8 signature of the Secretary of State and shall be
9 authenticated by the Seal of his office.

10 3. All requests for driving record information shall be
11 made in a manner prescribed by the Secretary and shall set
12 forth the intended use of the requested information.

13 The Secretary of State may notify the affected driver
14 of the request for purchase of his driver's record as the
15 Secretary deems appropriate.

16 No information shall be released to the requester until
17 expiration of a 10 day period. This 10 day period shall not
18 apply to requests for information made by law enforcement
19 officials, government agencies, financial institutions,
20 attorneys, insurers, employers, automobile associated
21 businesses, persons licensed as a private detective or
22 firms licensed as a private detective agency under the
23 Private Detective, Private Alarm, Private Security,
24 Fingerprint Vendor, and Locksmith Act of 2004, who are
25 employed by or are acting on behalf of law enforcement
26 officials, government agencies, financial institutions,

1 attorneys, insurers, employers, automobile associated
2 businesses, and other business entities for purposes
3 consistent with the Illinois Vehicle Code, the affected
4 driver or other entities as the Secretary may exempt by
5 rule and regulation.

6 Any misrepresentation made by a requestor of driver
7 information shall be punishable as a petty offense, except
8 in the case of persons licensed as a private detective or
9 firms licensed as a private detective agency which shall be
10 subject to disciplinary sanctions under Section 40-10 of
11 the Private Detective, Private Alarm, Private Security,
12 Fingerprint Vendor, and Locksmith Act of 2004.

13 4. The Secretary of State may furnish without fee, upon
14 the written request of a law enforcement agency, any
15 information from a driver's record on file with the
16 Secretary of State when such information is required in the
17 enforcement of this Code or any other law relating to the
18 operation of motor vehicles, including records of
19 dispositions; documented information involving the use of
20 a motor vehicle; whether such individual has, or previously
21 had, a driver's license; and the address and personal
22 description as reflected on said driver's record.

23 5. Except as otherwise provided in this Section, the
24 Secretary of State may furnish, without fee, information
25 from an individual driver's record on file, if a written
26 request therefor is submitted by any public transit system

1 or authority, public defender, law enforcement agency, a
2 state or federal agency, or an Illinois local
3 intergovernmental association, if the request is for the
4 purpose of a background check of applicants for employment
5 with the requesting agency, or for the purpose of an
6 official investigation conducted by the agency, or to
7 determine a current address for the driver so public funds
8 can be recovered or paid to the driver, or for any other
9 purpose set forth in subsection (f-5) of this Section.

10 The Secretary may also furnish the courts a copy of an
11 abstract of a driver's record, without fee, subsequent to
12 an arrest for a violation of Section 11-501 or a similar
13 provision of a local ordinance. Such abstract may include
14 records of dispositions; documented information involving
15 the use of a motor vehicle as contained in the current
16 file; whether such individual has, or previously had, a
17 driver's license; and the address and personal description
18 as reflected on said driver's record.

19 6. Any certified abstract issued by the Secretary of
20 State or transmitted electronically by the Secretary of
21 State pursuant to this Section, to a court or on request of
22 a law enforcement agency, for the record of a named person
23 as to the status of the person's driver's license shall be
24 prima facie evidence of the facts therein stated and if the
25 name appearing in such abstract is the same as that of a
26 person named in an information or warrant, such abstract

1 shall be prima facie evidence that the person named in such
2 information or warrant is the same person as the person
3 named in such abstract and shall be admissible for any
4 prosecution under this Code and be admitted as proof of any
5 prior conviction or proof of records, notices, or orders
6 recorded on individual driving records maintained by the
7 Secretary of State.

8 7. Subject to any restrictions contained in the
9 Juvenile Court Act of 1987, and upon receipt of a proper
10 request and a fee of \$6 before October 1, 2003 and a fee of
11 \$12 on or after October 1, 2003, the Secretary of State
12 shall provide a driver's record to the affected driver, or
13 the affected driver's attorney, upon verification. Such
14 record shall contain all the information referred to in
15 paragraph 1 of this subsection (g) plus: any recorded
16 accident involvement as a driver; information recorded
17 pursuant to subsection (e) of Section 6-117 and paragraph
18 (4) of subsection (a) of Section 6-204 of this Code. All
19 other information, unless otherwise permitted by this
20 Code, shall remain confidential.

21 (h) The Secretary shall not disclose social security
22 numbers or any associated information obtained from the Social
23 Security Administration except pursuant to a written request
24 by, or with the prior written consent of, the individual
25 except: (1) to officers and employees of the Secretary who have
26 a need to know the social security numbers in performance of

1 their official duties, (2) to law enforcement officials for a
2 lawful, civil or criminal law enforcement investigation, and if
3 the head of the law enforcement agency has made a written
4 request to the Secretary specifying the law enforcement
5 investigation for which the social security numbers are being
6 sought, (3) to the United States Department of Transportation,
7 or any other State, pursuant to the administration and
8 enforcement of the Commercial Motor Vehicle Safety Act of 1986,
9 (4) pursuant to the order of a court of competent jurisdiction,
10 (5) to the Department of Healthcare and Family Services
11 (formerly Department of Public Aid) for utilization in the
12 child support enforcement duties assigned to that Department
13 under provisions of the Illinois Public Aid Code after the
14 individual has received advanced meaningful notification of
15 what redisclosure is sought by the Secretary in accordance with
16 the federal Privacy Act, (5.5) to the Department of Healthcare
17 and Family Services and the Department of Human Services solely
18 for the purpose of verifying Illinois residency where such
19 residency is an eligibility requirement for benefits under the
20 Illinois Public Aid Code or any other health benefit program
21 administered by the Department of Healthcare and Family
22 Services or the Department of Human Services, ~~or~~ (6) to the
23 Illinois Department of Revenue solely for use by the Department
24 in the collection of any tax or debt that the Department of
25 Revenue is authorized or required by law to collect, provided
26 that the Department shall not disclose the social security

1 number to any person or entity outside of the Department, or
2 (7) to the Illinois Department of Veterans' Affairs for the
3 purpose of confirming veteran status.

4 (i) (Blank).

5 (j) Medical statements or medical reports received in the
6 Secretary of State's Office shall be confidential. Except as
7 provided in this Section, no confidential information may be
8 open to public inspection or the contents disclosed to anyone,
9 except officers and employees of the Secretary who have a need
10 to know the information contained in the medical reports and
11 the Driver License Medical Advisory Board, unless so directed
12 by an order of a court of competent jurisdiction. If the
13 Secretary receives a medical report regarding a driver that
14 does not address a medical condition contained in a previous
15 medical report, the Secretary may disclose the unaddressed
16 medical condition to the driver or his or her physician, or
17 both, solely for the purpose of submission of a medical report
18 that addresses the condition.

19 (k) All fees collected under this Section shall be paid
20 into the Road Fund of the State Treasury, except that (i) for
21 fees collected before October 1, 2003, \$3 of the \$6 fee for a
22 driver's record shall be paid into the Secretary of State
23 Special Services Fund, (ii) for fees collected on and after
24 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall
25 be paid into the Secretary of State Special Services Fund and
26 \$6 shall be paid into the General Revenue Fund, and (iii) for

1 fees collected on and after October 1, 2003, 50% of the amounts
2 collected pursuant to subsection (b) shall be paid into the
3 General Revenue Fund.

4 (l) (Blank).

5 (m) Notations of accident involvement that may be disclosed
6 under this Section shall not include notations relating to
7 damage to a vehicle or other property being transported by a
8 tow truck. This information shall remain confidential,
9 provided that nothing in this subsection (m) shall limit
10 disclosure of any notification of accident involvement to any
11 law enforcement agency or official.

12 (n) Requests made by the news media for driver's license,
13 vehicle, or title registration information may be furnished
14 without charge or at a reduced charge, as determined by the
15 Secretary, when the specific purpose for requesting the
16 documents is deemed to be in the public interest. Waiver or
17 reduction of the fee is in the public interest if the principal
18 purpose of the request is to access and disseminate information
19 regarding the health, safety, and welfare or the legal rights
20 of the general public and is not for the principal purpose of
21 gaining a personal or commercial benefit. The information
22 provided pursuant to this subsection shall not contain
23 personally identifying information unless the information is
24 to be used for one of the purposes identified in subsection
25 (f-5) of this Section.

26 (o) The redisclosure of personally identifying information

1 obtained pursuant to this Section is prohibited, except to the
2 extent necessary to effectuate the purpose for which the
3 original disclosure of the information was permitted.

4 (p) The Secretary of State is empowered to adopt rules to
5 effectuate this Section.

6 (Source: P.A. 96-1383, eff. 1-1-11; 96-1501, eff. 1-25-11;
7 97-229, eff. 7-28-11; 97-739, eff. 1-1-13; revised 8-3-12.)

8 (625 ILCS 5/3-400) (from Ch. 95 1/2, par. 3-400)

9 Sec. 3-400. Definitions ~~Definition~~. Notwithstanding the
10 definition set forth in Chapter 1 of this Act, for the purposes
11 of this Article, the following words shall have the meaning
12 ascribed to them as follows:

13 "Apportionable Fee" means any periodic recurring fee
14 required for licensing or registering vehicles, such as, but
15 not limited to, registration fees, license or weight fees.

16 "Apportionable Vehicle" means any vehicle, except
17 recreational vehicles, vehicles displaying restricted plates,
18 city pickup and delivery vehicles, buses used in transportation
19 of chartered parties, and government owned vehicles that are
20 used or intended for use in 2 or more member jurisdictions that
21 allocate or proportionally register vehicles, in a fleet which
22 is used for the transportation of persons for hire or the
23 transportation of property and which has a gross vehicle weight
24 in excess of 26,000 pounds; or has three or more axles
25 regardless of weight; or is used in combination when the weight

1 of such combination exceeds 26,000 pounds gross vehicle weight.
2 Vehicles, or combinations having a gross vehicle weight of
3 26,000 pounds or less and two-axle vehicles may be
4 proportionally registered at the option of such owner.

5 "Base Jurisdiction" means, for purposes of fleet
6 registration, the jurisdiction where the registrant has an
7 established place of business, where operational records of the
8 fleet are maintained and where mileage is accrued by the fleet.
9 In case a registrant operates more than one fleet, and
10 maintains records for each fleet in different places, the "base
11 jurisdiction" for a fleet shall be the jurisdiction where an
12 established place of business is maintained, where records of
13 the operation of that fleet are maintained and where mileage is
14 accrued by that fleet.

15 "Operational Records" means documents supporting miles
16 traveled in each jurisdiction and total miles traveled, such as
17 fuel reports, trip leases, and logs.

18 Owner. A person who holds legal title of a motor vehicle,
19 or in the event a motor vehicle is the subject of an agreement
20 for the conditional sale or lease thereof with the right of
21 purchase upon performance of the conditions stated in the
22 agreement and with an immediate right of possession vested in
23 the conditional vendee or lessee with right of purchase, or in
24 the event a mortgagor of such motor vehicle is entitled to
25 possession, or in the event a lessee of such motor vehicle is
26 entitled to possession or control, then such conditional vendee

1 or lessee with right of purchase or mortgagor or lessee is
2 considered to be the owner for the purpose of this Act.

3 "Registration plate cover" means any tinted, colored,
4 painted, marked, clear, or illuminated object that is designed
5 to (i) cover any of the characters of a motor vehicle's
6 registration plate; or (ii) distort a recorded image of any of
7 the characters of a motor vehicle's registration plate recorded
8 by an automated enforcement system as defined in Section
9 11-208.6, 11-208.8, or 11-1201.1 of this Code or recorded by an
10 automated traffic control system as defined in Section 15 of
11 the Automated Traffic Control Systems in Highway Construction
12 or Maintenance Zones Act.

13 "Rental Owner" means an owner principally engaged, with
14 respect to one or more rental fleets, in renting to others or
15 offering for rental the vehicles of such fleets, without
16 drivers.

17 "Restricted Plates" shall include but are not limited to
18 dealer, manufacturer, transporter, farm, reposessor, and
19 permanently mounted type plates. Vehicles displaying any of
20 these type plates from a foreign jurisdiction that is a member
21 of the International Registration Plan shall be granted
22 reciprocity but shall be subject to the same limitations as
23 similar plated Illinois registered vehicles.

24 (Source: P.A. 97-743, eff. 1-1-13; revised 8-3-12.)

25 (625 ILCS 5/3-609) (from Ch. 95 1/2, par. 3-609)

1 Sec. 3-609. Disabled Veterans' Plates.

2 (a) Any veteran who holds proof of a service-connected
3 disability from the United States Department of Veterans
4 Affairs, and who has obtained certification from a licensed
5 physician, physician assistant, or advanced practice nurse
6 that the service-connected disability qualifies the veteran
7 for issuance of registration plates or decals to a person with
8 disabilities in accordance with Section 3-616, may, without the
9 payment of any registration fee, make application to the
10 Secretary of State for disabled veterans license plates
11 displaying the international symbol of access, for the
12 registration of one motor vehicle of the first division or one
13 motor vehicle of the second division weighing not more than
14 8,000 pounds.

15 (b) Any veteran who holds proof of a service-connected
16 disability from the United States Department of Veterans
17 Affairs, and whose degree of disability has been declared to be
18 50% or more, but whose disability does not qualify the veteran
19 for a plate or decal for persons with disabilities under
20 Section 3-616, may, without the payment of any registration
21 fee, make application to the Secretary for a special
22 registration plate without the international symbol of access
23 for the registration of one motor vehicle of the first division
24 or one motor vehicle of the second division weighing not more
25 than 8,000 pounds.

26 (c) Renewal of such registration must be accompanied with

1 documentation for eligibility of registration without fee
2 unless the applicant has a permanent qualifying disability, and
3 such registration plates may not be issued to any person not
4 eligible therefor. The Illinois Department of Veterans'
5 Affairs may assist in providing the documentation of
6 disability.

7 (d) The design and color of the plates shall be within the
8 discretion of the Secretary, except that the plates issued
9 under subsection (b) of this Section shall not contain the
10 international symbol of access. The Secretary may, in his or
11 her discretion, allow the plates to be issued as vanity or
12 personalized plates in accordance with Section 3-405.1 of this
13 Code. Registration shall be for a multi-year period and may be
14 issued staggered registration.

15 (e) Any person eligible to receive license plates under
16 this Section who has been approved for benefits under the
17 Senior Citizens and Disabled Persons Property Tax Relief Act,
18 or who has claimed and received a grant under that Act, shall
19 pay a fee of \$24 instead of the fee otherwise provided in this
20 Code for passenger cars displaying standard multi-year
21 registration plates issued under Section 3-414.1, for motor
22 vehicles registered at 8,000 pounds or less under Section
23 3-815(a), or for recreational vehicles registered at 8,000
24 pounds or less under Section 3-815(b), for a second set of
25 plates under this Section.

26 (Source: P.A. 96-79, eff. 1-1-10; 97-689, eff. 6-14-12; 97-918,

1 eff. 1-1-13; revised 8-23-12.)

2 (625 ILCS 5/3-658)

3 Sec. 3-658. Professional Sports Teams license plates.

4 (a) The Secretary, upon receipt of an application made in
5 the form prescribed by the Secretary, may issue special
6 registration plates designated as Professional Sports Teams
7 license plates. The special plates issued under this Section
8 shall be affixed only to passenger vehicles of the first
9 division, motorcycles, and motor vehicles of the second
10 division weighing not more than 8,000 pounds. Plates issued
11 under this Section shall expire according to the multi-year
12 procedure established by Section 3-414.1 of this Code.

13 (b) The design and color of the plates is wholly within the
14 discretion of the Secretary, except that the plates shall,
15 subject to the permission of the applicable team owner, display
16 the logo of the Chicago Bears, the Chicago Bulls, the Chicago
17 Blackhawks, the Chicago Cubs, the Chicago White Sox, the St.
18 Louis Rams, or the St. Louis Cardinals, at the applicant's
19 option. The Secretary may allow the plates to be issued as
20 vanity or personalized plates under Section 3-405.1 of the
21 Code. The Secretary shall prescribe stickers or decals as
22 provided under Section 3-412 of this Code.

23 (c) An applicant for the special plate shall be charged a
24 \$40 fee for original issuance in addition to the appropriate
25 registration fee. Of this fee, \$25 shall be deposited into the

1 Professional Sports Teams Education Fund and \$15 shall be
2 deposited into the Secretary of State Special License Plate
3 Fund, to be used by the Secretary to help defray the
4 administrative processing costs.

5 For each registration renewal period, a \$27 fee, in
6 addition to the appropriate registration fee, shall be charged.
7 Of this fee, \$25 shall be deposited into the Professional
8 Sports Teams Education Fund and \$2 shall be deposited into the
9 Secretary of State Special License Plate Fund.

10 (d) The Professional Sports Teams Education Fund is created
11 as a special fund in the State treasury. The Comptroller shall
12 order transferred and the Treasurer shall transfer all moneys
13 in the Professional Sports Teams ~~Team~~ Education Fund to the
14 Common School Fund every 6 months.

15 (Source: P.A. 97-409, eff. 1-1-12; 97-914, eff. 1-1-13; revised
16 10-18-12.)

17 (625 ILCS 5/3-806) (from Ch. 95 1/2, par. 3-806)

18 Sec. 3-806. Registration Fees; Motor Vehicles of the First
19 Division. Every owner of any other motor vehicle of the first
20 division, except as provided in Sections 3-804, 3-804.01,
21 3-804.3, 3-805, 3-806.3, 3-806.7, and 3-808, and every second
22 division vehicle weighing 8,000 pounds or less, shall pay the
23 Secretary of State an annual registration fee at the following
24 rates:

1 SCHEDULE OF REGISTRATION FEES

2 REQUIRED BY LAW

3 Beginning with the 2010 registration year

4 Annual

5 Fee

6 Motor vehicles of the first

7 division other than

8 Motorcycles, Motor Driven

9 Cycles and Pedalcycles \$98

10 Motorcycles, Motor Driven

11 Cycles and Pedalcycles 38

12 Beginning with the 2010 registration year a \$1 surcharge
13 shall be collected in addition to the above fees for motor
14 vehicles of the first division, motorcycles, motor driven
15 cycles, and pedalcycles to be deposited into the State Police
16 Vehicle Fund.

17 All of the proceeds of the additional fees imposed by
18 Public Act 96-34 shall be deposited into the Capital Projects
19 Fund.

20 Beginning with the 2014 registration year, a \$2 surcharge
21 shall be collected in addition to the above fees for motor
22 vehicles of the first division, motorcycles, motor driven
23 cycles, and pedalcycles to be deposited into the Park and
24 Conservation Fund for the Department of Natural Resources to
25 use for conservation efforts. The monies deposited into the
26 Park and Conservation Fund under this Section shall not be

1 subject to administrative charges or chargebacks unless
 2 otherwise authorized by this Act.

3 (Source: P.A. 96-34, eff. 7-13-09; 96-747, eff. 1-1-10;
 4 96-1000, eff. 7-2-10; 97-412, eff. 1-1-12; 97-811, eff.
 5 7-13-12; 97-1136, eff. 1-1-13; revised 1-2-13.)

6 (625 ILCS 5/3-815) (from Ch. 95 1/2, par. 3-815)

7 Sec. 3-815. Flat weight tax; vehicles of the second
 8 division.

9 (a) Except as provided in Section 3-806.3 and 3-804.3,
 10 every owner of a vehicle of the second division registered
 11 under Section 3-813, and not registered under the mileage
 12 weight tax under Section 3-818, shall pay to the Secretary of
 13 State, for each registration year, for the use of the public
 14 highways, a flat weight tax at the rates set forth in the
 15 following table, the rates including the \$10 registration fee:

16 SCHEDULE OF FLAT WEIGHT TAX

17 REQUIRED BY LAW

18 Gross Weight in Lbs. 19 Including Vehicle 20 and Maximum	21 Class	22 Total Fees 23 each Fiscal 24 year
22 8,000 lbs. and less	B	\$98
23 8,001 lbs. to 12,000 lbs.	D	138
24 12,001 lbs. to 16,000 lbs.	F	242
25 16,001 lbs. to 26,000 lbs.	H	490

1	26,001 lbs. to 28,000 lbs.	J	630
2	28,001 lbs. to 32,000 lbs.	K	842
3	32,001 lbs. to 36,000 lbs.	L	982
4	36,001 lbs. to 40,000 lbs.	N	1,202
5	40,001 lbs. to 45,000 lbs.	P	1,390
6	45,001 lbs. to 50,000 lbs.	Q	1,538
7	50,001 lbs. to 54,999 lbs.	R	1,698
8	55,000 lbs. to 59,500 lbs.	S	1,830
9	59,501 lbs. to 64,000 lbs.	T	1,970
10	64,001 lbs. to 73,280 lbs.	V	2,294
11	73,281 lbs. to 77,000 lbs.	X	2,622
12	77,001 lbs. to 80,000 lbs.	Z	2,790

13 Beginning with the 2010 registration year a \$1 surcharge
14 shall be collected for vehicles registered in the 8,000 lbs.
15 and less flat weight plate category above to be deposited into
16 the State Police Vehicle Fund.

17 Beginning with the 2014 registration year, a \$2 surcharge
18 shall be collected in addition to the above fees for vehicles
19 registered in the 8,000 lb. and less flat weight plate category
20 as described in this subsection (a) to be deposited into the
21 Park and Conservation Fund for the Department of Natural
22 Resources to use for conservation efforts. The monies deposited
23 into the Park and Conservation Fund under this Section shall
24 not be subject to administrative charges or chargebacks unless
25 otherwise authorized by this Act.

26 All of the proceeds of the additional fees imposed by this

1 amendatory Act of the 96th General Assembly shall be deposited
 2 into the Capital Projects Fund.

3 (a-1) A Special Hauling Vehicle is a vehicle or combination
 4 of vehicles of the second division registered under Section
 5 3-813 transporting asphalt or concrete in the plastic state or
 6 a vehicle or combination of vehicles that are subject to the
 7 gross weight limitations in subsection (a) of Section 15-111
 8 for which the owner of the vehicle or combination of vehicles
 9 has elected to pay, in addition to the registration fee in
 10 subsection (a), \$125 to the Secretary of State for each
 11 registration year. The Secretary shall designate this class of
 12 vehicle as a Special Hauling Vehicle.

13 (b) Except as provided in Section 3-806.3, every camping
 14 trailer, motor home, mini motor home, travel trailer, truck
 15 camper or van camper used primarily for recreational purposes,
 16 and not used commercially, nor for hire, nor owned by a
 17 commercial business, may be registered for each registration
 18 year upon the filing of a proper application and the payment of
 19 a registration fee and highway use tax, according to the
 20 following table of fees:

21 MOTOR HOME, MINI MOTOR HOME, TRUCK CAMPER OR VAN CAMPER

22 Gross Weight in Lbs.	Total Fees
23 Including Vehicle and	Each
24 Maximum Load	Calendar Year
25 8,000 lbs and less	\$78
26 8,001 Lbs. to 10,000 Lbs	90

1	10,001 Lbs. and Over	102
2	CAMPING TRAILER OR TRAVEL TRAILER	
3	Gross Weight in Lbs.	Total Fees
4	Including Vehicle and	Each
5	Maximum Load	Calendar Year
6	3,000 Lbs. and Less	\$18
7	3,001 Lbs. to 8,000 Lbs.	30
8	8,001 Lbs. to 10,000 Lbs.	38
9	10,001 Lbs. and Over	50

10 Every house trailer must be registered under Section 3-819.

11 (c) Farm Truck. Any truck used exclusively for the owner's
 12 own agricultural, horticultural or livestock raising
 13 operations and not-for-hire only, or any truck used only in the
 14 transportation for-hire of seasonal, fresh, perishable fruit
 15 or vegetables from farm to the point of first processing, may
 16 be registered by the owner under this paragraph in lieu of
 17 registration under paragraph (a), upon filing of a proper
 18 application and the payment of the \$10 registration fee and the
 19 highway use tax herein specified as follows:

20 SCHEDULE OF FEES AND TAXES

21	Gross Weight in Lbs.		Total Amount for
22	Including Truck and		each
23	Maximum Load	Class	Fiscal Year
24	16,000 lbs. or less	VF	\$150
25	16,001 to 20,000 lbs.	VG	226
26	20,001 to 24,000 lbs.	VH	290

1	24,001 to 28,000 lbs.	VJ	378
2	28,001 to 32,000 lbs.	VK	506
3	32,001 to 36,000 lbs.	VL	610
4	36,001 to 45,000 lbs.	VP	810
5	45,001 to 54,999 lbs.	VR	1,026
6	55,000 to 64,000 lbs.	VT	1,202
7	64,001 to 73,280 lbs.	VV	1,290
8	73,281 to 77,000 lbs.	VX	1,350
9	77,001 to 80,000 lbs.	VZ	1,490

10 In the event the Secretary of State revokes a farm truck
11 registration as authorized by law, the owner shall pay the flat
12 weight tax due hereunder before operating such truck.

13 Any combination of vehicles having 5 axles, with a distance
14 of 42 feet or less between extreme axles, that are subject to
15 the weight limitations in subsection (a) of Section 15-111 for
16 which the owner of the combination of vehicles has elected to
17 pay, in addition to the registration fee in subsection (c),
18 \$125 to the Secretary of State for each registration year shall
19 be designated by the Secretary as a Special Hauling Vehicle.

20 (d) The number of axles necessary to carry the maximum load
21 provided shall be determined from Chapter 15 of this Code.

22 (e) An owner may only apply for and receive 5 farm truck
23 registrations, and only 2 of those 5 vehicles shall exceed
24 59,500 gross weight in pounds per vehicle.

25 (f) Every person convicted of violating this Section by
26 failure to pay the appropriate flat weight tax to the Secretary

1 of State as set forth in the above tables shall be punished as
2 provided for in Section 3-401.

3 (Source: P.A. 96-34, eff. 7-13-09; 97-201, eff. 1-1-12; 97-811,
4 eff. 7-13-12; 97-1136, eff. 1-1-13; revised 1-2-13.)

5 (625 ILCS 5/3-902) (from Ch. 95 1/2, par. 3-902)

6 Sec. 3-902. Application of Article. This Article shall not
7 apply to ~~any person who~~, in connection with the issuance of a
8 license to him to conduct a business in this State other than a
9 remitter's license, shall have filed, pursuant to a statutory
10 requirement, a surety bond covering the proper discharge of any
11 liability incurred by him in connection with the acceptance for
12 remittance of money for the purposes designated in the Article
13 pursuant to which he or she is licensed.

14 (Source: P.A. 97-832, eff. 7-20-12; revised 8-3-12.)

15 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

16 Sec. 6-106. Application for license or instruction permit.

17 (a) Every application for any permit or license authorized
18 to be issued under this Act shall be made upon a form furnished
19 by the Secretary of State. Every application shall be
20 accompanied by the proper fee and payment of such fee shall
21 entitle the applicant to not more than 3 attempts to pass the
22 examination within a period of 1 year after the date of
23 application.

24 (b) Every application shall state the legal name, social

1 security number, zip code, date of birth, sex, and residence
2 address of the applicant; briefly describe the applicant; state
3 whether the applicant has theretofore been licensed as a
4 driver, and, if so, when and by what state or country, and
5 whether any such license has ever been cancelled, suspended,
6 revoked or refused, and, if so, the date and reason for such
7 cancellation, suspension, revocation or refusal; shall include
8 an affirmation by the applicant that all information set forth
9 is true and correct; and shall bear the applicant's signature.
10 In addition to the residence address, the Secretary may allow
11 the applicant to provide a mailing address. In the case of an
12 applicant who is a judicial officer, the Secretary may allow
13 the applicant to provide an office or work address in lieu of a
14 residence or mailing address. The application form may also
15 require the statement of such additional relevant information
16 as the Secretary of State shall deem necessary to determine the
17 applicant's competency and eligibility. The Secretary of State
18 may, in his discretion, by rule or regulation, provide that an
19 application for a drivers license or permit may include a
20 suitable photograph of the applicant in the form prescribed by
21 the Secretary, and he may further provide that each drivers
22 license shall include a photograph of the driver. The Secretary
23 of State may utilize a photograph process or system most
24 suitable to deter alteration or improper reproduction of a
25 drivers license and to prevent substitution of another photo
26 thereon.

1 (c) The application form shall include a notice to the
2 applicant of the registration obligations of sex offenders
3 under the Sex Offender Registration Act. The notice shall be
4 provided in a form and manner prescribed by the Secretary of
5 State. For purposes of this subsection (c), "sex offender" has
6 the meaning ascribed to it in Section 2 of the Sex Offender
7 Registration Act.

8 (d) Any male United States citizen or immigrant who applies
9 for any permit or license authorized to be issued under this
10 Act or for a renewal of any permit or license, and who is at
11 least 18 years of age but less than 26 years of age, must be
12 registered in compliance with the requirements of the federal
13 Military Selective Service Act. The Secretary of State must
14 forward in an electronic format the necessary personal
15 information regarding the applicants identified in this
16 subsection (d) to the Selective Service System. The applicant's
17 signature on the application serves as an indication that the
18 applicant either has already registered with the Selective
19 Service System or that he is authorizing the Secretary to
20 forward to the Selective Service System the necessary
21 information for registration. The Secretary must notify the
22 applicant at the time of application that his signature
23 constitutes consent to registration with the Selective Service
24 System, if he is not already registered.

25 (e) Beginning on or before July 1, 2015, for each original
26 or renewal driver's license application under this Act, the

1 Secretary shall inquire as to whether the applicant is a
2 veteran for purposes of issuing a driver's license with a
3 veteran designation under subsection (e-5) of Section 6-110 of
4 this Chapter. The acceptable forms of proof shall include, but
5 are not limited to, Department of Defense form DD-214. The
6 Secretary shall determine by rule what other forms of proof of
7 a person's status as a veteran are acceptable.

8 The Illinois Department of Veterans' Affairs shall confirm
9 the status of the applicant as an honorably discharged veteran
10 before the Secretary may issue the driver's license.

11 For purposes of this subsection (e):

12 "Active duty" means active duty under an executive order of
13 the President of the United States, an Act of the Congress of
14 the United States, or an order of the Governor.

15 "Armed forces" means any of the Armed Forces of the United
16 States, including a member of any reserve component or National
17 Guard unit called to active duty.

18 "Veteran" means a person who has served on active duty in
19 the armed forces and was discharged or separated under
20 honorable conditions.

21 (Source: P.A. 96-1231, eff. 7-23-10; 97-263, eff. 8-5-11;
22 97-739, eff. 1-1-13; 97-847, eff. 1-1-13; revised 8-3-12.)

23 (625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)

24 Sec. 6-110. Licenses issued to drivers.

25 (a) The Secretary of State shall issue to every qualifying

1 applicant a driver's license as applied for, which license
2 shall bear a distinguishing number assigned to the licensee,
3 the legal name, signature, zip code, date of birth, residence
4 address, and a brief description of the licensee.

5 Licenses issued shall also indicate the classification and
6 the restrictions under Section 6-104 of this Code. The
7 Secretary may adopt rules to establish informational
8 restrictions that can be placed on the driver's license
9 regarding specific conditions of the licensee.

10 A driver's license issued may, in the discretion of the
11 Secretary, include a suitable photograph of a type prescribed
12 by the Secretary.

13 (a-1) If the licensee is less than 18 years of age, unless
14 one of the exceptions in subsection (a-2) apply, the license
15 shall, as a matter of law, be invalid for the operation of any
16 motor vehicle during the following times:

17 (A) Between 11:00 p.m. Friday and 6:00 a.m. Saturday;

18 (B) Between 11:00 p.m. Saturday and 6:00 a.m. on
19 Sunday; and

20 (C) Between 10:00 p.m. on Sunday to Thursday,
21 inclusive, and 6:00 a.m. on the following day.

22 (a-2) The driver's license of a person under the age of 18
23 shall not be invalid as described in subsection (a-1) of this
24 Section if the licensee under the age of 18 was:

25 (1) accompanied by the licensee's parent or guardian or
26 other person in custody or control of the minor;

1 (2) on an errand at the direction of the minor's parent
2 or guardian, without any detour or stop;

3 (3) in a motor vehicle involved in interstate travel;

4 (4) going to or returning home from an employment
5 activity, without any detour or stop;

6 (5) involved in an emergency;

7 (6) going to or returning home from, without any detour
8 or stop, an official school, religious, or other
9 recreational activity supervised by adults and sponsored
10 by a government or governmental agency, a civic
11 organization, or another similar entity that takes
12 responsibility for the licensee, without any detour or
13 stop;

14 (7) exercising First Amendment rights protected by the
15 United States Constitution, such as the free exercise of
16 religion, freedom of speech, and the right of assembly; or

17 (8) married or had been married or is an emancipated
18 minor under the Emancipation of Minors Act.

19 (a-2.5) The driver's license of a person who is 17 years of
20 age and has been licensed for at least 12 months is not invalid
21 as described in subsection (a-1) of this Section while the
22 licensee is participating as an assigned driver in a Safe Rides
23 program that meets the following criteria:

24 (1) the program is sponsored by the Boy Scouts of
25 America or another national public service organization;
26 and

1 (2) the sponsoring organization carries liability
2 insurance covering the program.

3 (a-3) If a graduated driver's license holder over the age
4 of 18 committed an offense against traffic regulations
5 governing the movement of vehicles or any violation of Section
6 6-107 or Section 12-603.1 of this Code in the 6 months prior to
7 the graduated driver's license holder's 18th birthday, and was
8 subsequently convicted of the offense, the provisions of
9 subsection (a-1) shall continue to apply until such time as a
10 period of 6 consecutive months has elapsed without an
11 additional violation and subsequent conviction of an offense
12 against traffic regulations governing the movement of vehicles
13 or Section 6-107 or Section 12-603.1 of this Code.

14 (a-4) If an applicant for a driver's license or instruction
15 permit has a current identification card issued by the
16 Secretary of State, the Secretary may require the applicant to
17 utilize the same residence address and name on the
18 identification card, driver's license, and instruction permit
19 records maintained by the Secretary. The Secretary may
20 promulgate rules to implement this provision.

21 (a-5) If an applicant for a driver's license is a judicial
22 officer, the applicant may elect to have his or her office or
23 work address listed on the license instead of the applicant's
24 residence or mailing address. The Secretary of State shall
25 adopt rules to implement this subsection (a-5).

26 (b) Until the Secretary of State establishes a First Person

1 Consent organ and tissue donor registry under Section 6-117 of
2 this Code, the Secretary of State shall provide a format on the
3 reverse of each driver's license issued which the licensee may
4 use to execute a document of gift conforming to the provisions
5 of the Illinois Anatomical Gift Act. The format shall allow the
6 licensee to indicate the gift intended, whether specific
7 organs, any organ, or the entire body, and shall accommodate
8 the signatures of the donor and 2 witnesses. The Secretary
9 shall also inform each applicant or licensee of this format,
10 describe the procedure for its execution, and may offer the
11 necessary witnesses; provided that in so doing, the Secretary
12 shall advise the applicant or licensee that he or she is under
13 no compulsion to execute a document of gift. A brochure
14 explaining this method of executing an anatomical gift document
15 shall be given to each applicant or licensee. The brochure
16 shall advise the applicant or licensee that he or she is under
17 no compulsion to execute a document of gift, and that he or she
18 may wish to consult with family, friends or clergy before doing
19 so. The Secretary of State may undertake additional efforts,
20 including education and awareness activities, to promote organ
21 and tissue donation.

22 (c) The Secretary of State shall designate on each driver's
23 license issued a space where the licensee may place a sticker
24 or decal of the uniform size as the Secretary may specify,
25 which sticker or decal may indicate in appropriate language
26 that the owner of the license carries an Emergency Medical

1 Information Card.

2 The sticker may be provided by any person, hospital,
3 school, medical group, or association interested in assisting
4 in implementing the Emergency Medical Information Card, but
5 shall meet the specifications as the Secretary may by rule or
6 regulation require.

7 (d) The Secretary of State shall designate on each driver's
8 license issued a space where the licensee may indicate his
9 blood type and RH factor.

10 (e) The Secretary of State shall provide that each original
11 or renewal driver's license issued to a licensee under 21 years
12 of age shall be of a distinct nature from those driver's
13 licenses issued to individuals 21 years of age and older. The
14 color designated for driver's licenses for licensees under 21
15 years of age shall be at the discretion of the Secretary of
16 State.

17 (e-1) The Secretary shall provide that each driver's
18 license issued to a person under the age of 21 displays the
19 date upon which the person becomes 18 years of age and the date
20 upon which the person becomes 21 years of age.

21 (e-3) The General Assembly recognizes the need to identify
22 military veterans living in this State for the purpose of
23 ensuring that they receive all of the services and benefits to
24 which they are legally entitled, including healthcare,
25 education assistance, and job placement. To assist the State in
26 identifying these veterans and delivering these vital services

1 and benefits, the Secretary of State is authorized to issue
2 drivers' licenses with the word "veteran" appearing on the face
3 of the licenses. This authorization is predicated on the unique
4 status of veterans. The Secretary may not issue any other
5 driver's license which identifies an occupation, status,
6 affiliation, hobby, or other unique characteristics of the
7 license holder which is unrelated to the purpose of the
8 driver's license.

9 (e-5) Beginning on or before July 1, 2015, the Secretary of
10 State shall designate a space on each original or renewal
11 driver's license where, at the request of the applicant, the
12 word "veteran" shall be placed. The veteran designation shall
13 be available to a person identified as a veteran under
14 subsection (e) of Section ~~paragraph~~ 6-106 of this Code ~~Chapter~~
15 who was discharged or separated under honorable conditions.

16 (f) The Secretary of State shall inform all Illinois
17 licensed commercial motor vehicle operators of the
18 requirements of the Uniform Commercial Driver License Act,
19 Article V of this Chapter, and shall make provisions to insure
20 that all drivers, seeking to obtain a commercial driver's
21 license, be afforded an opportunity prior to April 1, 1992, to
22 obtain the license. The Secretary is authorized to extend
23 driver's license expiration dates, and assign specific times,
24 dates and locations where these commercial driver's tests shall
25 be conducted. Any applicant, regardless of the current
26 expiration date of the applicant's driver's license, may be

1 subject to any assignment by the Secretary. Failure to comply
2 with the Secretary's assignment may result in the applicant's
3 forfeiture of an opportunity to receive a commercial driver's
4 license prior to April 1, 1992.

5 (g) The Secretary of State shall designate on a driver's
6 license issued, a space where the licensee may indicate that he
7 or she has drafted a living will in accordance with the
8 Illinois Living Will Act or a durable power of attorney for
9 health care in accordance with the Illinois Power of Attorney
10 Act.

11 (g-1) The Secretary of State, in his or her discretion, may
12 designate on each driver's license issued a space where the
13 licensee may place a sticker or decal, issued by the Secretary
14 of State, of uniform size as the Secretary may specify, that
15 shall indicate in appropriate language that the owner of the
16 license has renewed his or her driver's license.

17 (h) A person who acts in good faith in accordance with the
18 terms of this Section is not liable for damages in any civil
19 action or subject to prosecution in any criminal proceeding for
20 his or her act.

21 (Source: P.A. 96-607, eff. 8-24-09; 96-1231, eff. 7-23-10;
22 97-263, eff. 8-5-11; 97-739, eff. 1-1-13; 97-847, eff. 1-1-13;
23 97-1127, eff. 1-1-13; revised 8-3-12.)

24 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

25 Sec. 6-500. Definitions of words and phrases.

1 Notwithstanding the definitions set forth elsewhere in this
2 Code, for purposes of the Uniform Commercial Driver's License
3 Act (UCDLA), the words and phrases listed below have the
4 meanings ascribed to them as follows:

5 (1) Alcohol. "Alcohol" means any substance containing any
6 form of alcohol, including but not limited to ethanol,
7 methanol, propanol, and isopropanol.

8 (2) Alcohol concentration. "Alcohol concentration" means:

9 (A) the number of grams of alcohol per 210 liters of
10 breath; or

11 (B) the number of grams of alcohol per 100 milliliters
12 of blood; or

13 (C) the number of grams of alcohol per 67 milliliters
14 of urine.

15 Alcohol tests administered within 2 hours of the driver
16 being "stopped or detained" shall be considered that driver's
17 "alcohol concentration" for the purposes of enforcing this
18 UCDLA.

19 (3) (Blank).

20 (4) (Blank).

21 (5) (Blank).

22 (5.3) CDLIS driver record. "CDLIS driver record" means the
23 electronic record of the individual CDL driver's status and
24 history stored by the State-of-Record as part of the Commercial
25 Driver's License Information System, or CDLIS, established
26 under 49 U.S.C. 31309.

1 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle
2 record" or "CDLIS MVR" means a report generated from the CDLIS
3 driver record meeting the requirements for access to CDLIS
4 information and provided by states to users authorized in 49
5 C.F.R. 384.225(e) (3) and (4), subject to the provisions of the
6 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

7 (5.7) Commercial driver's license downgrade. "Commercial
8 driver's license downgrade" or "CDL downgrade" means either:

9 (A) a state allows the driver to change his or her
10 self-certification to interstate, but operating
11 exclusively in transportation or operation excepted from
12 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),
13 391.2, 391.68, or 398.3;

14 (B) a state allows the driver to change his or her
15 self-certification to intrastate only, if the driver
16 qualifies under that state's physical qualification
17 requirements for intrastate only;

18 (C) a state allows the driver to change his or her
19 certification to intrastate, but operating exclusively in
20 transportation or operations excepted from all or part of
21 the state driver qualification requirements; or

22 (D) a state removes the CDL privilege from the driver
23 license.

24 (6) Commercial Motor Vehicle.

25 (A) "Commercial motor vehicle" or "CMV" means a motor
26 vehicle used in commerce, except those referred to in

1 subdivision (B), designed to transport passengers or
2 property if:

3 (i) the vehicle has a GVWR of 26,001 pounds or more
4 or such a lesser GVWR as subsequently determined by
5 federal regulations or the Secretary of State; or any
6 combination of vehicles with a GCWR of 26,001 pounds or
7 more, provided the GVWR of any vehicle or vehicles
8 being towed is 10,001 pounds or more; or

9 (ii) the vehicle is designed to transport 16 or
10 more persons; or

11 (iii) the vehicle is transporting hazardous
12 materials and is required to be placarded in accordance
13 with 49 C.F.R. Part 172, subpart F.

14 (B) Pursuant to the interpretation of the Commercial
15 Motor Vehicle Safety Act of 1986 by the Federal Highway
16 Administration, the definition of "commercial motor
17 vehicle" does not include:

18 (i) recreational vehicles, when operated primarily
19 for personal use;

20 (ii) vehicles owned by or operated under the
21 direction of the United States Department of Defense or
22 the United States Coast Guard only when operated by
23 non-civilian personnel. This includes any operator on
24 active military duty; members of the Reserves;
25 National Guard; personnel on part-time training; and
26 National Guard military technicians (civilians who are

1 required to wear military uniforms and are subject to
2 the Code of Military Justice); or

3 (iii) firefighting, police, and other emergency
4 equipment (including, without limitation, equipment
5 owned or operated by a HazMat or technical rescue team
6 authorized by a county board under Section 5-1127 of
7 the Counties Code), with audible and visual signals,
8 owned or operated by or for a governmental entity,
9 which is necessary to the preservation of life or
10 property or the execution of emergency governmental
11 functions which are normally not subject to general
12 traffic rules and regulations.

13 (7) Controlled Substance. "Controlled substance" shall
14 have the same meaning as defined in Section 102 of the Illinois
15 Controlled Substances Act, and shall also include cannabis as
16 defined in Section 3 of the Cannabis Control Act and
17 methamphetamine as defined in Section 10 of the Methamphetamine
18 Control and Community Protection Act.

19 (8) Conviction. "Conviction" means an unvacated
20 adjudication of guilt or a determination that a person has
21 violated or failed to comply with the law in a court of
22 original jurisdiction or by an authorized administrative
23 tribunal; an unvacated forfeiture of bail or collateral
24 deposited to secure the person's appearance in court; a plea of
25 guilty or nolo contendere accepted by the court; the payment of
26 a fine or court cost regardless of whether the imposition of

1 sentence is deferred and ultimately a judgment dismissing the
2 underlying charge is entered; or a violation of a condition of
3 release without bail, regardless of whether or not the penalty
4 is rebated, suspended or probated.

5 (8.5) Day. "Day" means calendar day.

6 (9) (Blank).

7 (10) (Blank).

8 (11) (Blank).

9 (12) (Blank).

10 (13) Driver. "Driver" means any person who drives,
11 operates, or is in physical control of a commercial motor
12 vehicle, any person who is required to hold a CDL, or any
13 person who is a holder of a CDL while operating a
14 non-commercial motor vehicle.

15 (13.5) Driver applicant. "Driver applicant" means an
16 individual who applies to a state to obtain, transfer, upgrade,
17 or renew a CDL.

18 (13.8) Electronic device. "Electronic device" includes,
19 but is not limited to, a cellular telephone, personal digital
20 assistant, pager, computer, or any other device used to input,
21 write, send, receive, or read text.

22 (14) Employee. "Employee" means a person who is employed as
23 a commercial motor vehicle driver. A person who is
24 self-employed as a commercial motor vehicle driver must comply
25 with the requirements of this UCCLA pertaining to employees. An
26 owner-operator on a long-term lease shall be considered an

1 employee.

2 (15) Employer. "Employer" means a person (including the
3 United States, a State or a local authority) who owns or leases
4 a commercial motor vehicle or assigns employees to operate such
5 a vehicle. A person who is self-employed as a commercial motor
6 vehicle driver must comply with the requirements of this UCDLA.

7 (15.3) Excepted interstate. "Excepted interstate" means a
8 person who operates or expects to operate in interstate
9 commerce, but engages exclusively in transportation or
10 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or
11 398.3 from all or part of the qualification requirements of 49
12 C.F.R. Part 391 and is not required to obtain a medical
13 examiner's certificate by 49 C.F.R. 391.45.

14 (15.5) Excepted intrastate. "Excepted intrastate" means a
15 person who operates in intrastate commerce but engages
16 exclusively in transportation or operations excepted from all
17 or parts of the state driver qualification requirements.

18 (16) (Blank).

19 (16.5) Fatality. "Fatality" means the death of a person as
20 a result of a motor vehicle accident.

21 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
22 sovereign jurisdiction that does not fall within the definition
23 of "State".

24 (18) (Blank).

25 (19) (Blank).

26 (20) Hazardous materials. "Hazardous Material" means any

1 material that has been designated under 49 U.S.C. 5103 and is
2 required to be placarded under subpart F of 49 C.F.R. part 172
3 or any quantity of a material listed as a select agent or toxin
4 in 42 C.F.R. part 73.

5 (20.5) Imminent Hazard. "Imminent hazard" means the
6 existence of a condition that presents a substantial likelihood
7 that death, serious illness, severe personal injury, or a
8 substantial endangerment to health, property, or the
9 environment may occur before the reasonably foreseeable
10 completion date of a formal proceeding begun to lessen the risk
11 of that death, illness, injury or endangerment.

12 (21) Long-term lease. "Long-term lease" means a lease of a
13 commercial motor vehicle by the owner-lessor to a lessee, for a
14 period of more than 29 days.

15 (21.1) Medical examiner. "Medical examiner" means a person
16 who is licensed, certified, or registered in accordance with
17 applicable state laws and regulations to perform physical
18 examinations. The term includes but is not limited to doctors
19 of medicine, doctors of osteopathy, physician assistants,
20 advanced practice nurses, and doctors of chiropractic.

21 (21.2) Medical examiner's certificate. "Medical examiner's
22 certificate" means a document prescribed or approved by the
23 Secretary of State that is issued by a medical examiner to a
24 driver to medically qualify him or her to drive.

25 (21.5) Medical variance. "Medical variance" means a driver
26 has received one of the following from the Federal Motor

1 Carrier Safety Administration which allows the driver to be
2 issued a medical certificate: (1) an exemption letter
3 permitting operation of a commercial motor vehicle pursuant to
4 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
5 skill performance evaluation (SPE) certificate permitting
6 operation of a commercial motor vehicle pursuant to 49 C.F.R.
7 391.49.

8 (21.7) Mobile telephone. "Mobile telephone" means a mobile
9 communication device that falls under or uses any commercial
10 mobile radio service, as defined in regulations of the Federal
11 Communications Commission, 47 CFR 20.3. It does not include
12 two-way or citizens band radio services.

13 (22) Motor Vehicle. "Motor vehicle" means every vehicle
14 which is self-propelled, and every vehicle which is propelled
15 by electric power obtained from over head trolley wires but not
16 operated upon rails, except vehicles moved solely by human
17 power and motorized wheel chairs.

18 (22.2) Motor vehicle record. "Motor vehicle record" means a
19 report of the driving status and history of a driver generated
20 from the driver record provided to users, such as drivers or
21 employers, and is subject to the provisions of the Driver
22 Privacy Protection Act, 18 U.S.C. 2721-2725.

23 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
24 combination of motor vehicles not defined by the term
25 "commercial motor vehicle" or "CMV" in this Section.

26 (22.7) Non-excepted interstate. "Non-excepted interstate"

1 means a person who operates or expects to operate in interstate
2 commerce, is subject to and meets the qualification
3 requirements under 49 C.F.R. Part 391, and is required to
4 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

5 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
6 means a person who operates only in intrastate commerce and is
7 subject to State driver qualification requirements.

8 (23) Non-resident CDL. "Non-resident CDL" means a
9 commercial driver's license issued by a state under either of
10 the following two conditions:

11 (i) to an individual domiciled in a foreign country
12 meeting the requirements of Part 383.23(b)(1) of 49 C.F.R.
13 of the Federal Motor Carrier Safety Administration.

14 (ii) to an individual domiciled in another state
15 meeting the requirements of Part 383.23(b)(2) of 49 C.F.R.
16 of the Federal Motor Carrier Safety Administration.

17 (24) (Blank).

18 (25) (Blank).

19 (25.5) Railroad-Highway Grade Crossing Violation.
20 "Railroad-highway grade crossing violation" means a violation,
21 while operating a commercial motor vehicle, of any of the
22 following:

23 (A) Section 11-1201, 11-1202, or 11-1425 of this
24 Code.

25 (B) Any other similar law or local ordinance of any
26 state relating to railroad-highway grade crossing.

1 (25.7) School Bus. "School bus" means a commercial motor
2 vehicle used to transport pre-primary, primary, or secondary
3 school students from home to school, from school to home, or to
4 and from school-sponsored events. "School bus" does not include
5 a bus used as a common carrier.

6 (26) Serious Traffic Violation. "Serious traffic
7 violation" means:

8 (A) a conviction when operating a commercial motor
9 vehicle, or when operating a non-CMV while holding a CDL,
10 of:

11 (i) a violation relating to excessive speeding,
12 involving a single speeding charge of 15 miles per hour
13 or more above the legal speed limit; or

14 (ii) a violation relating to reckless driving; or

15 (iii) a violation of any State law or local
16 ordinance relating to motor vehicle traffic control
17 (other than parking violations) arising in connection
18 with a fatal traffic accident; or

19 (iv) a violation of Section 6-501, relating to
20 having multiple driver's licenses; or

21 (v) a violation of paragraph (a) of Section 6-507,
22 relating to the requirement to have a valid CDL; or

23 (vi) a violation relating to improper or erratic
24 traffic lane changes; or

25 (vii) a violation relating to following another
26 vehicle too closely; or

1 (viii) a violation relating to texting while
2 driving; or

3 (ix) a violation relating to the use of a hand-held
4 mobile telephone while driving; or

5 (B) any other similar violation of a law or local
6 ordinance of any state relating to motor vehicle traffic
7 control, other than a parking violation, which the
8 Secretary of State determines by administrative rule to be
9 serious.

10 (27) State. "State" means a state of the United States, the
11 District of Columbia and any province or territory of Canada.

12 (28) (Blank).

13 (29) (Blank).

14 (30) (Blank).

15 (31) (Blank).

16 (32) Texting. "Texting" means manually entering
17 alphanumeric text into, or reading text from, an electronic
18 device.

19 (1) Texting includes, but is not limited to, short
20 message service, emailing, instant messaging, a command or
21 request to access a World Wide Web page, pressing more than
22 a single button to initiate or terminate a voice
23 communication using a mobile telephone, or engaging in any
24 other form of electronic text retrieval or entry for
25 present or future communication.

26 (2) Texting does not include:

1 (i) inputting, selecting, or reading information
2 on a global positioning system or navigation system; or

3 (ii) pressing a single button to initiate or
4 terminate a voice communication using a mobile
5 telephone; or

6 (iii) using a device capable of performing
7 multiple functions (for example, a fleet management
8 system, dispatching device, smart phone, citizens band
9 radio, or music player) for a purpose that is not
10 otherwise prohibited by Part 392 of the Federal Motor
11 Carrier Safety Regulations.

12 (33) Use a hand-held mobile telephone. "Use a hand-held
13 mobile telephone" means:

14 (1) using at least one hand to hold a mobile telephone
15 to conduct a voice communication;

16 (2) dialing or answering a mobile telephone by pressing
17 more than a single button; or

18 (3) reaching for a mobile telephone in a manner that
19 requires a driver to maneuver so that he or she is no
20 longer in a seated driving position, restrained by a seat
21 belt that is installed in accordance with 49 CFR 393.93 and
22 adjusted in accordance with the vehicle manufacturer's
23 instructions.

24 (Source: P.A. 97-208, eff. 1-1-12; 97-750, eff. 7-6-12; 97-829,
25 eff. 1-1-13; revised 8-3-12.)

1 (625 ILCS 5/11-208.6)

2 Sec. 11-208.6. Automated traffic law enforcement system.

3 (a) As used in this Section, "automated traffic law
4 enforcement system" means a device with one or more motor
5 vehicle sensors working in conjunction with a red light signal
6 to produce recorded images of motor vehicles entering an
7 intersection against a red signal indication in violation of
8 Section 11-306 of this Code or a similar provision of a local
9 ordinance.

10 An automated traffic law enforcement system is a system, in
11 a municipality or county operated by a governmental agency,
12 that produces a recorded image of a motor vehicle's violation
13 of a provision of this Code or a local ordinance and is
14 designed to obtain a clear recorded image of the vehicle and
15 the vehicle's license plate. The recorded image must also
16 display the time, date, and location of the violation.

17 (b) As used in this Section, "recorded images" means images
18 recorded by an automated traffic law enforcement system on:

19 (1) 2 or more photographs;

20 (2) 2 or more microphotographs;

21 (3) 2 or more electronic images; or

22 (4) a video recording showing the motor vehicle and, on
23 at least one image or portion of the recording, clearly
24 identifying the registration plate number of the motor
25 vehicle.

26 (b-5) A municipality or county that produces a recorded

1 image of a motor vehicle's violation of a provision of this
2 Code or a local ordinance must make the recorded images of a
3 violation accessible to the alleged violator by providing the
4 alleged violator with a website address, accessible through the
5 Internet.

6 (c) Except as provided under Section 11-208.8 of this Code,
7 a county or municipality, including a home rule county or
8 municipality, may not use an automated traffic law enforcement
9 system to provide recorded images of a motor vehicle for the
10 purpose of recording its speed. Except as provided under
11 Section 11-208.8 of this Code, the regulation of the use of
12 automated traffic law enforcement systems to record vehicle
13 speeds is an exclusive power and function of the State. This
14 subsection (c) is a denial and limitation of home rule powers
15 and functions under subsection (h) of Section 6 of Article VII
16 of the Illinois Constitution.

17 (c-5) A county or municipality, including a home rule
18 county or municipality, may not use an automated traffic law
19 enforcement system to issue violations in instances where the
20 motor vehicle comes to a complete stop and does not enter the
21 intersection, as defined by Section 1-132 of this Code, during
22 the cycle of the red signal indication unless one or more
23 pedestrians or bicyclists are present, even if the motor
24 vehicle stops at a point past a stop line or crosswalk where a
25 driver is required to stop, as specified in subsection (c) of
26 Section 11-306 of this Code or a similar provision of a local

1 ordinance.

2 (c-6) A county, or a municipality with less than 2,000,000
3 inhabitants, including a home rule county or municipality, may
4 not use an automated traffic law enforcement system to issue
5 violations in instances where a motorcyclist enters an
6 intersection against a red signal indication when the red
7 signal fails to change to a green signal within a reasonable
8 period of time not less than 120 seconds because of a signal
9 malfunction or because the signal has failed to detect the
10 arrival of the motorcycle due to the motorcycle's size or
11 weight.

12 (d) For each violation of a provision of this Code or a
13 local ordinance recorded by an automatic traffic law
14 enforcement system, the county or municipality having
15 jurisdiction shall issue a written notice of the violation to
16 the registered owner of the vehicle as the alleged violator.
17 The notice shall be delivered to the registered owner of the
18 vehicle, by mail, within 30 days after the Secretary of State
19 notifies the municipality or county of the identity of the
20 owner of the vehicle, but in no event later than 90 days after
21 the violation.

22 The notice shall include:

23 (1) the name and address of the registered owner of the
24 vehicle;

25 (2) the registration number of the motor vehicle
26 involved in the violation;

- 1 (3) the violation charged;
- 2 (4) the location where the violation occurred;
- 3 (5) the date and time of the violation;
- 4 (6) a copy of the recorded images;
- 5 (7) the amount of the civil penalty imposed and the
- 6 requirements of any traffic education program imposed and
- 7 the date by which the civil penalty should be paid and the
- 8 traffic education program should be completed;
- 9 (8) a statement that recorded images are evidence of a
- 10 violation of a red light signal;
- 11 (9) a warning that failure to pay the civil penalty, to
- 12 complete a required traffic education program, or to
- 13 contest liability in a timely manner is an admission of
- 14 liability and may result in a suspension of the driving
- 15 privileges of the registered owner of the vehicle;
- 16 (10) a statement that the person may elect to proceed
- 17 by:
 - 18 (A) paying the fine, completing a required traffic
 - 19 education program, or both; or
 - 20 (B) challenging the charge in court, by mail, or by
 - 21 administrative hearing; and
- 22 (11) a website address, accessible through the
- 23 Internet, where the person may view the recorded images of
- 24 the violation.
- 25 (e) If a person charged with a traffic violation, as a
- 26 result of an automated traffic law enforcement system, does not

1 pay the fine or complete a required traffic education program,
2 or both, or successfully contest the civil penalty resulting
3 from that violation, the Secretary of State shall suspend the
4 driving privileges of the registered owner of the vehicle under
5 Section 6-306.5 of this Code for failing to complete a required
6 traffic education program or to pay any fine or penalty due and
7 owing, or both, as a result of a combination of 5 violations of
8 the automated traffic law enforcement system or the automated
9 speed enforcement system under Section 11-208.8 of this Code.

10 (f) Based on inspection of recorded images produced by an
11 automated traffic law enforcement system, a notice alleging
12 that the violation occurred shall be evidence of the facts
13 contained in the notice and admissible in any proceeding
14 alleging a violation under this Section.

15 (g) Recorded images made by an automatic traffic law
16 enforcement system are confidential and shall be made available
17 only to the alleged violator and governmental and law
18 enforcement agencies for purposes of adjudicating a violation
19 of this Section, for statistical purposes, or for other
20 governmental purposes. Any recorded image evidencing a
21 violation of this Section, however, may be admissible in any
22 proceeding resulting from the issuance of the citation.

23 (h) The court or hearing officer may consider in defense of
24 a violation:

25 (1) that the motor vehicle or registration plates of
26 the motor vehicle were stolen before the violation occurred

1 and not under the control of or in the possession of the
2 owner at the time of the violation;

3 (2) that the driver of the vehicle passed through the
4 intersection when the light was red either (i) in order to
5 yield the right-of-way to an emergency vehicle or (ii) as
6 part of a funeral procession; and

7 (3) any other evidence or issues provided by municipal
8 or county ordinance.

9 (i) To demonstrate that the motor vehicle or the
10 registration plates were stolen before the violation occurred
11 and were not under the control or possession of the owner at
12 the time of the violation, the owner must submit proof that a
13 report concerning the stolen motor vehicle or registration
14 plates was filed with a law enforcement agency in a timely
15 manner.

16 (j) Unless the driver of the motor vehicle received a
17 Uniform Traffic Citation from a police officer at the time of
18 the violation, the motor vehicle owner is subject to a civil
19 penalty not exceeding \$100 or the completion of a traffic
20 education program, or both, plus an additional penalty of not
21 more than \$100 for failure to pay the original penalty or to
22 complete a required traffic education program, or both, in a
23 timely manner, if the motor vehicle is recorded by an automated
24 traffic law enforcement system. A violation for which a civil
25 penalty is imposed under this Section is not a violation of a
26 traffic regulation governing the movement of vehicles and may

1 not be recorded on the driving record of the owner of the
2 vehicle.

3 (j-3) A registered owner who is a holder of a valid
4 commercial driver's license is not required to complete a
5 traffic education program.

6 (j-5) For purposes of the required traffic education
7 program only, a registered owner may submit an affidavit to the
8 court or hearing officer swearing that at the time of the
9 alleged violation, the vehicle was in the custody and control
10 of another person. The affidavit must identify the person in
11 custody and control of the vehicle, including the person's name
12 and current address. The person in custody and control of the
13 vehicle at the time of the violation is required to complete
14 the required traffic education program. If the person in
15 custody and control of the vehicle at the time of the violation
16 completes the required traffic education program, the
17 registered owner of the vehicle is not required to complete a
18 traffic education program.

19 (k) An intersection equipped with an automated traffic law
20 enforcement system must be posted with a sign visible to
21 approaching traffic indicating that the intersection is being
22 monitored by an automated traffic law enforcement system.

23 (k-3) A municipality or county that has one or more
24 intersections equipped with an automated traffic law
25 enforcement system must provide notice to drivers by posting
26 the locations of automated traffic law systems on the

1 municipality or county website.

2 (k-5) An intersection equipped with an automated traffic
3 law enforcement system must have a yellow change interval that
4 conforms with the Illinois Manual on Uniform Traffic Control
5 Devices (IMUTCD) published by the Illinois Department of
6 Transportation.

7 (k-7) A municipality or county operating an automated
8 traffic law enforcement system shall conduct a statistical
9 analysis to assess the safety impact of each automated traffic
10 law enforcement system at an intersection following
11 installation of the system. The statistical analysis shall be
12 based upon the best available crash, traffic, and other data,
13 and shall cover a period of time before and after installation
14 of the system sufficient to provide a statistically valid
15 comparison of safety impact. The statistical analysis shall be
16 consistent with professional judgment and acceptable industry
17 practice. The statistical analysis also shall be consistent
18 with the data required for valid comparisons of before and
19 after conditions and shall be conducted within a reasonable
20 period following the installation of the automated traffic law
21 enforcement system. The statistical analysis required by this
22 subsection (k-7) shall be made available to the public and
23 shall be published on the website of the municipality or
24 county. If the statistical analysis for the 36 month period
25 following installation of the system indicates that there has
26 been an increase in the rate of accidents at the approach to

1 the intersection monitored by the system, the municipality or
2 county shall undertake additional studies to determine the
3 cause and severity of the accidents, and may take any action
4 that it determines is necessary or appropriate to reduce the
5 number or severity of the accidents at that intersection.

6 (l) The compensation paid for an automated traffic law
7 enforcement system must be based on the value of the equipment
8 or the services provided and may not be based on the number of
9 traffic citations issued or the revenue generated by the
10 system.

11 (m) This Section applies only to the counties of Cook,
12 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
13 to municipalities located within those counties.

14 (n) The fee for participating in a traffic education
15 program under this Section shall not exceed \$25.

16 A low-income individual required to complete a traffic
17 education program under this Section who provides proof of
18 eligibility for the federal earned income tax credit under
19 Section 32 of the Internal Revenue Code or the Illinois earned
20 income tax credit under Section 212 of the Illinois Income Tax
21 Act shall not be required to pay any fee for participating in a
22 required traffic education program.

23 (o) A municipality or county shall make a certified report
24 to the Secretary of State pursuant to Section 6-306.5 of this
25 Code whenever a registered owner of a vehicle has failed to pay
26 any fine or penalty due and owing as a result of a combination

1 of 5 offenses for automated traffic law or speed enforcement
2 system violations.

3 (p) No person who is the lessor of a motor vehicle pursuant
4 to a written lease agreement shall be liable for an automated
5 speed or traffic law enforcement system violation involving
6 such motor vehicle during the period of the lease; provided
7 that upon the request of the appropriate authority received
8 within 120 days after the violation occurred, the lessor
9 provides within 60 days after such receipt the name and address
10 of the lessee. The drivers license number of a lessee may be
11 subsequently individually requested by the appropriate
12 authority if needed for enforcement of this Section.

13 Upon the provision of information by the lessor pursuant to
14 this subsection, the county or municipality may issue the
15 violation to the lessee of the vehicle in the same manner as it
16 would issue a violation to a registered owner of a vehicle
17 pursuant to this Section, and the lessee may be held liable for
18 the violation.

19 (Source: P.A. 96-288, eff. 8-11-09; 96-1016, eff. 1-1-11;
20 97-29, eff. 1-1-12; 97-627, eff. 1-1-12; 97-672, eff. 7-1-12;
21 97-762, eff. 7-6-12; revised 7-16-12.)

22 (625 ILCS 5/11-208.8)

23 Sec. 11-208.8. Automated speed enforcement systems in
24 safety zones.

25 (a) As used in this Section:

1 "Automated speed enforcement system" means a photographic
2 device, radar device, laser device, or other electrical or
3 mechanical device or devices installed or utilized in a safety
4 zone and designed to record the speed of a vehicle and obtain a
5 clear photograph or other recorded image of the vehicle and the
6 vehicle's registration plate while the driver is violating
7 Article VI of Chapter 11 of this Code or a similar provision of
8 a local ordinance.

9 An automated speed enforcement system is a system, located
10 in a safety zone which is under the jurisdiction of a
11 municipality, that produces a recorded image of a motor
12 vehicle's violation of a provision of this Code or a local
13 ordinance and is designed to obtain a clear recorded image of
14 the vehicle and the vehicle's license plate. The recorded image
15 must also display the time, date, and location of the
16 violation.

17 "Owner" means the person or entity to whom the vehicle is
18 registered.

19 "Recorded image" means images recorded by an automated
20 speed enforcement system on:

- 21 (1) 2 or more photographs;
- 22 (2) 2 or more microphotographs;
- 23 (3) 2 or more electronic images; or
- 24 (4) a video recording showing the motor vehicle and, on
25 at least one image or portion of the recording, clearly
26 identifying the registration plate number of the motor

1 vehicle.

2 "Safety zone" means an area that is within one-eighth of a
3 mile from the nearest property line of any public or private
4 elementary or secondary school, or from the nearest property
5 line of any facility, area, or land owned by a school district
6 that is used for educational purposes approved by the Illinois
7 State Board of Education, not including school district
8 headquarters or administrative buildings. A safety zone also
9 includes an area that is within one-eighth of a mile from the
10 nearest property line of any facility, area, or land owned by a
11 park district used for recreational purposes. However, if any
12 portion of a roadway is within either one-eighth mile radius,
13 the safety zone also shall include the roadway extended to the
14 furthest portion of the next furthest intersection. The term
15 "safety zone" does not include any portion of the roadway known
16 as Lake Shore Drive or any controlled access highway with 8 or
17 more lanes of traffic.

18 (a-5) The automated speed enforcement system shall be
19 operational and violations shall be recorded only at the
20 following times:

21 (i) if the safety zone is based upon the property line
22 of any facility, area, or land owned by a school district,
23 only on school days and no earlier than 6 a.m. and no later
24 than 8:30 p.m. if the school day is during the period of
25 Monday through Thursday, or 9 p.m. if the school day is a
26 Friday; and

1 (ii) if the safety zone is based upon the property line
2 of any facility, area, or land owned by a park district, no
3 earlier than one hour prior to the time that the facility,
4 area, or land is open to the public or other patrons, and
5 no later than one hour after the facility, area, or land is
6 closed to the public or other patrons.

7 (b) A municipality that produces a recorded image of a
8 motor vehicle's violation of a provision of this Code or a
9 local ordinance must make the recorded images of a violation
10 accessible to the alleged violator by providing the alleged
11 violator with a website address, accessible through the
12 Internet.

13 (c) Notwithstanding any penalties for any other violations
14 of this Code, the owner of a motor vehicle used in a traffic
15 violation recorded by an automated speed enforcement system
16 shall be subject to the following penalties:

17 (1) if the recorded speed is no less than 6 miles per
18 hour and no more than 10 miles per hour over the legal
19 speed limit, a civil penalty not exceeding \$50, plus an
20 additional penalty of not more than \$50 for failure to pay
21 the original penalty in a timely manner; or

22 (2) if the recorded speed is more than 10 miles per
23 hour over the legal speed limit, a civil penalty not
24 exceeding \$100, plus an additional penalty of not more than
25 \$100 for failure to pay the original penalty in a timely
26 manner.

1 A penalty may not be imposed under this Section if the
2 driver of the motor vehicle received a Uniform Traffic Citation
3 from a police officer for a speeding violation occurring within
4 one-eighth of a mile and 15 minutes of the violation that was
5 recorded by the system. A violation for which a civil penalty
6 is imposed under this Section is not a violation of a traffic
7 regulation governing the movement of vehicles and may not be
8 recorded on the driving record of the owner of the vehicle. A
9 law enforcement officer is not required to be present or to
10 witness the violation. No penalty may be imposed under this
11 Section if the recorded speed of a vehicle is 5 miles per hour
12 or less over the legal speed limit. The municipality may send,
13 in the same manner that notices are sent under this Section, a
14 speed violation warning notice where the violation involves a
15 speed of 5 miles per hour or less above the legal speed limit.

16 (d) The net proceeds that a municipality receives from
17 civil penalties imposed under an automated speed enforcement
18 system, after deducting all non-personnel and personnel costs
19 associated with the operation and maintenance of such system,
20 shall be expended or obligated by the municipality for the
21 following purposes:

22 (i) public safety initiatives to ensure safe passage
23 around schools, and to provide police protection and
24 surveillance around schools and parks, including but not
25 limited to: (1) personnel costs; and (2) non-personnel
26 costs such as construction and maintenance of public safety

1 infrastructure and equipment;

2 (ii) initiatives to improve pedestrian and traffic
3 safety; ~~and~~

4 (iii) construction and maintenance of infrastructure
5 within the municipality, including but not limited to roads
6 and bridges; and

7 (iv) after school programs.

8 (e) For each violation of a provision of this Code or a
9 local ordinance recorded by an automated speed enforcement
10 system, the municipality having jurisdiction shall issue a
11 written notice of the violation to the registered owner of the
12 vehicle as the alleged violator. The notice shall be delivered
13 to the registered owner of the vehicle, by mail, within 30 days
14 after the Secretary of State notifies the municipality of the
15 identity of the owner of the vehicle, but in no event later
16 than 90 days after the violation.

17 (f) The notice required under subsection (e) of this
18 Section shall include:

19 (1) the name and address of the registered owner of the
20 vehicle;

21 (2) the registration number of the motor vehicle
22 involved in the violation;

23 (3) the violation charged;

24 (4) the date, time, and location where the violation
25 occurred;

26 (5) a copy of the recorded image or images;

1 (6) the amount of the civil penalty imposed and the
2 date by which the civil penalty should be paid;

3 (7) a statement that recorded images are evidence of a
4 violation of a speed restriction;

5 (8) a warning that failure to pay the civil penalty or
6 to contest liability in a timely manner is an admission of
7 liability and may result in a suspension of the driving
8 privileges of the registered owner of the vehicle;

9 (9) a statement that the person may elect to proceed
10 by:

11 (A) paying the fine; or

12 (B) challenging the charge in court, by mail, or by
13 administrative hearing; and

14 (10) a website address, accessible through the
15 Internet, where the person may view the recorded images of
16 the violation.

17 (g) If a person charged with a traffic violation, as a
18 result of an automated speed enforcement system, does not pay
19 the fine or successfully contest the civil penalty resulting
20 from that violation, the Secretary of State shall suspend the
21 driving privileges of the registered owner of the vehicle under
22 Section 6-306.5 of this Code for failing to pay any fine or
23 penalty due and owing, or both, as a result of a combination of
24 5 violations of the automated speed enforcement system or the
25 automated traffic law under Section 11-208.6 of this Code.

26 (h) Based on inspection of recorded images produced by an

1 automated speed enforcement system, a notice alleging that the
2 violation occurred shall be evidence of the facts contained in
3 the notice and admissible in any proceeding alleging a
4 violation under this Section.

5 (i) Recorded images made by an automated speed enforcement
6 system are confidential and shall be made available only to the
7 alleged violator and governmental and law enforcement agencies
8 for purposes of adjudicating a violation of this Section, for
9 statistical purposes, or for other governmental purposes. Any
10 recorded image evidencing a violation of this Section, however,
11 may be admissible in any proceeding resulting from the issuance
12 of the citation.

13 (j) The court or hearing officer may consider in defense of
14 a violation:

15 (1) that the motor vehicle or registration plates of
16 the motor vehicle were stolen before the violation occurred
17 and not under the control or in the possession of the owner
18 at the time of the violation;

19 (2) that the driver of the motor vehicle received a
20 Uniform Traffic Citation from a police officer for a
21 speeding violation occurring within one-eighth of a mile
22 and 15 minutes of the violation that was recorded by the
23 system; and

24 (3) any other evidence or issues provided by municipal
25 ordinance.

26 (k) To demonstrate that the motor vehicle or the

1 registration plates were stolen before the violation occurred
2 and were not under the control or possession of the owner at
3 the time of the violation, the owner must submit proof that a
4 report concerning the stolen motor vehicle or registration
5 plates was filed with a law enforcement agency in a timely
6 manner.

7 (l) A roadway equipped with an automated speed enforcement
8 system shall be posted with a sign conforming to the national
9 Manual on Uniform Traffic Control Devices that is visible to
10 approaching traffic stating that vehicle speeds are being
11 photo-enforced and indicating the speed limit. The
12 municipality shall install such additional signage as it
13 determines is necessary to give reasonable notice to drivers as
14 to where automated speed enforcement systems are installed.

15 (m) A roadway where a new automated speed enforcement
16 system is installed shall be posted with signs providing 30
17 days notice of the use of a new automated speed enforcement
18 system prior to the issuance of any citations through the
19 automated speed enforcement system.

20 (n) The compensation paid for an automated speed
21 enforcement system must be based on the value of the equipment
22 or the services provided and may not be based on the number of
23 traffic citations issued or the revenue generated by the
24 system.

25 (o) A municipality shall make a certified report to the
26 Secretary of State pursuant to Section 6-306.5 of this Code

1 whenever a registered owner of a vehicle has failed to pay any
2 fine or penalty due and owing as a result of a combination of 5
3 offenses for automated speed or traffic law enforcement system
4 violations.

5 (p) No person who is the lessor of a motor vehicle pursuant
6 to a written lease agreement shall be liable for an automated
7 speed or traffic law enforcement system violation involving
8 such motor vehicle during the period of the lease; provided
9 that upon the request of the appropriate authority received
10 within 120 days after the violation occurred, the lessor
11 provides within 60 days after such receipt the name and address
12 of the lessee. The drivers license number of a lessee may be
13 subsequently individually requested by the appropriate
14 authority if needed for enforcement of this Section.

15 Upon the provision of information by the lessor pursuant to
16 this subsection, the municipality may issue the violation to
17 the lessee of the vehicle in the same manner as it would issue
18 a violation to a registered owner of a vehicle pursuant to this
19 Section, and the lessee may be held liable for the violation.

20 (q) A municipality using an automated speed enforcement
21 system must provide notice to drivers by publishing the
22 locations of all safety zones where system equipment is
23 installed on the website of the municipality.

24 (r) A municipality operating an automated speed
25 enforcement system shall conduct a statistical analysis to
26 assess the safety impact of the system. The statistical

1 analysis shall be based upon the best available crash, traffic,
2 and other data, and shall cover a period of time before and
3 after installation of the system sufficient to provide a
4 statistically valid comparison of safety impact. The
5 statistical analysis shall be consistent with professional
6 judgment and acceptable industry practice. The statistical
7 analysis also shall be consistent with the data required for
8 valid comparisons of before and after conditions and shall be
9 conducted within a reasonable period following the
10 installation of the automated traffic law enforcement system.
11 The statistical analysis required by this subsection shall be
12 made available to the public and shall be published on the
13 website of the municipality.

14 (s) This Section applies only to municipalities with a
15 population of 1,000,000 or more inhabitants.

16 (Source: P.A. 97-672, eff. 7-1-12; 97-674, eff. 7-1-12; revised
17 8-3-12.)

18 (625 ILCS 5/11-501.01)

19 Sec. 11-501.01. Additional administrative sanctions.

20 (a) After a finding of guilt and prior to any final
21 sentencing or an order for supervision, for an offense based
22 upon an arrest for a violation of Section 11-501 or a similar
23 provision of a local ordinance, individuals shall be required
24 to undergo a professional evaluation to determine if an
25 alcohol, drug, or intoxicating compound abuse problem exists

1 and the extent of the problem, and undergo the imposition of
2 treatment as appropriate. Programs conducting these
3 evaluations shall be licensed by the Department of Human
4 Services. The cost of any professional evaluation shall be paid
5 for by the individual required to undergo the professional
6 evaluation.

7 (b) Any person who is found guilty of or pleads guilty to
8 violating Section 11-501, including any person receiving a
9 disposition of court supervision for violating that Section,
10 may be required by the Court to attend a victim impact panel
11 offered by, or under contract with, a county State's Attorney's
12 office, a probation and court services department, Mothers
13 Against Drunk Driving, or the Alliance Against Intoxicated
14 Motorists. All costs generated by the victim impact panel shall
15 be paid from fees collected from the offender or as may be
16 determined by the court.

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

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

26 (e) The Secretary of State shall require the use of

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

10 (f) In addition to any other penalties and liabilities, a
11 person who is found guilty of or pleads guilty to violating
12 Section 11-501, including any person placed on court
13 supervision for violating Section 11-501, shall be assessed
14 \$750, payable to the circuit clerk, who shall distribute the
15 money as follows: \$350 to the law enforcement agency that made
16 the arrest, and \$400 shall be forwarded to the State Treasurer
17 for deposit into the General Revenue Fund. If the person has
18 been previously convicted of violating Section 11-501 or a
19 similar provision of a local ordinance, the fine shall be
20 \$1,000, and the circuit clerk shall distribute \$200 to the law
21 enforcement agency that made the arrest and \$800 to the State
22 Treasurer for deposit into the General Revenue Fund. In the
23 event that more than one agency is responsible for the arrest,
24 the amount payable to law enforcement agencies shall be shared
25 equally. Any moneys received by a law enforcement agency under
26 this subsection (f) shall be used for enforcement and

1 prevention of driving while under the influence of alcohol,
2 other drug or drugs, intoxicating compound or compounds or any
3 combination thereof, as defined by Section 11-501 of this Code,
4 including but not limited to the purchase of law enforcement
5 equipment and commodities that will assist in the prevention of
6 alcohol related criminal violence throughout the State; police
7 officer training and education in areas related to alcohol
8 related crime, including but not limited to DUI training; and
9 police officer salaries, including but not limited to salaries
10 for hire back funding for safety checkpoints, saturation
11 patrols, and liquor store sting operations. Any moneys received
12 by the Department of State Police under this subsection (f)
13 shall be deposited into the State Police DUI Fund and shall be
14 used to purchase law enforcement equipment that will assist in
15 the prevention of alcohol related criminal violence throughout
16 the State.

17 (g) The Secretary of State Police DUI Fund is created as a
18 special fund in the State treasury. All moneys received by the
19 Secretary of State Police under subsection (f) of this Section
20 shall be deposited into the Secretary of State Police DUI Fund
21 and, subject to appropriation, shall be used for enforcement
22 and prevention of driving while under the influence of alcohol,
23 other drug or drugs, intoxicating compound or compounds or any
24 combination thereof, as defined by Section 11-501 of this Code,
25 including but not limited to the purchase of law enforcement
26 equipment and commodities to assist in the prevention of

1 alcohol related criminal violence throughout the State; police
2 officer training and education in areas related to alcohol
3 related crime, including but not limited to DUI training; and
4 police officer salaries, including but not limited to salaries
5 for hire back funding for safety checkpoints, saturation
6 patrols, and liquor store sting operations.

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

24 (i) In addition to any other fine or penalty required by
25 law, an individual convicted of a violation of Section 11-501,
26 Section 5-7 of the Snowmobile Registration and Safety Act,

1 Section 5-16 of the Boat Registration and Safety Act, or a
2 similar provision, whose operation of a motor vehicle,
3 snowmobile, or watercraft while in violation of Section 11-501,
4 Section 5-7 of the Snowmobile Registration and Safety Act,
5 Section 5-16 of the Boat Registration and Safety Act, or a
6 similar provision proximately caused an incident resulting in
7 an appropriate emergency response, shall be required to make
8 restitution to a public agency for the costs of that emergency
9 response. The restitution may not exceed \$1,000 per public
10 agency for each emergency response. As used in this subsection
11 (i), "emergency response" means any incident requiring a
12 response by a police officer, a firefighter carried on the
13 rolls of a regularly constituted fire department, or an
14 ambulance. With respect to funds designated for the Department
15 of State Police, the moneys shall be remitted by the circuit
16 court clerk to the State Police within one month after receipt
17 for deposit into the State Police DUI Fund. With respect to
18 funds designated for the Department of Natural Resources, the
19 Department of Natural Resources shall deposit the moneys into
20 the Conservation Police Operations Assistance Fund.

21 (Source: P.A. 96-1342, eff. 1-1-11; 97-931, eff. 1-1-13;
22 97-1050, eff. 1-1-13; revised 8-23-12.)

23 (625 ILCS 5/11-1301.1) (from Ch. 95 1/2, par. 11-1301.1)

24 Sec. 11-1301.1. Persons with disabilities - Parking
25 privileges - Exemptions.

1 (a) A motor vehicle bearing registration plates issued to a
2 person with disabilities, as defined by Section 1-159.1,
3 pursuant to Section 3-616 or to a disabled veteran pursuant to
4 subsection (a) of Section 3-609 or a special decal or device
5 issued pursuant to Section 3-616 or pursuant to Section
6 11-1301.2 of this Code or a motor vehicle registered in another
7 jurisdiction, state, district, territory or foreign country
8 upon which is displayed a registration plate, special decal or
9 device issued by the other jurisdiction designating the vehicle
10 is operated by or for a person with disabilities shall be
11 exempt from the payment of parking meter fees until January 1,
12 2014, and exempt from any statute or ordinance imposing time
13 limitations on parking, except limitations of one-half hour or
14 less, on any street or highway zone, a parking area subject to
15 regulation under subsection (a) of Section 11-209 of this Code,
16 or any parking lot or parking place which are owned, leased or
17 owned and leased by a municipality or a municipal parking
18 utility; and shall be recognized by state and local authorities
19 as a valid license plate or parking device and shall receive
20 the same parking privileges as residents of this State; but,
21 such vehicle shall be subject to the laws which prohibit
22 parking in "no stopping" and "no standing" zones in front of or
23 near fire hydrants, driveways, public building entrances and
24 exits, bus stops and loading areas, and is prohibited from
25 parking where the motor vehicle constitutes a traffic hazard,
26 whereby such motor vehicle shall be moved at the instruction

1 and request of a law enforcement officer to a location
2 designated by the officer.

3 (b) Any motor vehicle bearing registration plates or a
4 special decal or device specified in this Section or in Section
5 3-616 of this Code or such parking device as specifically
6 authorized in Section 11-1301.2 as evidence that the vehicle is
7 operated by or for a person with disabilities or bearing
8 registration plates issued to a disabled veteran under
9 subsection (a) of Section 3-609 may park, in addition to any
10 other lawful place, in any parking place specifically reserved
11 for such vehicles by the posting of an official sign as
12 provided under Section 11-301. Parking privileges granted by
13 this Section are strictly limited to the person to whom the
14 special registration plates, special decal or device were
15 issued and to qualified operators acting under his or her
16 express direction while the person with disabilities is
17 present. A person to whom privileges were granted shall, at the
18 request of a police officer or any other person invested by law
19 with authority to direct, control, or regulate traffic, present
20 an identification card with a picture as verification that the
21 person is the person to whom the special registration plates,
22 special decal or device was issued.

23 (c) Such parking privileges granted by this Section are
24 also extended to motor vehicles of not-for-profit
25 organizations used for the transportation of persons with
26 disabilities when such motor vehicles display the decal or

1 device issued pursuant to Section 11-1301.2 of this Code.

2 (d) No person shall use any area for the parking of any
3 motor vehicle pursuant to Section 11-1303 of this Code or where
4 an official sign controlling such area expressly prohibits
5 parking at any time or during certain hours.

6 (e) Beginning January 1, 2014, a vehicle displaying a decal
7 or device issued under subsection (c-5) of Section 11-1301.2 of
8 this Code shall be exempt from the payment of fees generated by
9 parking in a metered space or in a publicly owned parking
10 structure or area.

11 (Source: P.A. 96-79, eff. 1-1-10; 97-845, eff. 1-1-13; 97-918,
12 eff. 1-1-13; revised 8-23-12.)

13 (625 ILCS 5/11-1301.2) (from Ch. 95 1/2, par. 11-1301.2)

14 Sec. 11-1301.2. Special decals for parking; persons with
15 disabilities.

16 (a) The Secretary of State shall provide for, by
17 administrative rules, the design, size, color, and placement of
18 a person with disabilities motorist decal or device and shall
19 provide for, by administrative rules, the content and form of
20 an application for a person with disabilities motorist decal or
21 device, which shall be used by local authorities in the
22 issuance thereof to a person with temporary disabilities,
23 provided that the decal or device is valid for no more than 90
24 days, subject to renewal for like periods based upon continued
25 disability, and further provided that the decal or device

1 clearly sets forth the date that the decal or device expires.
2 The application shall include the requirement of an Illinois
3 Identification Card number or a State of Illinois driver's
4 license number. This decal or device may be used by the
5 authorized holder to designate and identify a vehicle not owned
6 or displaying a registration plate as provided in Sections
7 3-609 and 3-616 of this Act to designate when the vehicle is
8 being used to transport said person or persons with
9 disabilities, and thus is entitled to enjoy all the privileges
10 that would be afforded a person with disabilities licensed
11 vehicle. Person with disabilities decals or devices issued and
12 displayed pursuant to this Section shall be recognized and
13 honored by all local authorities regardless of which local
14 authority issued such decal or device.

15 The decal or device shall be issued only upon a showing by
16 adequate documentation that the person for whose benefit the
17 decal or device is to be used has a temporary disability as
18 defined in Section 1-159.1 of this Code.

19 (b) The local governing authorities shall be responsible
20 for the provision of such decal or device, its issuance and
21 designated placement within the vehicle. The cost of such decal
22 or device shall be at the discretion of such local governing
23 authority.

24 (c) The Secretary of State may, pursuant to Section
25 3-616(c), issue a person with disabilities parking decal or
26 device to a person with disabilities as defined by Section

1 1-159.1. Any person with disabilities parking decal or device
2 issued by the Secretary of State shall be registered to that
3 person with disabilities in the form to be prescribed by the
4 Secretary of State. The person with disabilities parking decal
5 or device shall not display that person's address. One
6 additional decal or device may be issued to an applicant upon
7 his or her written request and with the approval of the
8 Secretary of State. The written request must include a
9 justification of the need for the additional decal or device.

10 (c-5) Beginning January 1, 2014, the Secretary shall
11 provide by administrative rule for the issuance of a separate
12 and distinct parking decal or device for persons with
13 disabilities as defined by Section 1-159.1 of this Code. The
14 authorized holder of a decal or device issued under this
15 subsection (c-5) shall be exempt from the payment of fees
16 generated by parking in a metered space, a parking area subject
17 to paragraph (10) of subsection (a) of Section 11-209 of this
18 Code, or a publicly owned parking structure or area.

19 The Secretary shall issue a meter-exempt decal or device to
20 a person with disabilities who: (i) has been issued
21 registration plates under Section 3-609 or 3-616 of this Code
22 or a special decal or device under this Section, (ii) holds a
23 valid Illinois driver's license, ~~and~~ and (iii) is unable to do one
24 or more of the following:

25 (1) manage, manipulate, or insert coins, or obtain
26 tickets or tokens in parking meters or ticket machines in

1 parking lots or parking structures, due to the lack of fine
2 motor control of both hands;

3 (2) reach above his or her head to a height of 42
4 inches from the ground, due to a lack of finger, hand, or
5 upper extremity strength or mobility;

6 (3) approach a parking meter due to his or her use of a
7 wheelchair or other device for mobility; or

8 (4) walk more than 20 feet due to an orthopedic,
9 neurological, cardiovascular, or lung condition in which
10 the degree of debilitation is so severe that it almost
11 completely impedes the ability to walk.

12 The application for a meter-exempt parking decal or device
13 shall contain a statement certified by a licensed physician,
14 physician assistant, or advanced practice nurse attesting to
15 the nature and estimated duration of the applicant's condition
16 and verifying that the applicant meets the physical
17 qualifications specified in this subsection (c-5).

18 Notwithstanding the requirements of this subsection (c-5),
19 the Secretary shall issue a meter-exempt decal or device to a
20 person who has been issued registration plates under Section
21 3-616 of this Code or a special decal or device under this
22 Section, if the applicant is the parent or guardian of a person
23 with disabilities who is under 18 years of age and incapable of
24 driving.

25 (d) Replacement decals or devices may be issued for lost,
26 stolen, or destroyed decals upon application and payment of a

1 \$10 fee. The replacement fee may be waived for individuals that
2 have claimed and received a grant under the Senior Citizens and
3 Disabled Persons Property Tax Relief Act.

4 (Source: P.A. 96-72, eff. 1-1-10; 96-79, eff. 1-1-10; 96-1000,
5 eff. 7-2-10; 97-689, eff. 6-14-12; 97-845, eff. 1-1-13; revised
6 8-3-12.)

7 (625 ILCS 5/11-1301.3) (from Ch. 95 1/2, par. 11-1301.3)

8 Sec. 11-1301.3. Unauthorized use of parking places
9 reserved for persons with disabilities.

10 (a) It shall be prohibited to park any motor vehicle which
11 is not properly displaying registration plates or decals issued
12 to a person with disabilities, as defined by Section 1-159.1,
13 pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a
14 disabled veteran pursuant to Section 3-609 of this Act, as
15 evidence that the vehicle is operated by or for a person with
16 disabilities or disabled veteran, in any parking place,
17 including any private or public offstreet parking facility,
18 specifically reserved, by the posting of an official sign as
19 designated under Section 11-301, for motor vehicles displaying
20 such registration plates. It shall be prohibited to park any
21 motor vehicle in a designated access aisle adjacent to any
22 parking place specifically reserved for persons with
23 disabilities, by the posting of an official sign as designated
24 under Section 11-301, for motor vehicles displaying such
25 registration plates. When using the parking privileges for

1 persons with disabilities, the parking decal or device must be
2 displayed properly in the vehicle where it is clearly visible
3 to law enforcement personnel, either hanging from the rearview
4 mirror or placed on the dashboard of the vehicle in clear view.
5 Disability license plates and parking decals and devices are
6 not transferable from person to person. Proper usage of the
7 disability license plate or parking decal or device requires
8 the authorized holder to be present and enter or exit the
9 vehicle at the time the parking privileges are being used. It
10 is a violation of this Section to park in a space reserved for
11 a person with disabilities if the authorized holder of the
12 disability license plate or parking decal or device does not
13 enter or exit the vehicle at the time the parking privileges
14 are being used. Any motor vehicle properly displaying a
15 disability license plate or a parking decal or device
16 containing the International symbol of access issued to persons
17 with disabilities by any local authority, state, district,
18 territory or foreign country shall be recognized by State and
19 local authorities as a valid license plate or device and
20 receive the same parking privileges as residents of this State.

21 (a-1) An individual with a vehicle displaying disability
22 license plates or a parking decal or device issued to a
23 qualified person with a disability under Sections 3-616,
24 11-1301.1, or 11-1301.2 or to a disabled veteran under Section
25 3-609 is in violation of this Section if (i) the person using
26 the disability license plate or parking decal or device is not

1 the authorized holder of the disability license plate or
2 parking decal or device or is not transporting the authorized
3 holder of the disability license plate or parking decal or
4 device to or from the parking location and (ii) the person uses
5 the disability license plate or parking decal or device to
6 exercise any privileges granted through the disability license
7 plate or parking decals or devices under this Code.

8 (a-2) A driver of a vehicle displaying disability license
9 plates or a parking decal or device issued to a qualified
10 person with a disability under Section 3-616, 11-1301.1, or
11 11-1301.2 or to a disabled veteran under Section 3-609 is in
12 violation of this Section if (i) the person to whom the
13 disability license plate or parking decal or device was issued
14 is deceased and (ii) the driver uses the disability license
15 plate or parking decal or device to exercise any privileges
16 granted through a disability license plate or parking decal or
17 device under this Code.

18 (b) Any person or local authority owning or operating any
19 public or private offstreet parking facility may, after
20 notifying the police or sheriff's department, remove or cause
21 to be removed to the nearest garage or other place of safety
22 any vehicle parked within a stall or space reserved for use by
23 a person with disabilities which does not display person with
24 disabilities registration plates or a special decal or device
25 as required under this Section.

26 (c) Any person found guilty of violating the provisions of

1 subsection (a) shall be fined \$250 in addition to any costs or
2 charges connected with the removal or storage of any motor
3 vehicle authorized under this Section; but municipalities by
4 ordinance may impose a fine up to \$350 and shall display signs
5 indicating the fine imposed. If the amount of the fine is
6 subsequently changed, the municipality shall change the sign to
7 indicate the current amount of the fine. It shall not be a
8 defense to a charge under this Section that either the sign
9 posted pursuant to this Section or the intended accessible
10 parking place does not comply with the technical requirements
11 of Section 11-301, Department regulations, or local ordinance
12 if a reasonable person would be made aware by the sign or
13 notice on or near the parking place that the place is reserved
14 for a person with disabilities.

15 (c-1) Any person found guilty of violating the provisions
16 of subsection (a-1) a first time shall be fined \$600. Any
17 person found guilty of violating subsection (a-1) a second or
18 subsequent time shall be fined \$1,000. Any person who violates
19 subsection (a-2) is guilty of a Class A misdemeanor and shall
20 be fined \$2,500. The circuit clerk shall distribute 50% of the
21 fine imposed on any person who is found guilty of or pleads
22 guilty to violating this Section, including any person placed
23 on court supervision for violating this Section, to the law
24 enforcement agency that issued the citation or made the arrest.
25 If more than one law enforcement agency is responsible for
26 issuing the citation or making the arrest, the 50% of the fine

1 imposed shall be shared equally. If an officer of the Secretary
2 of State Department of Police arrested a person for a violation
3 of this Section, 50% of the fine imposed shall be deposited
4 into the Secretary of State Police Services Fund.

5 (d) Local authorities shall impose fines as established in
6 subsections (c) and (c-1) for violations of this Section.

7 (e) As used in this Section, "authorized holder" means an
8 individual issued a disability license plate under Section
9 3-616 of this Code, an individual issued a parking decal or
10 device under Section 11-1301.2 of this Code, or an individual
11 issued a disabled veteran's license plate under Section 3-609
12 of this Code.

13 (f) Any person who commits a violation of subsection (a-1)
14 or a similar provision of a local ordinance may have his or her
15 driving privileges suspended or revoked by the Secretary of
16 State for a period of time determined by the Secretary of
17 State. Any person who commits a violation of subsection (a-2)
18 or a similar provision of a local ordinance shall have his or
19 her driving privileges revoked by the Secretary of State. The
20 Secretary of State may also suspend or revoke the disability
21 license plates or parking decal or device for a period of time
22 determined by the Secretary of State.

23 (g) Any police officer may seize the parking decal or
24 device from any person who commits a violation of this Section.
25 Any police officer may seize the disability license plate upon
26 authorization from the Secretary of State. Any police officer

1 may request that the Secretary of State revoke the parking
2 decal or device or the disability license plate of any person
3 who commits a violation of this Section.

4 (Source: P.A. 96-72, eff. 1-1-10; 96-79, eff. 1-1-10; 96-962,
5 eff. 7-2-10; 96-1000, eff. 7-2-10; 97-844, eff. 1-1-13; 97-845,
6 eff. 1-1-13; revised 8-3-12.)

7 (625 ILCS 5/11-1301.5)

8 Sec. 11-1301.5. Fictitious or unlawfully altered
9 disability license plate or parking decal or device.

10 (a) As used in this Section:

11 "Fictitious disability license plate or parking decal or
12 device" means any issued disability license plate or parking
13 decal or device, or any license plate issued to a disabled
14 veteran under Section 3-609 of this Code, that has been issued
15 by the Secretary of State or an authorized unit of local
16 government that was issued based upon false information
17 contained on the required application.

18 "False information" means any incorrect or inaccurate
19 information concerning the name, date of birth, social security
20 number, driver's license number, physician certification, or
21 any other information required on the Persons with Disabilities
22 Certification for Plate or Parking Placard, on the Application
23 for Replacement Disability Parking Placard, or on the
24 application for license plates issued to disabled veterans
25 under Section 3-609 of this Code, that falsifies the content of

1 the application.

2 "Unlawfully altered disability license plate or parking
3 permit or device" means any disability license plate or parking
4 permit or device, or any license plate issued to a disabled
5 veteran under Section 3-609 of this Code, issued by the
6 Secretary of State or an authorized unit of local government
7 that has been physically altered or changed in such manner that
8 false information appears on the license plate or parking decal
9 or device.

10 "Authorized holder" means an individual issued a
11 disability license plate under Section 3-616 of this Code or an
12 individual issued a parking decal or device under Section
13 11-1301.2 of this Code, or an individual issued a disabled
14 veteran's license plate under Section 3-609 of this Code.

15 (b) It is a violation of this Section for any person:

16 (1) to knowingly possess any fictitious or unlawfully
17 altered disability license plate or parking decal or
18 device;

19 (2) to knowingly issue or assist in the issuance of, by
20 the Secretary of State or unit of local government, any
21 fictitious disability license plate or parking decal or
22 device;

23 (3) to knowingly alter any disability license plate or
24 parking decal or device;

25 (4) to knowingly manufacture, possess, transfer, or
26 provide any documentation used in the application process

1 whether real or fictitious, for the purpose of obtaining a
2 fictitious disability license plate or parking decal or
3 device;

4 (5) to knowingly provide any false information to the
5 Secretary of State or a unit of local government in order
6 to obtain a disability license plate or parking decal or
7 device;

8 (6) to knowingly transfer a disability license plate or
9 parking decal or device for the purpose of exercising the
10 privileges granted to an authorized holder of a disability
11 license plate or parking decal or device under this Code in
12 the absence of the authorized holder; or

13 (7) who is ~~for~~ a physician, physician assistant, or
14 advanced practice nurse to knowingly falsify a
15 certification that a person is a person with disabilities
16 as defined by Section 1-159.1 of this Code.

17 (c) Sentence.

18 (1) Any person convicted of a violation of paragraph
19 (1), (2), (3), (4), (5), or (7) of subsection (b) of this
20 Section shall be guilty of a Class A misdemeanor and fined
21 not less than \$1,000 for a first offense and shall be
22 guilty of a Class 4 felony and fined not less than \$2,000
23 for a second or subsequent offense. Any person convicted of
24 a violation of subdivision (b) (6) of this Section is guilty
25 of a Class A misdemeanor and shall be fined not less than
26 \$1,000 for a first offense and not less than \$2,000 for a

1 second or subsequent offense. The circuit clerk shall
2 distribute one-half of any fine imposed on any person who
3 is found guilty of or pleads guilty to violating this
4 Section, including any person placed on court supervision
5 for violating this Section, to the law enforcement agency
6 that issued the citation or made the arrest. If more than
7 one law enforcement agency is responsible for issuing the
8 citation or making the arrest, one-half of the fine imposed
9 shall be shared equally.

10 (2) Any person who commits a violation of this Section
11 or a similar provision of a local ordinance may have his or
12 her driving privileges suspended or revoked by the
13 Secretary of State for a period of time determined by the
14 Secretary of State. The Secretary of State may suspend or
15 revoke the parking decal or device or the disability
16 license plate of any person who commits a violation of this
17 Section.

18 (3) Any police officer may seize the parking decal or
19 device from any person who commits a violation of this
20 Section. Any police officer may seize the disability
21 license plate upon authorization from the Secretary of
22 State. Any police officer may request that the Secretary of
23 State revoke the parking decal or device or the disability
24 license plate of any person who commits a violation of this
25 Section.

26 (Source: P.A. 96-79, eff. 1-1-10; 97-844, eff. 1-1-13; 97-845,

1 eff. 1-1-13; revised 8-3-12.)

2 (625 ILCS 5/11-1302) (from Ch. 95 1/2, par. 11-1302)

3 Sec. 11-1302. Officers authorized to remove vehicles.

4 (a) Whenever any police officer finds a vehicle in
5 violation of any of the provisions of Section 11-1301 such
6 officer is hereby authorized to move such vehicle, or require
7 the driver or other person in charge of the vehicle to move the
8 same, to a position off the roadway.

9 (b) Any police officer is hereby authorized to remove or
10 cause to be removed to a place of safety any unattended vehicle
11 illegally left standing upon any highway, bridge, causeway, or
12 in a tunnel, in such a position or under such circumstances as
13 to obstruct the normal movement of traffic.

14 Whenever the Department finds an abandoned or disabled
15 vehicle standing upon the paved or main-traveled part of a
16 highway, which vehicle is or may be expected to interrupt the
17 free flow of traffic on the highway or interfere with the
18 maintenance of the highway, the Department is authorized to
19 move the vehicle to a position off the paved or improved or
20 main-traveled part of the highway.

21 (c) Any police officer is hereby authorized to remove or
22 cause to be removed to the nearest garage or other place of
23 safety any vehicle found upon a highway when:

24 1. report has been made that such vehicle has been
25 stolen or taken without the consent of its owner, or

1 2. the person or persons in charge of such vehicle are
2 unable to provide for its custody or removal, or

3 3. ~~When~~ the person driving or in control of such
4 vehicle is arrested for an alleged offense for which the
5 officer is required by law to take the person arrested
6 before a proper magistrate without unnecessary delay, or

7 4. ~~When~~ the registration of the vehicle has been
8 suspended, cancelled, or revoked.

9 (Source: P.A. 97-743, eff. 1-1-13; revised 8-3-12.)

10 (625 ILCS 5/12-610.1)

11 Sec. 12-610.1. Wireless telephones.

12 (a) As used in this Section, "wireless telephone" means a
13 device that is capable of transmitting or receiving telephonic
14 communications without a wire connecting the device to the
15 telephone network.

16 (b) A person under the age of 19 years who holds an
17 instruction permit issued under Section 6-105 or 6-107.1, or a
18 person under the age of 19 years who holds a graduated license
19 issued under Section 6-107, may not drive a vehicle on a
20 roadway while using a wireless phone.

21 (c) This Section does not apply to a person under the age
22 of 19 years using a wireless telephone for emergency purposes,
23 including, but not limited to, an emergency call to a law
24 enforcement agency, health care provider, fire department, or
25 other emergency services agency or entity.

1 (d) If a graduated driver's license holder over the age of
2 18 committed an offense against traffic regulations governing
3 the movement of vehicles or any violation of Section 6-107 or
4 Section 12-603.1 of this Code in the 6 months prior to the
5 graduated driver's license holder's 18th birthday, and was
6 subsequently convicted of the violation, the provisions of
7 paragraph (b) shall continue to apply until such time as a
8 period of 6 consecutive months has elapsed without an
9 additional violation and subsequent conviction of an offense
10 against traffic regulations governing the movement of vehicles
11 or any violation of Section 6-107 or Section 12-603.1 of this
12 Code.

13 (e) A person, regardless of age, may not use a wireless
14 telephone at any time while operating a motor vehicle on a
15 roadway in a school speed zone established under Section
16 11-605, on a highway in a construction or maintenance speed
17 zone established under Section 11-605.1, or within 500 feet of
18 an emergency scene. As used in this Section, "emergency scene"
19 means a location where an authorized emergency vehicle as
20 defined by Section 1-105 of this Code is present and has
21 activated its oscillating, rotating, or flashing lights. This
22 subsection (e) does not apply to (i) a person engaged in a
23 highway construction or maintenance project for which a
24 construction or maintenance speed zone has been established
25 under Section 11-605.1, (ii) a person using a wireless
26 telephone for emergency purposes, including, but not limited

1 to, law enforcement agency, health care provider, fire
2 department, or other emergency services agency or entity, (iii)
3 a law enforcement officer or operator of an emergency vehicle
4 when performing the officer's or operator's official duties,
5 (iv) a person using a wireless telephone in voice-operated
6 mode, which may include the use of a headset, ~~or~~ (v) ~~to~~ a
7 person using a wireless telephone by pressing a single button
8 to initiate or terminate a voice communication~~r~~, or (vi) ~~(v)~~ a
9 person using an electronic communication device for the sole
10 purpose of reporting an emergency situation and continued
11 communication with emergency personnel during the emergency
12 situation.

13 (Source: P.A. 96-131, eff. 1-1-10; 97-828, eff. 7-20-12;
14 97-830, eff. 1-1-13; revised 8-3-12.)

15 Section 445. The Judicial Privacy Act is amended by
16 changing Section 4-99 as follows:

17 (705 ILCS 90/4-99)

18 Sec. 4-99. Effective date. This Act and this Section take
19 ~~takes~~ effect 60 days after becoming law, except that Sections
20 4-18 and 4-20 take effect January 1, 2013.

21 (Source: P.A. 97-847, eff. 9-22-12; revised 8-3-12.)

22 Section 450. The Criminal Code of 2012 is amended by
23 changing Sections 4-8, 14-3, 24-2, 33G-4, 33G-5, 33G-7, and

1 36.5-5 as follows:

2 (720 ILCS 5/4-8) (from Ch. 38, par. 4-8)

3 Sec. 4-8. Ignorance or mistake.

4 (a) A person's ignorance or mistake as to a matter of
5 either fact or law, except as provided in Section 4-3(c) above,
6 is a defense if it negatives the existence of the mental state
7 which the statute prescribes with respect to an element of the
8 offense.

9 (b) A person's reasonable belief that his conduct does not
10 constitute an offense is a defense if:

11 (1) the ~~The~~ offense is defined by an administrative
12 regulation or order which is not known to him and has not
13 been published or otherwise made reasonably available to
14 him, and he could not have acquired such knowledge by the
15 exercise of due diligence pursuant to facts known to him;
16 or

17 (2) he ~~He~~ acts in reliance upon a statute which later
18 is determined to be invalid; or

19 (3) he ~~He~~ acts in reliance upon an order or opinion of
20 an Illinois Appellate or Supreme Court, or a United States
21 appellate court later overruled or reversed; or

22 (4) he ~~He~~ acts in reliance upon an official
23 interpretation of the statute, regulation or order
24 defining the offense, made by a public officer or agency
25 legally authorized to interpret such statute.

1 (c) Although a person's ignorance or mistake of fact or
2 law, or reasonable belief, described in this Section 4-8 is a
3 defense to the offense charged, he may be convicted of an
4 included offense of which he would be guilty if the fact or law
5 were as he believed it to be.

6 (d) A defense based upon this Section 4-8 is an affirmative
7 defense.

8 (Source: Laws 1961, p. 1983; revised 8-3-12.)

9 (720 ILCS 5/14-3)

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

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

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

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

24 (d) Recording or listening with the aid of any device to
25 any emergency communication made in the normal course of

1 operations by any federal, state or local law enforcement
2 agency or institutions dealing in emergency services,
3 including, but not limited to, hospitals, clinics, ambulance
4 services, fire fighting agencies, any public utility,
5 emergency repair facility, civilian defense establishment or
6 military installation;

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

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

21 (g) With prior notification to the State's Attorney of the
22 county in which it is to occur, recording or listening with the
23 aid of any device to any conversation where a law enforcement
24 officer, or any person acting at the direction of law
25 enforcement, is a party to the conversation and has consented
26 to it being intercepted or recorded under circumstances where

1 the use of the device is necessary for the protection of the
2 law enforcement officer or any person acting at the direction
3 of law enforcement, in the course of an investigation of a
4 forcible felony, a felony offense of involuntary servitude,
5 involuntary sexual servitude of a minor, or trafficking in
6 persons under Section 10-9 of this Code, an offense involving
7 prostitution, solicitation of a sexual act, or pandering, a
8 felony violation of the Illinois Controlled Substances Act, a
9 felony violation of the Cannabis Control Act, a felony
10 violation of the Methamphetamine Control and Community
11 Protection Act, any "streetgang related" or "gang-related"
12 felony as those terms are defined in the Illinois Streetgang
13 Terrorism Omnibus Prevention Act, or any felony offense
14 involving any weapon listed in paragraphs (1) through (11) of
15 subsection (a) of Section 24-1 of this Code. Any recording or
16 evidence derived as the result of this exemption shall be
17 inadmissible in any proceeding, criminal, civil or
18 administrative, except (i) where a party to the conversation
19 suffers great bodily injury or is killed during such
20 conversation, or (ii) when used as direct impeachment of a
21 witness concerning matters contained in the interception or
22 recording. The Director of the Department of State Police shall
23 issue regulations as are necessary concerning the use of
24 devices, retention of tape recordings, and reports regarding
25 their use;

26 (g-5) With approval of the State's Attorney of the county

1 in which it is to occur, recording or listening with the aid of
2 any device to any conversation where a law enforcement officer,
3 or any person acting at the direction of law enforcement, is a
4 party to the conversation and has consented to it being
5 intercepted or recorded in the course of an investigation of
6 any offense defined in Article 29D of this Code. In all such
7 cases, an application for an order approving the previous or
8 continuing use of an eavesdropping device must be made within
9 48 hours of the commencement of such use. In the absence of
10 such an order, or upon its denial, any continuing use shall
11 immediately terminate. The Director of State Police shall issue
12 rules as are necessary concerning the use of devices, retention
13 of tape recordings, and reports regarding their use.

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

22 This subsection (g-5) is inoperative on and after January
23 1, 2005. No conversations recorded or monitored pursuant to
24 this subsection (g-5) shall be inadmissible in a court of law
25 by virtue of the repeal of this subsection (g-5) on January 1,
26 2005;

1 (g-6) With approval of the State's Attorney of the county
2 in which it is to occur, recording or listening with the aid of
3 any device to any conversation where a law enforcement officer,
4 or any person acting at the direction of law enforcement, is a
5 party to the conversation and has consented to it being
6 intercepted or recorded in the course of an investigation of
7 involuntary servitude, involuntary sexual servitude of a
8 minor, trafficking in persons, child pornography, aggravated
9 child pornography, indecent solicitation of a child, child
10 abduction, luring of a minor, sexual exploitation of a child,
11 predatory criminal sexual assault of a child, aggravated
12 criminal sexual abuse in which the victim of the offense was at
13 the time of the commission of the offense under 18 years of
14 age, criminal sexual abuse by force or threat of force in which
15 the victim of the offense was at the time of the commission of
16 the offense under 18 years of age, or aggravated criminal
17 sexual assault in which the victim of the offense was at the
18 time of the commission of the offense under 18 years of age. In
19 all such cases, an application for an order approving the
20 previous or continuing use of an eavesdropping device must be
21 made within 48 hours of the commencement of such use. In the
22 absence of such an order, or upon its denial, any continuing
23 use shall immediately terminate. The Director of State Police
24 shall issue rules as are necessary concerning the use of
25 devices, retention of recordings, and reports regarding their
26 use. Any recording or evidence obtained or derived in the

1 course of an investigation of involuntary servitude,
2 involuntary sexual servitude of a minor, trafficking in
3 persons, child pornography, aggravated child pornography,
4 indecent solicitation of a child, child abduction, luring of a
5 minor, sexual exploitation of a child, predatory criminal
6 sexual assault of a child, aggravated criminal sexual abuse in
7 which the victim of the offense was at the time of the
8 commission of the offense under 18 years of age, criminal
9 sexual abuse by force or threat of force in which the victim of
10 the offense was at the time of the commission of the offense
11 under 18 years of age, or aggravated criminal sexual assault in
12 which the victim of the offense was at the time of the
13 commission of the offense under 18 years of age shall, upon
14 motion of the State's Attorney or Attorney General prosecuting
15 any case involving involuntary servitude, involuntary sexual
16 servitude of a minor, trafficking in persons, child
17 pornography, aggravated child pornography, indecent
18 solicitation of a child, child abduction, luring of a minor,
19 sexual exploitation of a child, predatory criminal sexual
20 assault of a child, aggravated criminal sexual abuse in which
21 the victim of the offense was at the time of the commission of
22 the offense under 18 years of age, criminal sexual abuse by
23 force or threat of force in which the victim of the offense was
24 at the time of the commission of the offense under 18 years of
25 age, or aggravated criminal sexual assault in which the victim
26 of the offense was at the time of the commission of the offense

1 under 18 years of age, be reviewed in camera with notice to all
2 parties present by the court presiding over the criminal case,
3 and, if ruled by the court to be relevant and otherwise
4 admissible, it shall be admissible at the trial of the criminal
5 case. Absent such a ruling, any such recording or evidence
6 shall not be admissible at the trial of the criminal case;

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

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

22 (h-5) Recordings of utterances made by a person while in
23 the presence of a uniformed peace officer and while an occupant
24 of a police vehicle including, but not limited to, (i)
25 recordings made simultaneously with the use of an in-car video
26 camera and (ii) recordings made in the presence of the peace

1 officer utilizing video or audio systems, or both, authorized
2 by the law enforcement agency;

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

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

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

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

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

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

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

1 to any third party.

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

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

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

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

26 (i) soliciting the sale of goods or services;

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

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

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

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

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

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

1 (m) An electronic recording, including but not limited to,
2 a motion picture, videotape, digital, or other visual or audio
3 recording, made of the interior of a school bus while the
4 school bus is being used in the transportation of students to
5 and from school and school-sponsored activities, when the
6 school board has adopted a policy authorizing such recording,
7 notice of such recording policy is included in student
8 handbooks and other documents including the policies of the
9 school, notice of the policy regarding recording is provided to
10 parents of students, and notice of such recording is clearly
11 posted on the door of and inside the school bus.

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

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

23 (o) The use of an eavesdropping camera or audio device
24 during an ongoing hostage or barricade situation by a law
25 enforcement officer or individual acting on behalf of a law
26 enforcement officer when the use of such device is necessary to

1 protect the safety of the general public, hostages, or law
2 enforcement officers or anyone acting on their behalf;

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

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

23 (2) Request for approval. To invoke the exception contained
24 in this subsection (q), a law enforcement officer shall make a
25 written or verbal request for approval to the appropriate
26 State's Attorney. This request for approval shall include

1 whatever information is deemed necessary by the State's
2 Attorney but shall include, at a minimum, the following
3 information about each specified individual whom the law
4 enforcement officer believes will commit a drug offense:

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

6 (B) a physical description; or

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

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

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

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

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

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

11 (A) a drug offense;

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

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

24 (5) Compliance with the provisions of this subsection is a
25 prerequisite to the admissibility in evidence of any part of
26 the contents of any wire, electronic or oral communication that

1 has been intercepted as a result of this exception, but nothing
2 in this subsection shall be deemed to prevent a court from
3 otherwise excluding the evidence on any other ground, nor shall
4 anything in this subsection be deemed to prevent a court from
5 independently reviewing the admissibility of the evidence for
6 compliance with the Fourth Amendment to the U.S. Constitution
7 or with Article I, Section 6 of the Illinois Constitution.

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

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

22 "Drug offense" includes and is limited to a felony
23 violation of one of the following: (A) the Illinois
24 Controlled Substances Act, (B) the Cannabis Control Act,
25 and (C) the Methamphetamine Control and Community
26 Protection Act.

1 "Forcible felony" includes and is limited to those
2 offenses contained in Section 2-8 of the Criminal Code of
3 1961 as of the effective date of this amendatory Act of the
4 97th General Assembly, and only as those offenses have been
5 defined by law or judicial interpretation as of that date.

6 "State's Attorney" includes and is limited to the
7 State's Attorney or an assistant State's Attorney
8 designated by the State's Attorney to provide verbal
9 approval to record or intercept conversations under this
10 subsection (q).

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

16 (Source: P.A. 96-425, eff. 8-13-09; 96-547, eff. 1-1-10;
17 96-643, eff. 1-1-10; 96-670, eff. 8-25-09; 96-1000, eff.
18 7-2-10; 96-1425, eff. 1-1-11; 96-1464, eff. 8-20-10; 97-333,
19 eff. 8-12-11; 97-846, eff. 1-1-13; 97-897, eff. 1-1-13; revised
20 8-23-12.)

21 (720 ILCS 5/24-2)

22 Sec. 24-2. Exemptions.

23 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
24 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
25 the following:

1 (1) Peace officers, and any person summoned by a peace
2 officer to assist in making arrests or preserving the
3 peace, while actually engaged in assisting such officer.

4 (2) Wardens, superintendents and keepers of prisons,
5 penitentiaries, jails and other institutions for the
6 detention of persons accused or convicted of an offense,
7 while in the performance of their official duty, or while
8 commuting between their homes and places of employment.

9 (3) Members of the Armed Services or Reserve Forces of
10 the United States or the Illinois National Guard or the
11 Reserve Officers Training Corps, while in the performance
12 of their official duty.

13 (4) Special agents employed by a railroad or a public
14 utility to perform police functions, and guards of armored
15 car companies, while actually engaged in the performance of
16 the duties of their employment or commuting between their
17 homes and places of employment; and watchmen while actually
18 engaged in the performance of the duties of their
19 employment.

20 (5) Persons licensed as private security contractors,
21 private detectives, or private alarm contractors, or
22 employed by an agency certified by the Department of
23 Financial and Professional Regulation, if their duties
24 include the carrying of a weapon under the provisions of
25 the Private Detective, Private Alarm, Private Security,
26 Fingerprint Vendor, and Locksmith Act of 2004, while

1 actually engaged in the performance of the duties of their
2 employment or commuting between their homes and places of
3 employment, provided that such commuting is accomplished
4 within one hour from departure from home or place of
5 employment, as the case may be. A person shall be
6 considered eligible for this exemption if he or she has
7 completed the required 20 hours of training for a private
8 security contractor, private detective, or private alarm
9 contractor, or employee of a licensed agency and 20 hours
10 of required firearm training, and has been issued a firearm
11 control card by the Department of Financial and
12 Professional Regulation. Conditions for the renewal of
13 firearm control cards issued under the provisions of this
14 Section shall be the same as for those cards issued under
15 the provisions of the Private Detective, Private Alarm,
16 Private Security, Fingerprint Vendor, and Locksmith Act of
17 2004. The firearm control card shall be carried by the
18 private security contractor, private detective, or private
19 alarm contractor, or employee of the licensed agency at all
20 times when he or she is in possession of a concealable
21 weapon.

22 (6) Any person regularly employed in a commercial or
23 industrial operation as a security guard for the protection
24 of persons employed and private property related to such
25 commercial or industrial operation, while actually engaged
26 in the performance of his or her duty or traveling between

1 sites or properties belonging to the employer, and who, as
2 a security guard, is a member of a security force of at
3 least 5 persons registered with the Department of Financial
4 and Professional Regulation; provided that such security
5 guard has successfully completed a course of study,
6 approved by and supervised by the Department of Financial
7 and Professional Regulation, consisting of not less than 40
8 hours of training that includes the theory of law
9 enforcement, liability for acts, and the handling of
10 weapons. A person shall be considered eligible for this
11 exemption if he or she has completed the required 20 hours
12 of training for a security officer and 20 hours of required
13 firearm training, and has been issued a firearm control
14 card by the Department of Financial and Professional
15 Regulation. Conditions for the renewal of firearm control
16 cards issued under the provisions of this Section shall be
17 the same as for those cards issued under the provisions of
18 the Private Detective, Private Alarm, Private Security,
19 Fingerprint Vendor, and Locksmith Act of 2004. The firearm
20 control card shall be carried by the security guard at all
21 times when he or she is in possession of a concealable
22 weapon.

23 (7) Agents and investigators of the Illinois
24 Legislative Investigating Commission authorized by the
25 Commission to carry the weapons specified in subsections
26 24-1(a)(3) and 24-1(a)(4), while on duty in the course of

1 any investigation for the Commission.

2 (8) Persons employed by a financial institution for the
3 protection of other employees and property related to such
4 financial institution, while actually engaged in the
5 performance of their duties, commuting between their homes
6 and places of employment, or traveling between sites or
7 properties owned or operated by such financial
8 institution, provided that any person so employed has
9 successfully completed a course of study, approved by and
10 supervised by the Department of Financial and Professional
11 Regulation, consisting of not less than 40 hours of
12 training which includes theory of law enforcement,
13 liability for acts, and the handling of weapons. A person
14 shall be considered to be eligible for this exemption if he
15 or she has completed the required 20 hours of training for
16 a security officer and 20 hours of required firearm
17 training, and has been issued a firearm control card by the
18 Department of Financial and Professional Regulation.
19 Conditions for renewal of firearm control cards issued
20 under the provisions of this Section shall be the same as
21 for those issued under the provisions of the Private
22 Detective, Private Alarm, Private Security, Fingerprint
23 Vendor, and Locksmith Act of 2004. Such firearm control
24 card shall be carried by the person so trained at all times
25 when such person is in possession of a concealable weapon.
26 For purposes of this subsection, "financial institution"

1 means a bank, savings and loan association, credit union or
2 company providing armored car services.

3 (9) Any person employed by an armored car company to
4 drive an armored car, while actually engaged in the
5 performance of his duties.

6 (10) Persons who have been classified as peace officers
7 pursuant to the Peace Officer Fire Investigation Act.

8 (11) Investigators of the Office of the State's
9 Attorneys Appellate Prosecutor authorized by the board of
10 governors of the Office of the State's Attorneys Appellate
11 Prosecutor to carry weapons pursuant to Section 7.06 of the
12 State's Attorneys Appellate Prosecutor's Act.

13 (12) Special investigators appointed by a State's
14 Attorney under Section 3-9005 of the Counties Code.

15 (12.5) Probation officers while in the performance of
16 their duties, or while commuting between their homes,
17 places of employment or specific locations that are part of
18 their assigned duties, with the consent of the chief judge
19 of the circuit for which they are employed.

20 (13) Court Security Officers while in the performance
21 of their official duties, or while commuting between their
22 homes and places of employment, with the consent of the
23 Sheriff.

24 (13.5) A person employed as an armed security guard at
25 a nuclear energy, storage, weapons or development site or
26 facility regulated by the Nuclear Regulatory Commission

1 who has completed the background screening and training
2 mandated by the rules and regulations of the Nuclear
3 Regulatory Commission.

4 (14) Manufacture, transportation, or sale of weapons
5 to persons authorized under subdivisions (1) through
6 (13.5) of this subsection to possess those weapons.

7 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
8 24-1.6 do not apply to or affect any of the following:

9 (1) Members of any club or organization organized for
10 the purpose of practicing shooting at targets upon
11 established target ranges, whether public or private, and
12 patrons of such ranges, while such members or patrons are
13 using their firearms on those target ranges.

14 (2) Duly authorized military or civil organizations
15 while parading, with the special permission of the
16 Governor.

17 (3) Hunters, trappers or fishermen with a license or
18 permit while engaged in hunting, trapping or fishing.

19 (4) Transportation of weapons that are broken down in a
20 non-functioning state or are not immediately accessible.

21 (5) Carrying or possessing any pistol, revolver, stun
22 gun or taser or other firearm on the land or in the legal
23 dwelling of another person as an invitee with that person's
24 permission.

25 (c) Subsection 24-1(a)(7) does not apply to or affect any
26 of the following:

1 (1) Peace officers while in performance of their
2 official duties.

3 (2) Wardens, superintendents and keepers of prisons,
4 penitentiaries, jails and other institutions for the
5 detention of persons accused or convicted of an offense.

6 (3) Members of the Armed Services or Reserve Forces of
7 the United States or the Illinois National Guard, while in
8 the performance of their official duty.

9 (4) Manufacture, transportation, or sale of machine
10 guns to persons authorized under subdivisions (1) through
11 (3) of this subsection to possess machine guns, if the
12 machine guns are broken down in a non-functioning state or
13 are not immediately accessible.

14 (5) Persons licensed under federal law to manufacture
15 any weapon from which 8 or more shots or bullets can be
16 discharged by a single function of the firing device, or
17 ammunition for such weapons, and actually engaged in the
18 business of manufacturing such weapons or ammunition, but
19 only with respect to activities which are within the lawful
20 scope of such business, such as the manufacture,
21 transportation, or testing of such weapons or ammunition.
22 This exemption does not authorize the general private
23 possession of any weapon from which 8 or more shots or
24 bullets can be discharged by a single function of the
25 firing device, but only such possession and activities as
26 are within the lawful scope of a licensed manufacturing

1 business described in this paragraph.

2 During transportation, such weapons shall be broken
3 down in a non-functioning state or not immediately
4 accessible.

5 (6) The manufacture, transport, testing, delivery,
6 transfer or sale, and all lawful commercial or experimental
7 activities necessary thereto, of rifles, shotguns, and
8 weapons made from rifles or shotguns, or ammunition for
9 such rifles, shotguns or weapons, where engaged in by a
10 person operating as a contractor or subcontractor pursuant
11 to a contract or subcontract for the development and supply
12 of such rifles, shotguns, weapons or ammunition to the
13 United States government or any branch of the Armed Forces
14 of the United States, when such activities are necessary
15 and incident to fulfilling the terms of such contract.

16 The exemption granted under this subdivision (c)(6)
17 shall also apply to any authorized agent of any such
18 contractor or subcontractor who is operating within the
19 scope of his employment, where such activities involving
20 such weapon, weapons or ammunition are necessary and
21 incident to fulfilling the terms of such contract.

22 During transportation, any such weapon shall be broken
23 down in a non-functioning state, or not immediately
24 accessible.

25 (7) A person possessing a rifle with a barrel or
26 barrels less than 16 inches in length if: (A) the person

1 has been issued a Curios and Relics license from the U.S.
2 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)
3 the person is an active member of a bona fide, nationally
4 recognized military re-enacting group and the modification
5 is required and necessary to accurately portray the weapon
6 for historical re-enactment purposes; the re-enactor is in
7 possession of a valid and current re-enacting group
8 membership credential; and the overall length of the weapon
9 as modified is not less than 26 inches.

10 During transportation, any such weapon shall be broken
11 down in a non-functioning state, or not immediately
12 accessible.

13 (d) Subsection 24-1(a)(1) does not apply to the purchase,
14 possession or carrying of a black-jack or slung-shot by a peace
15 officer.

16 (e) Subsection 24-1(a)(8) does not apply to any owner,
17 manager or authorized employee of any place specified in that
18 subsection nor to any law enforcement officer.

19 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
20 Section 24-1.6 do not apply to members of any club or
21 organization organized for the purpose of practicing shooting
22 at targets upon established target ranges, whether public or
23 private, while using their firearms on those target ranges.

24 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
25 to:

26 (1) Members of the Armed Services or Reserve Forces of

1 the United States or the Illinois National Guard, while in
2 the performance of their official duty.

3 (2) Bonafide collectors of antique or surplus military
4 ordinance.

5 (3) Laboratories having a department of forensic
6 ballistics, or specializing in the development of
7 ammunition or explosive ordinance.

8 (4) Commerce, preparation, assembly or possession of
9 explosive bullets by manufacturers of ammunition licensed
10 by the federal government, in connection with the supply of
11 those organizations and persons exempted by subdivision
12 (g)(1) of this Section, or like organizations and persons
13 outside this State, or the transportation of explosive
14 bullets to any organization or person exempted in this
15 Section by a common carrier or by a vehicle owned or leased
16 by an exempted manufacturer.

17 (g-5) Subsection 24-1(a)(6) does not apply to or affect
18 persons licensed under federal law to manufacture any device or
19 attachment of any kind designed, used, or intended for use in
20 silencing the report of any firearm, firearms, or ammunition
21 for those firearms equipped with those devices, and actually
22 engaged in the business of manufacturing those devices,
23 firearms, or ammunition, but only with respect to activities
24 that are within the lawful scope of that business, such as the
25 manufacture, transportation, or testing of those devices,
26 firearms, or ammunition. This exemption does not authorize the

1 general private possession of any device or attachment of any
2 kind designed, used, or intended for use in silencing the
3 report of any firearm, but only such possession and activities
4 as are within the lawful scope of a licensed manufacturing
5 business described in this subsection (g-5). During
6 transportation, these devices shall be detached from any weapon
7 or not immediately accessible.

8 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
9 24-1.6 do not apply to or affect any parole agent or parole
10 supervisor who meets the qualifications and conditions
11 prescribed in Section 3-14-1.5 of the Unified Code of
12 Corrections.

13 (g-7) Subsection 24-1(a)(6) does not apply to a peace
14 officer while serving as a member of a tactical response team
15 or special operations team. A peace officer may not personally
16 own or apply for ownership of a device or attachment of any
17 kind designed, used, or intended for use in silencing the
18 report of any firearm. These devices shall be owned and
19 maintained by lawfully recognized units of government whose
20 duties include the investigation of criminal acts.

21 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
22 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
23 athlete's possession, transport on official Olympic and
24 Paralympic transit systems established for athletes, or use of
25 competition firearms sanctioned by the International Olympic
26 Committee, the International Paralympic Committee, the

1 International Shooting Sport Federation, or USA Shooting in
2 connection with such athlete's training for and participation
3 in shooting competitions at the 2016 Olympic and Paralympic
4 Games and sanctioned test events leading up to the 2016 Olympic
5 and Paralympic Games.

6 (h) An information or indictment based upon a violation of
7 any subsection of this Article need not negative any exemptions
8 contained in this Article. The defendant shall have the burden
9 of proving such an exemption.

10 (i) Nothing in this Article shall prohibit, apply to, or
11 affect the transportation, carrying, or possession, of any
12 pistol or revolver, stun gun, taser, or other firearm consigned
13 to a common carrier operating under license of the State of
14 Illinois or the federal government, where such transportation,
15 carrying, or possession is incident to the lawful
16 transportation in which such common carrier is engaged; and
17 nothing in this Article shall prohibit, apply to, or affect the
18 transportation, carrying, or possession of any pistol,
19 revolver, stun gun, taser, or other firearm, not the subject of
20 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
21 this Article, which is unloaded and enclosed in a case, firearm
22 carrying box, shipping box, or other container, by the
23 possessor of a valid Firearm Owners Identification Card.

24 (Source: P.A. 96-7, eff. 4-3-09; 96-230, eff. 1-1-10; 96-742,
25 eff. 8-25-09; 96-1000, eff. 7-2-10; 97-465, eff. 8-22-11;
26 97-676, eff. 6-1-12; 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13;

1 revised 8-23-12.)

2 (720 ILCS 5/33G-4)

3 (Section scheduled to be repealed on June 11, 2017)

4 Sec. 33G-4. Prohibited activities.

5 (a) It is unlawful for any person, who intentionally
6 participates in the operation or management of an enterprise,
7 directly or indirectly, to:

8 (1) knowingly do so, directly or indirectly, through a
9 pattern of predicate activity;

10 (2) knowingly cause another to violate this Article; or

11 (3) knowingly conspire to violate this Article.

12 Notwithstanding any other provision of law, in any
13 prosecution for a conspiracy to violate this Article, no person
14 may be convicted of that conspiracy unless an overt act in
15 furtherance of the agreement is alleged and proved to have been
16 committed by him, her, or by a coconspirator, but the
17 commission of the overt act need not itself constitute
18 predicate activity underlying the specific violation of this
19 Article.

20 (b) It is unlawful for any person knowingly to acquire or
21 maintain, directly or indirectly, through a pattern of
22 predicate activity any interest in, or control of, to any
23 degree, ~~of~~ any enterprise, real property, or personal property
24 of any character, including money.

25 (c) Nothing in this Article shall be construed as to make

1 unlawful any activity which is arguably protected or prohibited
2 by the National Labor Relations Act, the Illinois Educational
3 Labor Relations Act, the Illinois Public Labor Relations Act,
4 or the Railway Labor Act.

5 (d) The following organizations, and any officer or agent
6 of those organizations acting in his or her official capacity
7 as an officer or agent, may not be sued in civil actions under
8 this Article:

9 (1) a labor organization; or

10 (2) any business defined in Division D, E, F, G, H, or
11 I of the Standard Industrial Classification as established
12 by the Occupational Safety and Health Administration, U.S.
13 Department of Labor.

14 (e) Any person prosecuted under this Article may be
15 convicted and sentenced either:

16 (1) for the offense of conspiring to violate this
17 Article, and for any other particular offense or offenses
18 that may be one of the objects of a conspiracy to violate
19 this Article; or

20 (2) for the offense of violating this Article, and for
21 any other particular offense or offenses that may
22 constitute predicate activity underlying a violation of
23 this Article.

24 (f) The State's Attorney, or a person designated by law to
25 act for him or her and to perform his or her duties during his
26 or her absence or disability, may authorize a criminal

1 prosecution under this Article. Prior to any State's Attorney
2 authorizing a criminal prosecution under this Article, the
3 State's Attorney shall adopt rules and procedures governing the
4 investigation and prosecution of any offense enumerated in this
5 Article. These rules and procedures shall set forth guidelines
6 which require that any potential prosecution under this Article
7 be subject to an internal approval process in which it is
8 determined, in a written prosecution memorandum prepared by the
9 State's Attorney's Office, that (1) a prosecution under this
10 Article is necessary to ensure that the indictment adequately
11 reflects the nature and extent of the criminal conduct involved
12 in a way that prosecution only on the underlying predicate
13 activity would not, and (2) a prosecution under this Article
14 would provide the basis for an appropriate sentence under all
15 the circumstances of the case in a way that a prosecution only
16 on the underlying predicate activity would not. No State's
17 Attorney, or person designated by law to act for him or her and
18 to perform his or her duties during his or her absence or
19 disability, may authorize a criminal prosecution under this
20 Article prior to reviewing the prepared written prosecution
21 memorandum. However, any internal memorandum shall remain
22 protected from disclosure under the attorney-client privilege,
23 and this provision does not create any enforceable right on
24 behalf of any defendant or party, nor does it subject the
25 exercise of prosecutorial discretion to judicial review.

26 (g) A labor organization and any officer or agent of that

1 organization acting in his or her capacity as an officer or
2 agent of the labor organization are exempt from prosecution
3 under this Article.

4 (Source: P.A. 97-686, eff. 6-11-12; revised 8-3-12.)

5 (720 ILCS 5/33G-5)

6 (Section scheduled to be repealed on June 11, 2017)

7 Sec. 33G-5. Penalties. Under this Article, notwithstanding
8 any other provision of law:

9 (a) Any violation of subsection (a) of Section 33G-4 of
10 this Article shall be sentenced as a Class X felony with a term
11 of imprisonment of not less than 7 years and not more than 30
12 years, or the sentence applicable to the underlying predicate
13 activity, whichever is higher, and the sentence imposed shall
14 also include restitution, and/or ~~and or~~ a criminal fine,
15 jointly and severally, up to \$250,000 or twice the gross amount
16 of any intended proceeds of the violation, if any, whichever is
17 higher.

18 (b) Any violation of subsection (b) of Section 33G-4 of
19 this Article shall be sentenced as a Class X felony, and the
20 sentence imposed shall also include restitution, and/or ~~and or~~
21 a criminal fine, jointly and severally, up to \$250,000 or twice
22 the gross amount of any intended proceeds of the violation, if
23 any, whichever is higher.

24 (c) Wherever the unlawful death of any person or persons
25 results as a necessary or natural consequence of any violation

1 of this Article, the sentence imposed on the defendant shall
2 include an enhanced term of imprisonment of at least 25 years
3 up to natural life, in addition to any other penalty imposed by
4 the court, provided:

5 (1) the death or deaths were reasonably foreseeable to
6 the defendant to be sentenced; and

7 (2) the death or deaths occurred when the defendant was
8 otherwise engaged in the violation of this Article as a
9 whole.

10 (d) A sentence of probation, periodic imprisonment,
11 conditional discharge, impact incarceration or county impact
12 incarceration, court supervision, withheld adjudication, or
13 any pretrial diversionary sentence or suspended sentence, is
14 not authorized for a violation of this Article.

15 (Source: P.A. 97-686, eff. 6-11-12; revised 8-3-12.)

16 (720 ILCS 5/33G-7)

17 (Section scheduled to be repealed on June 11, 2017)

18 Sec. 33G-7. Construction. In interpreting the provisions
19 of this Article, the court shall construe them in light of the
20 applicable model jury instructions set forth in the Federal
21 Criminal Jury Instructions for the Seventh Circuit (1999) for
22 Title IX of Public Law 91-452, 84 Stat. 922 (as amended in
23 Title 18, United States Code, Sections 1961 through 1968),
24 except to the extent that they are ~~it is~~ inconsistent with the
25 plain language of this Article.

1 (Source: P.A. 97-686, eff. 6-11-12; revised 8-3-12.)

2 (720 ILCS 5/36.5-5)

3 Sec. 36.5-5. Vehicle impoundment.

4 (a) In addition to any other penalty provided by law, a
5 peace officer who arrests a person for a violation of Section
6 10-9, 11-14 ~~10-14~~, 11-14.1, 11-14.3, 11-14.4, 11-18, or 11-18.1
7 of this Code, may tow and impound any vehicle used by the
8 person in the commission of the offense. The person arrested
9 for one or more such violations shall be charged a \$1,000 fee,
10 to be paid to the unit of government that made the arrest. The
11 person may recover the vehicle from the impound after a minimum
12 of 2 hours after arrest upon payment of the fee.

13 (b) \$500 of the fee shall be distributed to the unit of
14 government whose peace officers made the arrest, for the costs
15 incurred by the unit of government to tow and impound the
16 vehicle. Upon the defendant's conviction of one or more of the
17 offenses in connection with which the vehicle was impounded and
18 the fee imposed under this Section, the remaining \$500 of the
19 fee shall be deposited into the DHS State Projects ~~Violent~~
20 ~~Crime Victims Assistance~~ Fund and shall be used by the
21 Department of Human Services to make grants to non-governmental
22 organizations to provide services for persons encountered
23 during the course of an investigation into any violation of
24 Section 10-9, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,
25 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,

1 11-19.1, or 11-19.2 of this Code, provided such persons
2 constitute prostituted persons or other victims of human
3 trafficking.

4 (c) Upon the presentation by the defendant of a signed
5 court order showing that the defendant has been acquitted of
6 all of the offenses in connection with which a vehicle was
7 impounded and a fee imposed under this Section, or that the
8 charges against the defendant for those offenses have been
9 dismissed, the unit of government shall refund the \$1,000 fee
10 to the defendant.

11 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 96-1503, eff.
12 1-27-11, and 97-333, eff. 8-12-11; revised 9-14-11.)

13 Section 455. The Sexually Violent Persons Commitment Act is
14 amended by changing Sections 55, 60, and 65 as follows:

15 (725 ILCS 207/55)

16 (Text of Section before amendment by P.A. 97-1098)

17 Sec. 55. Periodic reexamination; report.

18 (a) If a person has been committed under Section 40 of this
19 Act and has not been discharged under Section 65 of this Act,
20 the Department shall submit a written report to the court on
21 his or her mental condition at least once every 12 months after
22 an initial commitment under Section 40 for the purpose of
23 determining whether: (1) the person has made sufficient
24 progress in treatment to be conditionally released and (2)

1 ~~whether~~ the person's condition has so changed since the most
2 recent periodic reexamination (or initial commitment, if there
3 has not yet been a periodic reexamination) that he or she is no
4 longer a sexually violent person. At the time of a
5 reexamination under this Section, the person who has been
6 committed may retain or, if he or she is indigent and so
7 requests, the court may appoint a qualified expert or a
8 professional person to examine him or her.

9 (b) Any examiner conducting an examination under this
10 Section shall prepare a written report of the examination no
11 later than 30 days after the date of the examination. The
12 examiner shall place a copy of the report in the person's
13 health care records and shall provide a copy of the report to
14 the court that committed the person under Section 40. The
15 examination shall be conducted in conformance with the
16 standards developed under the Sex Offender Management Board Act
17 and by an evaluator approved by the Board.

18 (c) Notwithstanding subsection (a) of this Section, the
19 court that committed a person under Section 40 may order a
20 reexamination of the person at any time during the period in
21 which the person is subject to the commitment order. Any
22 examiner conducting an examination under this Section shall
23 prepare a written report of the examination no later than 30
24 days after the date of the examination.

25 (d) Petitions for discharge after reexamination must
26 follow the procedure outlined in Section 65 of this Act.

1 (Source: P.A. 97-1075, eff. 8-24-12.)

2 (Text of Section after amendment by P.A. 97-1098)

3 Sec. 55. Periodic reexamination; report.

4 (a) If a person has been committed under Section 40 of this
5 Act and has not been discharged under Section 65 of this Act,
6 the Department shall submit a written report to the court on
7 his or her mental condition at least once every 12 months after
8 an initial commitment under Section 40 for the purpose of
9 determining whether: (1) the person has made sufficient
10 progress in treatment to be conditionally released and (2)
11 ~~whether~~ the person's condition has so changed since the most
12 recent periodic reexamination (or initial commitment, if there
13 has not yet been a periodic reexamination) that he or she is no
14 longer a sexually violent person. At the time of a
15 reexamination under this Section, the person who has been
16 committed may retain or, if he or she is indigent and so
17 requests, the court may appoint a qualified expert or a
18 professional person to examine him or her.

19 (b) Any examiner conducting an examination under this
20 Section shall prepare a written report of the examination no
21 later than 30 days after the date of the examination. The
22 examiner shall place a copy of the report in the person's
23 health care records and shall provide a copy of the report to
24 the court that committed the person under Section 40. The
25 examination shall be conducted in conformance with the

1 standards developed under the Sex Offender Management Board Act
2 and by an evaluator licensed under the Sex Offender Evaluation
3 and Treatment Provider Act.

4 (c) Notwithstanding subsection (a) of this Section, the
5 court that committed a person under Section 40 may order a
6 reexamination of the person at any time during the period in
7 which the person is subject to the commitment order. Any
8 examiner conducting an examination under this Section shall
9 prepare a written report of the examination no later than 30
10 days after the date of the examination.

11 (d) Petitions for discharge after reexamination must
12 follow the procedure outlined in Section 65 of this Act.

13 (Source: P.A. 97-1075, eff. 8-24-12; 97-1098, eff. 1-1-14;
14 revised 9-28-12.)

15 (725 ILCS 207/60)

16 (Text of Section before amendment by P.A. 97-1098)

17 Sec. 60. Petition for conditional release.

18 (a) Any person who is committed for institutional care in a
19 secure facility or other facility under Section 40 of this Act
20 may petition the committing court to modify its order by
21 authorizing conditional release if at least 12 months have
22 elapsed since the initial commitment order was entered, an
23 order continuing commitment was entered pursuant to Section 65,
24 the most recent release petition was denied or the most recent
25 order for conditional release was revoked. The director of the

1 facility at which the person is placed may file a petition
2 under this Section on the person's behalf at any time. If the
3 evaluator on behalf of the Department recommends that the
4 committed person is appropriate for conditional release, then
5 the director or designee shall, within 30 days of receipt of
6 the evaluator's report, file with the committing court notice
7 of his or her intention whether or not to petition for
8 conditional release on the committed person's behalf.

9 (b) If the person files a timely petition without counsel,
10 the court shall serve a copy of the petition on the Attorney
11 General or State's Attorney, whichever is applicable and,
12 subject to paragraph (c)(1) of Section 25 of this Act, appoint
13 counsel. If the person petitions through counsel, his or her
14 attorney shall serve the Attorney General or State's Attorney,
15 whichever is applicable.

16 (c) Within 20 days after receipt of the petition, upon the
17 request of the committed person or on the court's own motion,
18 the court may appoint an examiner having the specialized
19 knowledge determined by the court to be appropriate, who shall
20 examine the mental condition of the person and furnish a
21 written report of the examination to the court within 30 days
22 after appointment. The examiners shall have reasonable access
23 to the person for purposes of examination and to the person's
24 past and present treatment records and patient health care
25 records. If any such examiner believes that the person is
26 appropriate for conditional release, the examiner shall report

1 on the type of treatment and services that the person may need
2 while in the community on conditional release. The State has
3 the right to have the person evaluated by experts chosen by the
4 State. Any examination or evaluation conducted under this
5 Section shall be in conformance with the standards developed
6 under the Sex Offender Management Board Act and conducted by an
7 evaluator approved by the Board. The court shall set a probable
8 cause hearing as soon as practical after the examiners' reports
9 are filed. The probable cause hearing shall consist of a review
10 of the examining evaluators' reports and arguments on behalf of
11 the parties. If the court finds probable cause to believe the
12 person has made sufficient progress in treatment to the point
13 where he or she is no longer substantially probable to engage
14 in acts of sexual violence if on conditional release, the court
15 shall set a hearing on the issue.

16 (d) The court, without a jury, shall hear the petition as
17 soon as practical after the reports of all examiners are filed
18 with the court. The court shall grant the petition unless the
19 State proves by clear and convincing evidence that the person
20 has not made sufficient progress in treatment to the point
21 where he or she is no longer substantially probable to engage
22 in acts of sexual violence if on conditional release. In making
23 a decision under this subsection, the court must consider the
24 nature and circumstances of the behavior that was the basis of
25 the allegation in the petition under paragraph (b)(1) of
26 Section 15 of this Act, the person's mental history and present

1 mental condition, and what arrangements are available to ensure
2 that the person has access to and will participate in necessary
3 treatment.

4 (e) Before the court may enter an order directing
5 conditional release to a less restrictive alternative it must
6 find the following: (1) the person will be treated by a
7 Department approved treatment provider, (2) the treatment
8 provider has presented a specific course of treatment and has
9 agreed to assume responsibility for the treatment and will
10 report progress to the Department on a regular basis, and will
11 report violations immediately to the Department, consistent
12 with treatment and supervision needs of the respondent, (3)
13 housing exists that is sufficiently secure to protect the
14 community, and the person or agency providing housing to the
15 conditionally released person has agreed in writing to accept
16 the person, to provide the level of security required by the
17 court, and immediately to report to the Department if the
18 person leaves the housing to which he or she has been assigned
19 without authorization, (4) the person is willing to or has
20 agreed to comply with the treatment provider, the Department,
21 and the court, and (5) the person has agreed or is willing to
22 agree to comply with the behavioral monitoring requirements
23 imposed by the court and the Department.

24 (f) If the court finds that the person is appropriate for
25 conditional release, the court shall notify the Department. The
26 Department shall prepare a plan that identifies the treatment

1 and services, if any, that the person will receive in the
2 community. The plan shall address the person's need, if any,
3 for supervision, counseling, medication, community support
4 services, residential services, vocational services, and
5 alcohol or other drug abuse treatment. The Department may
6 contract with a county health department, with another public
7 agency or with a private agency to provide the treatment and
8 services identified in the plan. The plan shall specify who
9 will be responsible for providing the treatment and services
10 identified in the plan. The plan shall be presented to the
11 court for its approval within 60 days after the court finding
12 that the person is appropriate for conditional release, unless
13 the Department and the person to be released request additional
14 time to develop the plan.

15 (g) The provisions of paragraphs (b) (4), (b) (5), and (b) (6)
16 of Section 40 of this Act apply to an order for conditional
17 release issued under this Section.

18 (Source: P.A. 96-1128, eff. 1-1-11; 97-1075, eff. 8-24-12.)

19 (Text of Section after amendment by P.A. 97-1098)

20 Sec. 60. Petition for conditional release.

21 (a) Any person who is committed for institutional care in a
22 secure facility or other facility under Section 40 of this Act
23 may petition the committing court to modify its order by
24 authorizing conditional release if at least 12 months have
25 elapsed since the initial commitment order was entered, an

1 order continuing commitment was entered pursuant to Section 65,
2 the most recent release petition was denied or the most recent
3 order for conditional release was revoked. The director of the
4 facility at which the person is placed may file a petition
5 under this Section on the person's behalf at any time. If the
6 evaluator on behalf of the Department recommends that the
7 committed person is appropriate for conditional release, then
8 the director or designee shall, within 30 days of receipt of
9 the evaluator's report, file with the committing court notice
10 of his or her intention whether or not to petition for
11 conditional release on the committed person's behalf.

12 (b) If the person files a timely petition without counsel,
13 the court shall serve a copy of the petition on the Attorney
14 General or State's Attorney, whichever is applicable and,
15 subject to paragraph (c)(1) of Section 25 of this Act, appoint
16 counsel. If the person petitions through counsel, his or her
17 attorney shall serve the Attorney General or State's Attorney,
18 whichever is applicable.

19 (c) Within 20 days after receipt of the petition, upon the
20 request of the committed person or on the court's own motion,
21 the court may appoint an examiner having the specialized
22 knowledge determined by the court to be appropriate, who shall
23 examine the mental condition of the person and furnish a
24 written report of the examination to the court within 30 days
25 after appointment. The examiners shall have reasonable access
26 to the person for purposes of examination and to the person's

1 past and present treatment records and patient health care
2 records. If any such examiner believes that the person is
3 appropriate for conditional release, the examiner shall report
4 on the type of treatment and services that the person may need
5 while in the community on conditional release. The State has
6 the right to have the person evaluated by experts chosen by the
7 State. Any examination or evaluation conducted under this
8 Section shall be in conformance with the standards developed
9 under the Sex Offender Management Board Act and conducted by an
10 evaluator licensed under the Sex Offender Evaluation and
11 Treatment Provider Act. The court shall set a probable cause
12 hearing as soon as practical after the examiners' reports are
13 filed. The probable cause hearing shall consist of a review of
14 the examining evaluators' reports and arguments on behalf of
15 the parties. If the court finds probable cause to believe the
16 person has made sufficient progress in treatment to the point
17 where he or she is no longer substantially probable to engage
18 in acts of sexual violence if on conditional release, the court
19 shall set a hearing on the issue.

20 (d) The court, without a jury, shall hear the petition as
21 soon as practical after the reports of all examiners are filed
22 with the court. The court shall grant the petition unless the
23 State proves by clear and convincing evidence that the person
24 has not made sufficient progress in treatment to the point
25 where he or she is no longer substantially probable to engage
26 in acts of sexual violence if on conditional release. In making

1 a decision under this subsection, the court must consider the
2 nature and circumstances of the behavior that was the basis of
3 the allegation in the petition under paragraph (b)(1) of
4 Section 15 of this Act, the person's mental history and present
5 mental condition, and what arrangements are available to ensure
6 that the person has access to and will participate in necessary
7 treatment.

8 (e) Before the court may enter an order directing
9 conditional release to a less restrictive alternative it must
10 find the following: (1) the person will be treated by a
11 Department approved treatment provider, (2) the treatment
12 provider has presented a specific course of treatment and has
13 agreed to assume responsibility for the treatment and will
14 report progress to the Department on a regular basis, and will
15 report violations immediately to the Department, consistent
16 with treatment and supervision needs of the respondent, (3)
17 housing exists that is sufficiently secure to protect the
18 community, and the person or agency providing housing to the
19 conditionally released person has agreed in writing to accept
20 the person, to provide the level of security required by the
21 court, and immediately to report to the Department if the
22 person leaves the housing to which he or she has been assigned
23 without authorization, (4) the person is willing to or has
24 agreed to comply with the treatment provider, the Department,
25 and the court, and (5) the person has agreed or is willing to
26 agree to comply with the behavioral monitoring requirements

1 imposed by the court and the Department.

2 (f) If the court finds that the person is appropriate for
3 conditional release, the court shall notify the Department. The
4 Department shall prepare a plan that identifies the treatment
5 and services, if any, that the person will receive in the
6 community. The plan shall address the person's need, if any,
7 for supervision, counseling, medication, community support
8 services, residential services, vocational services, and
9 alcohol or other drug abuse treatment. The Department may
10 contract with a county health department, with another public
11 agency or with a private agency to provide the treatment and
12 services identified in the plan. The plan shall specify who
13 will be responsible for providing the treatment and services
14 identified in the plan. The plan shall be presented to the
15 court for its approval within 60 days after the court finding
16 that the person is appropriate for conditional release, unless
17 the Department and the person to be released request additional
18 time to develop the plan.

19 (g) The provisions of paragraphs (b) (4), (b) (5), and (b) (6)
20 of Section 40 of this Act apply to an order for conditional
21 release issued under this Section.

22 (Source: P.A. 96-1128, eff. 1-1-11; 97-1075, eff. 8-24-12;
23 97-1098, eff. 1-1-14; revised 9-28-12.)

24 (725 ILCS 207/65)

25 (Text of Section before amendment by P.A. 97-1098)

1 Sec. 65. Petition for discharge; procedure.

2 (a)(1) If the Secretary determines at any time that a
3 person committed under this Act is no longer a sexually violent
4 person, the Secretary shall authorize the person to petition
5 the committing court for discharge. If the evaluator on behalf
6 of the Department recommends that the committed person is no
7 longer a sexually violent person, then the Secretary or
8 designee shall, within 30 days of receipt of the evaluator's
9 report, file with the committing court notice of his or her
10 determination whether or not to authorize the committed person
11 to petition the committing court for discharge. The person
12 shall file the petition with the court and serve a copy upon
13 the Attorney General or the State's Attorney's office that
14 filed the petition under subsection (a) of Section 15 of this
15 Act, whichever is applicable. The court, upon receipt of the
16 petition for discharge, shall order a hearing to be held as
17 soon as practical after the date of receipt of the petition.

18 (2) At a hearing under this subsection, the Attorney
19 General or State's Attorney, whichever filed the original
20 petition, shall represent the State. The State has the right to
21 have the person evaluated by experts chosen by the State. The
22 examination shall be conducted in conformance with the
23 standards developed under the Sex Offender Management Board Act
24 and by an evaluator approved by the Board. The committed person
25 or the State may elect to have the hearing before a jury. The
26 State has the burden of proving by clear and convincing

1 evidence that the petitioner is still a sexually violent
2 person.

3 (3) If the court or jury is satisfied that the State has
4 not met its burden of proof under paragraph (a)(2) of this
5 Section, the petitioner shall be discharged from the custody or
6 supervision of the Department. If the court is satisfied that
7 the State has met its burden of proof under paragraph (a)(2),
8 the court may proceed under Section 40 of this Act to determine
9 whether to modify the petitioner's existing commitment order.

10 (b)(1) A person may petition the committing court for
11 discharge from custody or supervision without the Secretary's
12 approval. At the time of an examination under subsection (a) of
13 Section 55 of this Act, the Secretary shall provide the
14 committed person with a written notice of the person's right to
15 petition the court for discharge over the Secretary's
16 objection. The notice shall contain a waiver of rights. The
17 Secretary shall forward the notice and waiver form to the court
18 with the report of the Department's examination under Section
19 55 of this Act. If the person does not affirmatively waive the
20 right to petition, the court shall set a probable cause hearing
21 to determine whether facts exist to believe that since the most
22 recent periodic reexamination (or initial commitment, if there
23 has not yet been a periodic reexamination), the condition of
24 the committed person has so changed that he or she is no longer
25 a sexually violent person. However, if a person has previously
26 filed a petition for discharge without the Secretary's approval

1 and the court determined, either upon review of the petition or
2 following a hearing, that the person's petition was frivolous
3 or that the person was still a sexually violent person, then
4 the court shall deny any subsequent petition under this Section
5 without a hearing unless the petition contains facts upon which
6 a court could reasonably find that the condition of the person
7 had so changed that a hearing was warranted. If a person does
8 not file a petition for discharge, yet fails to waive the right
9 to petition under this Section, then the probable cause hearing
10 consists only of a review of the reexamination reports and
11 arguments on behalf of the parties. The committed person has a
12 right to have an attorney represent him or her at the probable
13 cause hearing, but the person is not entitled to be present at
14 the probable cause hearing. The probable cause hearing under
15 this Section must be held as soon as practical after the filing
16 of the reexamination report under Section 55 of this Act.

17 (2) If the court determines at the probable cause hearing
18 under paragraph (b)(1) of this Section that probable cause
19 exists to believe that since the most recent periodic
20 reexamination (or initial commitment, if there has not yet been
21 a periodic reexamination), the condition of the committed
22 person has so changed that he or she is no longer a sexually
23 violent person, then the court shall set a hearing on the
24 issue. At a hearing under this Section, the committed person is
25 entitled to be present and to the benefit of the protections
26 afforded to the person under Section 25 of this Act. The

1 committed person or the State may elect to have a hearing under
2 this Section before a jury. A verdict of a jury under this
3 Section is not valid unless it is unanimous. The Attorney
4 General or State's Attorney, whichever filed the original
5 petition, shall represent the State at a hearing under this
6 Section. The State has the right to have the committed person
7 evaluated by experts chosen by the State. The examination shall
8 be conducted in conformance with the standards developed under
9 the Sex Offender Management Board Act and by an evaluator
10 approved by the Board. At the hearing, the State has the burden
11 of proving by clear and convincing evidence that the committed
12 person is still a sexually violent person.

13 (3) If the court or jury is satisfied that the State has
14 not met its burden of proof under paragraph (b) (2) of this
15 Section, the person shall be discharged from the custody or
16 supervision of the Department. If the court or jury is
17 satisfied that the State has met its burden of proof under
18 paragraph (b) (2) of this Section, the court may proceed under
19 Section 40 of this Act to determine whether to modify the
20 person's existing commitment order.

21 (c) This Section applies to petitions pending on the
22 effective date of this amendatory Act of the 97th General
23 Assembly and to petitions filed on or after that date. This
24 provision is severable from the other provisions of this
25 Section under Section 1.31 of the Statute on Statutes.

26 (Source: P.A. 96-1128, eff. 1-1-11; 97-1075, eff. 8-24-12.)

1 (Text of Section after amendment by P.A. 97-1098)

2 Sec. 65. Petition for discharge; procedure.

3 (a)(1) If the Secretary determines at any time that a
4 person committed under this Act is no longer a sexually violent
5 person, the Secretary shall authorize the person to petition
6 the committing court for discharge. If the evaluator on behalf
7 of the Department recommends that the committed person is no
8 longer a sexually violent person, then the Secretary or
9 designee shall, within 30 days of receipt of the evaluator's
10 report, file with the committing court notice of his or her
11 determination whether or not to authorize the committed person
12 to petition the committing court for discharge. The person
13 shall file the petition with the court and serve a copy upon
14 the Attorney General or the State's Attorney's office that
15 filed the petition under subsection (a) of Section 15 of this
16 Act, whichever is applicable. The court, upon receipt of the
17 petition for discharge, shall order a hearing to be held as
18 soon as practical after the date of receipt of the petition.

19 (2) At a hearing under this subsection, the Attorney
20 General or State's Attorney, whichever filed the original
21 petition, shall represent the State. The State has the right to
22 have the person evaluated by experts chosen by the State. The
23 examination shall be conducted in conformance with the
24 standards developed under the Sex Offender Management Board Act
25 and by an evaluator licensed under the Sex Offender Evaluation

1 and Treatment Provider Act. The committed person or the State
2 may elect to have the hearing before a jury. The State has the
3 burden of proving by clear and convincing evidence that the
4 petitioner is still a sexually violent person.

5 (3) If the court or jury is satisfied that the State has
6 not met its burden of proof under paragraph (a)(2) of this
7 Section, the petitioner shall be discharged from the custody or
8 supervision of the Department. If the court is satisfied that
9 the State has met its burden of proof under paragraph (a)(2),
10 the court may proceed under Section 40 of this Act to determine
11 whether to modify the petitioner's existing commitment order.

12 (b)(1) A person may petition the committing court for
13 discharge from custody or supervision without the Secretary's
14 approval. At the time of an examination under subsection (a) of
15 Section 55 of this Act, the Secretary shall provide the
16 committed person with a written notice of the person's right to
17 petition the court for discharge over the Secretary's
18 objection. The notice shall contain a waiver of rights. The
19 Secretary shall forward the notice and waiver form to the court
20 with the report of the Department's examination under Section
21 55 of this Act. If the person does not affirmatively waive the
22 right to petition, the court shall set a probable cause hearing
23 to determine whether facts exist to believe that since the most
24 recent periodic reexamination (or initial commitment, if there
25 has not yet been a periodic reexamination), the condition of
26 the committed person has so changed that he or she is no longer

1 a sexually violent person. However, if a person has previously
2 filed a petition for discharge without the Secretary's approval
3 and the court determined, either upon review of the petition or
4 following a hearing, that the person's petition was frivolous
5 or that the person was still a sexually violent person, then
6 the court shall deny any subsequent petition under this Section
7 without a hearing unless the petition contains facts upon which
8 a court could reasonably find that the condition of the person
9 had so changed that a hearing was warranted. If a person does
10 not file a petition for discharge, yet fails to waive the right
11 to petition under this Section, then the probable cause hearing
12 consists only of a review of the reexamination reports and
13 arguments on behalf of the parties. The committed person has a
14 right to have an attorney represent him or her at the probable
15 cause hearing, but the person is not entitled to be present at
16 the probable cause hearing. The probable cause hearing under
17 this Section must be held as soon as practical after the filing
18 of the reexamination report under Section 55 of this Act.

19 (2) If the court determines at the probable cause hearing
20 under paragraph (b)(1) of this Section that probable cause
21 exists to believe that since the most recent periodic
22 reexamination (or initial commitment, if there has not yet been
23 a periodic reexamination), the condition of the committed
24 person has so changed that he or she is no longer a sexually
25 violent person, then the court shall set a hearing on the
26 issue. At a hearing under this Section, the committed person is

1 entitled to be present and to the benefit of the protections
2 afforded to the person under Section 25 of this Act. The
3 committed person or the State may elect to have a hearing under
4 this Section before a jury. A verdict of a jury under this
5 Section is not valid unless it is unanimous. The Attorney
6 General or State's Attorney, whichever filed the original
7 petition, shall represent the State at a hearing under this
8 Section. The State has the right to have the committed person
9 evaluated by experts chosen by the State. The examination shall
10 be conducted in conformance with the standards developed under
11 the Sex Offender Management Board Act and by an evaluator
12 licensed under the Sex Offender Evaluation and Treatment
13 Provider Act. At the hearing, the State has the burden of
14 proving by clear and convincing evidence that the committed
15 person is still a sexually violent person.

16 (3) If the court or jury is satisfied that the State has
17 not met its burden of proof under paragraph (b)(2) of this
18 Section, the person shall be discharged from the custody or
19 supervision of the Department. If the court or jury is
20 satisfied that the State has met its burden of proof under
21 paragraph (b)(2) of this Section, the court may proceed under
22 Section 40 of this Act to determine whether to modify the
23 person's existing commitment order.

24 (c) This Section applies to petitions pending on the
25 effective date of this amendatory Act of the 97th General
26 Assembly and to petitions filed on or after that date. This

1 provision is severable from the other provisions of this
2 Section under Section 1.31 of the Statute on Statutes.

3 (Source: P.A. 96-1128, eff. 1-1-11; 97-1075, eff. 8-24-12;
4 97-1098, eff. 1-1-14; revised 9-28-12.)

5 Section 460. The Unified Code of Corrections is amended by
6 changing Sections 3-2-2, 3-2-5, 3-3-4, 3-3-9, and 5-5-3.1 as
7 follows:

8 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

9 Sec. 3-2-2. Powers and Duties of the Department.

10 (1) In addition to the powers, duties and responsibilities
11 which are otherwise provided by law, the Department shall have
12 the following powers:

13 (a) To accept persons committed to it by the courts of
14 this State for care, custody, treatment and
15 rehabilitation, and to accept federal prisoners and aliens
16 over whom the Office of the Federal Detention Trustee is
17 authorized to exercise the federal detention function for
18 limited purposes and periods of time.

19 (b) To develop and maintain reception and evaluation
20 units for purposes of analyzing the custody and
21 rehabilitation needs of persons committed to it and to
22 assign such persons to institutions and programs under its
23 control or transfer them to other appropriate agencies. In
24 consultation with the Department of Alcoholism and

1 Substance Abuse (now the Department of Human Services), the
2 Department of Corrections shall develop a master plan for
3 the screening and evaluation of persons committed to its
4 custody who have alcohol or drug abuse problems, and for
5 making appropriate treatment available to such persons;
6 the Department shall report to the General Assembly on such
7 plan not later than April 1, 1987. The maintenance and
8 implementation of such plan shall be contingent upon the
9 availability of funds.

10 (b-1) To create and implement, on January 1, 2002, a
11 pilot program to establish the effectiveness of
12 pupillometer technology (the measurement of the pupil's
13 reaction to light) as an alternative to a urine test for
14 purposes of screening and evaluating persons committed to
15 its custody who have alcohol or drug problems. The pilot
16 program shall require the pupillometer technology to be
17 used in at least one Department of Corrections facility.
18 The Director may expand the pilot program to include an
19 additional facility or facilities as he or she deems
20 appropriate. A minimum of 4,000 tests shall be included in
21 the pilot program. The Department must report to the
22 General Assembly on the effectiveness of the program by
23 January 1, 2003.

24 (b-5) To develop, in consultation with the Department
25 of State Police, a program for tracking and evaluating each
26 inmate from commitment through release for recording his or

1 her gang affiliations, activities, or ranks.

2 (c) To maintain and administer all State correctional
3 institutions and facilities under its control and to
4 establish new ones as needed. Pursuant to its power to
5 establish new institutions and facilities, the Department
6 may, with the written approval of the Governor, authorize
7 the Department of Central Management Services to enter into
8 an agreement of the type described in subsection (d) of
9 Section 405-300 of the Department of Central Management
10 Services Law (20 ILCS 405/405-300). The Department shall
11 designate those institutions which shall constitute the
12 State Penitentiary System.

13 Pursuant to its power to establish new institutions and
14 facilities, the Department may authorize the Department of
15 Central Management Services to accept bids from counties
16 and municipalities for the construction, remodeling or
17 conversion of a structure to be leased to the Department of
18 Corrections for the purposes of its serving as a
19 correctional institution or facility. Such construction,
20 remodeling or conversion may be financed with revenue bonds
21 issued pursuant to the Industrial Building Revenue Bond Act
22 by the municipality or county. The lease specified in a bid
23 shall be for a term of not less than the time needed to
24 retire any revenue bonds used to finance the project, but
25 not to exceed 40 years. The lease may grant to the State
26 the option to purchase the structure outright.

1 Upon receipt of the bids, the Department may certify
2 one or more of the bids and shall submit any such bids to
3 the General Assembly for approval. Upon approval of a bid
4 by a constitutional majority of both houses of the General
5 Assembly, pursuant to joint resolution, the Department of
6 Central Management Services may enter into an agreement
7 with the county or municipality pursuant to such bid.

8 (c-5) To build and maintain regional juvenile
9 detention centers and to charge a per diem to the counties
10 as established by the Department to defray the costs of
11 housing each minor in a center. In this subsection (c-5),
12 "juvenile detention center" means a facility to house
13 minors during pendency of trial who have been transferred
14 from proceedings under the Juvenile Court Act of 1987 to
15 prosecutions under the criminal laws of this State in
16 accordance with Section 5-805 of the Juvenile Court Act of
17 1987, whether the transfer was by operation of law or
18 permissive under that Section. The Department shall
19 designate the counties to be served by each regional
20 juvenile detention center.

21 (d) To develop and maintain programs of control,
22 rehabilitation and employment of committed persons within
23 its institutions.

24 (d-5) To provide a pre-release job preparation program
25 for inmates at Illinois adult correctional centers.

26 (e) To establish a system of supervision and guidance

1 of committed persons in the community.

2 (f) To establish in cooperation with the Department of
3 Transportation to supply a sufficient number of prisoners
4 for use by the Department of Transportation to clean up the
5 trash and garbage along State, county, township, or
6 municipal highways as designated by the Department of
7 Transportation. The Department of Corrections, at the
8 request of the Department of Transportation, shall furnish
9 such prisoners at least annually for a period to be agreed
10 upon between the Director of Corrections and the Director
11 of Transportation. The prisoners used on this program shall
12 be selected by the Director of Corrections on whatever
13 basis he deems proper in consideration of their term,
14 behavior and earned eligibility to participate in such
15 program - where they will be outside of the prison facility
16 but still in the custody of the Department of Corrections.
17 Prisoners convicted of first degree murder, or a Class X
18 felony, or armed violence, or aggravated kidnapping, or
19 criminal sexual assault, aggravated criminal sexual abuse
20 or a subsequent conviction for criminal sexual abuse, or
21 forcible detention, or arson, or a prisoner adjudged a
22 Habitual Criminal shall not be eligible for selection to
23 participate in such program. The prisoners shall remain as
24 prisoners in the custody of the Department of Corrections
25 and such Department shall furnish whatever security is
26 necessary. The Department of Transportation shall furnish

1 trucks and equipment for the highway cleanup program and
2 personnel to supervise and direct the program. Neither the
3 Department of Corrections nor the Department of
4 Transportation shall replace any regular employee with a
5 prisoner.

6 (g) To maintain records of persons committed to it and
7 to establish programs of research, statistics and
8 planning.

9 (h) To investigate the grievances of any person
10 committed to the Department, to inquire into any alleged
11 misconduct by employees or committed persons, and to
12 investigate the assets of committed persons to implement
13 Section 3-7-6 of this Code; and for these purposes it may
14 issue subpoenas and compel the attendance of witnesses and
15 the production of writings and papers, and may examine
16 under oath any witnesses who may appear before it; to also
17 investigate alleged violations of a parolee's or
18 releasee's conditions of parole or release; and for this
19 purpose it may issue subpoenas and compel the attendance of
20 witnesses and the production of documents only if there is
21 reason to believe that such procedures would provide
22 evidence that such violations have occurred.

23 If any person fails to obey a subpoena issued under
24 this subsection, the Director may apply to any circuit
25 court to secure compliance with the subpoena. The failure
26 to comply with the order of the court issued in response

1 thereto shall be punishable as contempt of court.

2 (i) To appoint and remove the chief administrative
3 officers, and administer programs of training and
4 development of personnel of the Department. Personnel
5 assigned by the Department to be responsible for the
6 custody and control of committed persons or to investigate
7 the alleged misconduct of committed persons or employees or
8 alleged violations of a parolee's or releasee's conditions
9 of parole shall be conservators of the peace for those
10 purposes, and shall have the full power of peace officers
11 outside of the facilities of the Department in the
12 protection, arrest, retaking and reconfining of committed
13 persons or where the exercise of such power is necessary to
14 the investigation of such misconduct or violations.

15 (j) To cooperate with other departments and agencies
16 and with local communities for the development of standards
17 and programs for better correctional services in this
18 State.

19 (k) To administer all moneys and properties of the
20 Department.

21 (l) To report annually to the Governor on the committed
22 persons, institutions and programs of the Department.

23 (l-5) (Blank).

24 (m) To make all rules and regulations and exercise all
25 powers and duties vested by law in the Department.

26 (n) To establish rules and regulations for

1 administering a system of sentence credits, established in
2 accordance with Section 3-6-3, subject to review by the
3 Prisoner Review Board.

4 (o) To administer the distribution of funds from the
5 State Treasury to reimburse counties where State penal
6 institutions are located for the payment of assistant
7 state's attorneys' salaries under Section 4-2001 of the
8 Counties Code.

9 (p) To exchange information with the Department of
10 Human Services and the Department of Healthcare and Family
11 Services for the purpose of verifying living arrangements
12 and for other purposes directly connected with the
13 administration of this Code and the Illinois Public Aid
14 Code.

15 (q) To establish a diversion program.

16 The program shall provide a structured environment for
17 selected technical parole or mandatory supervised release
18 violators and committed persons who have violated the rules
19 governing their conduct while in work release. This program
20 shall not apply to those persons who have committed a new
21 offense while serving on parole or mandatory supervised
22 release or while committed to work release.

23 Elements of the program shall include, but shall not be
24 limited to, the following:

25 (1) The staff of a diversion facility shall provide
26 supervision in accordance with required objectives set

1 by the facility.

2 (2) Participants shall be required to maintain
3 employment.

4 (3) Each participant shall pay for room and board
5 at the facility on a sliding-scale basis according to
6 the participant's income.

7 (4) Each participant shall:

8 (A) provide restitution to victims in
9 accordance with any court order;

10 (B) provide financial support to his
11 dependents; and

12 (C) make appropriate payments toward any other
13 court-ordered obligations.

14 (5) Each participant shall complete community
15 service in addition to employment.

16 (6) Participants shall take part in such
17 counseling, educational and other programs as the
18 Department may deem appropriate.

19 (7) Participants shall submit to drug and alcohol
20 screening.

21 (8) The Department shall promulgate rules
22 governing the administration of the program.

23 (r) To enter into intergovernmental cooperation
24 agreements under which persons in the custody of the
25 Department may participate in a county impact
26 incarceration program established under Section 3-6038 or

1 3-15003.5 of the Counties Code.

2 (r-5) (Blank).

3 (r-10) To systematically and routinely identify with
4 respect to each streetgang active within the correctional
5 system: (1) each active gang; (2) every existing inter-gang
6 affiliation or alliance; and (3) the current leaders in
7 each gang. The Department shall promptly segregate leaders
8 from inmates who belong to their gangs and allied gangs.
9 "Segregate" means no physical contact and, to the extent
10 possible under the conditions and space available at the
11 correctional facility, prohibition of visual and sound
12 communication. For the purposes of this paragraph (r-10),
13 "leaders" means persons who:

14 (i) are members of a criminal streetgang;

15 (ii) with respect to other individuals within the
16 streetgang, occupy a position of organizer,
17 supervisor, or other position of management or
18 leadership; and

19 (iii) are actively and personally engaged in
20 directing, ordering, authorizing, or requesting
21 commission of criminal acts by others, which are
22 punishable as a felony, in furtherance of streetgang
23 related activity both within and outside of the
24 Department of Corrections.

25 "Streetgang", "gang", and "streetgang related" have the
26 meanings ascribed to them in Section 10 of the Illinois

1 Streetgang Terrorism Omnibus Prevention Act.

2 (s) To operate a super-maximum security institution,
3 in order to manage and supervise inmates who are disruptive
4 or dangerous and provide for the safety and security of the
5 staff and the other inmates.

6 (t) To monitor any unprivileged conversation or any
7 unprivileged communication, whether in person or by mail,
8 telephone, or other means, between an inmate who, before
9 commitment to the Department, was a member of an organized
10 gang and any other person without the need to show cause or
11 satisfy any other requirement of law before beginning the
12 monitoring, except as constitutionally required. The
13 monitoring may be by video, voice, or other method of
14 recording or by any other means. As used in this
15 subdivision (1)(t), "organized gang" has the meaning
16 ascribed to it in Section 10 of the Illinois Streetgang
17 Terrorism Omnibus Prevention Act.

18 As used in this subdivision (1)(t), "unprivileged
19 conversation" or "unprivileged communication" means a
20 conversation or communication that is not protected by any
21 privilege recognized by law or by decision, rule, or order
22 of the Illinois Supreme Court.

23 (u) To establish a Women's and Children's Pre-release
24 Community Supervision Program for the purpose of providing
25 housing and services to eligible female inmates, as
26 determined by the Department, and their newborn and young

1 children.

2 (u-5) To issue an order, whenever a person committed to
3 the Department absconds or absents himself or herself,
4 without authority to do so, from any facility or program to
5 which he or she is assigned. The order shall be certified
6 by the Director, the Supervisor of the Apprehension Unit,
7 or any person duly designated by the Director, with the
8 seal of the Department affixed. The order shall be directed
9 to all sheriffs, coroners, and police officers, or to any
10 particular person named in the order. Any order issued
11 pursuant to this subdivision (1) (u-5) shall be sufficient
12 warrant for the officer or person named in the order to
13 arrest and deliver the committed person to the proper
14 correctional officials and shall be executed the same as
15 criminal process.

16 (v) To do all other acts necessary to carry out the
17 provisions of this Chapter.

18 (2) The Department of Corrections shall by January 1, 1998,
19 consider building and operating a correctional facility within
20 100 miles of a county of over 2,000,000 inhabitants, especially
21 a facility designed to house juvenile participants in the
22 impact incarceration program.

23 (3) When the Department lets bids for contracts for medical
24 services to be provided to persons committed to Department
25 facilities by a health maintenance organization, medical
26 service corporation, or other health care provider, the bid may

1 only be let to a health care provider that has obtained an
2 irrevocable letter of credit or performance bond issued by a
3 company whose bonds have an investment grade or higher rating
4 by a bond rating organization.

5 (4) When the Department lets bids for contracts for food or
6 commissary services to be provided to Department facilities,
7 the bid may only be let to a food or commissary services
8 provider that has obtained an irrevocable letter of credit or
9 performance bond issued by a company whose bonds have an
10 investment grade or higher rating by a bond rating
11 organization.

12 (Source: P.A. 96-1265, eff. 7-26-10; 97-697, eff. 6-22-12;
13 97-800, eff. 7-13-12; 97-802, eff. 7-13-12; revised 7-23-12.)

14 (730 ILCS 5/3-2-5) (from Ch. 38, par. 1003-2-5)

15 Sec. 3-2-5. Organization of the Department of Corrections
16 and the Department of Juvenile Justice.

17 (a) There shall be a Department of Corrections which shall
18 be administered by a Director and an Assistant Director
19 appointed by the Governor under the Civil Administrative Code
20 of Illinois. The Assistant Director shall be under the
21 direction of the Director. The Department of Corrections shall
22 be responsible for all persons committed or transferred to the
23 Department under Sections 3-10-7 or 5-8-6 of this Code.

24 (b) There shall be a Department of Juvenile Justice which
25 shall be administered by a Director appointed by the Governor

1 under the Civil Administrative Code of Illinois. The Department
2 of Juvenile Justice shall be responsible for all persons under
3 17 years of age when sentenced to imprisonment and committed to
4 the Department under subsection (c) of Section 5-8-6 of this
5 Code, Section 5-10 of the Juvenile Court Act, or Section 5-750
6 of the Juvenile Court Act of 1987. Persons under 17 years of
7 age committed to the Department of Juvenile Justice pursuant to
8 this Code shall be sight and sound separate from adult
9 offenders committed to the Department of Corrections.

10 (c) The Department shall create a gang intelligence unit
11 under the supervision of the Director. The unit shall be
12 specifically designed to gather information regarding the
13 inmate gang population, monitor the activities of gangs, and
14 prevent the furtherance of gang activities through the
15 development and implementation of policies aimed at deterring
16 gang activity. The Director shall appoint a Corrections
17 Intelligence Coordinator.

18 All information collected and maintained by the unit shall
19 be highly confidential, and access to that information shall be
20 restricted by the Department. The information shall be used to
21 control and limit the activities of gangs within correctional
22 institutions under the jurisdiction of the Illinois Department
23 of Corrections and may be shared with other law enforcement
24 agencies in order to curb gang activities outside of
25 correctional institutions under the jurisdiction of the
26 Department and to assist in the investigations and prosecutions

1 of gang activity. The Department shall establish and promulgate
2 rules governing the release of information to outside law
3 enforcement agencies. Due to the highly sensitive nature of the
4 information, the information is exempt from requests for
5 disclosure under the Freedom of Information Act as the
6 information contained is highly confidential and may be harmful
7 if disclosed.

8 (Source: P.A. 97-800, eff. 7-13-12; 97-1083, eff. 8-24-12;
9 revised 9-20-12.)

10 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

11 Sec. 3-3-4. Preparation for Parole Hearing.

12 (a) The Prisoner Review Board shall consider the parole of
13 each eligible person committed to the Department of Corrections
14 at least 30 days prior to the date he shall first become
15 eligible for parole, and shall consider the parole of each
16 person committed to the Department of Juvenile Justice as a
17 delinquent at least 30 days prior to the expiration of the
18 first year of confinement.

19 (b) A person eligible for parole shall, no less than 15
20 days in advance of his parole interview, prepare a parole plan
21 in accordance with the rules of the Prisoner Review Board. The
22 person shall be assisted in preparing his parole plan by
23 personnel of the Department of Corrections, or the Department
24 of Juvenile Justice in the case of a person committed to that
25 Department, and may, for this purpose, be released on furlough

1 under Article 11 or on authorized absence under Section 3-9-4.
2 The appropriate Department shall also provide assistance in
3 obtaining information and records helpful to the individual for
4 his parole hearing. If the person eligible for parole has a
5 petition or any written submissions prepared on his or her
6 behalf by an attorney or other representative, the attorney or
7 representative for the person eligible for parole must serve by
8 certified mail the State's Attorney of the county where he or
9 she was prosecuted with the petition or any written submissions
10 15 days after his or her parole interview. The State's Attorney
11 shall provide the attorney for the person eligible for parole
12 with a copy of his or her letter in opposition to parole via
13 certified mail within 5 business days of the en banc hearing.

14 (c) Any member of the Board shall have access at all
15 reasonable times to any committed person and to his master
16 record file within the Department, and the Department shall
17 furnish such a report to the Board concerning the conduct and
18 character of any such person prior to his or her parole
19 interview.

20 (d) In making its determination of parole, the Board shall
21 consider:

22 (1) material transmitted to the Department of Juvenile
23 Justice by the clerk of the committing court under Section
24 5-4-1 or Section 5-10 of the Juvenile Court Act or Section
25 5-750 of the Juvenile Court Act of 1987;

26 (2) the report under Section 3-8-2 or 3-10-2;

1 (3) a report by the Department and any report by the
2 chief administrative officer of the institution or
3 facility;

4 (4) a parole progress report;

5 (5) a medical and psychological report, if requested by
6 the Board;

7 (6) material in writing, or on film, video tape or
8 other electronic means in the form of a recording submitted
9 by the person whose parole is being considered;

10 (7) material in writing, or on film, video tape or
11 other electronic means in the form of a recording or
12 testimony submitted by the State's Attorney and the victim
13 or a concerned citizen pursuant to the Rights of Crime
14 Victims and Witnesses Act; and

15 (8) the person's eligibility for commitment under the
16 Sexually Violent Persons Commitment Act.

17 (e) The prosecuting State's Attorney's office shall
18 receive from the Board reasonable written notice not less than
19 30 days prior to the parole interview and may submit relevant
20 information by oral argument or testimony of victims and
21 concerned citizens, or both, in writing, or on film, video tape
22 or other electronic means or in the form of a recording to the
23 Board for its consideration. Upon written request of the
24 State's Attorney's office, the Prisoner Review Board shall hear
25 protests to parole, except in counties of 1,500,000 or more
26 inhabitants where there shall be standing objections to all

1 such petitions. If a State's Attorney who represents a county
2 of less than 1,500,000 inhabitants requests a protest hearing,
3 the inmate's counsel or other representative shall also receive
4 notice of such request. This hearing shall take place the month
5 following the inmate's parole interview. If the inmate's parole
6 interview is rescheduled then the Prisoner Review Board shall
7 promptly notify the State's Attorney of the new date. The
8 person eligible for parole shall be heard at the next scheduled
9 en banc hearing date. If the case is to be continued, the
10 State's Attorney's office and the attorney or representative
11 for the person eligible for parole will be notified of any
12 continuance within 5 business days. The State's Attorney may
13 waive the written notice.

14 (f) The victim of the violent crime for which the prisoner
15 has been sentenced shall receive notice of a parole hearing as
16 provided in paragraph (4) of subsection (d) of Section 4.5 of
17 the Rights of Crime Victims and Witnesses Act.

18 (g) Any recording considered under the provisions of
19 subsection (d)(6), (d)(7) or (e) of this Section shall be in
20 the form designated by the Board. Such recording shall be both
21 visual and aural. Every voice on the recording and person
22 present shall be identified and the recording shall contain
23 either a visual or aural statement of the person submitting
24 such recording, the date of the recording and the name of the
25 person whose parole eligibility is being considered. Such
26 recordings shall be retained by the Board and shall be deemed

1 to be submitted at any subsequent parole hearing if the victim
2 or State's Attorney submits in writing a declaration clearly
3 identifying such recording as representing the present
4 position of the victim or State's Attorney regarding the issues
5 to be considered at the parole hearing.

6 (h) The Board shall not release any material to the inmate,
7 the inmate's attorney, any third party, or any other person
8 containing any information from the victim or from a person
9 related to the victim by blood, adoption, or marriage who has
10 written objections, testified at any hearing, or submitted
11 audio or visual objections to the inmate's parole, unless
12 provided with a waiver from that objecting party.

13 (Source: P.A. 96-875, eff. 1-22-10; 97-523, eff. 1-1-12;
14 97-1075, eff. 8-24-12; 97-1083, eff. 8-24-12; revised
15 9-20-12.)

16 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

17 Sec. 3-3-9. Violations; changes of conditions; preliminary
18 hearing; revocation of parole or mandatory supervised release;
19 revocation hearing.

20 (a) If prior to expiration or termination of the term of
21 parole or mandatory supervised release, a person violates a
22 condition set by the Prisoner Review Board or a condition of
23 parole or mandatory supervised release under Section 3-3-7 of
24 this Code to govern that term, the Board may:

25 (1) continue the existing term, with or without

1 modifying or enlarging the conditions; or

2 (2) parole or release the person to a half-way house;

3 or

4 (3) revoke the parole or mandatory supervised release
5 and reconfine the person for a term computed in the
6 following manner:

7 (i) (A) For those sentenced under the law in effect
8 prior to this amendatory Act of 1977, the recommitment
9 shall be for any portion of the imposed maximum term of
10 imprisonment or confinement which had not been served
11 at the time of parole and the parole term, less the
12 time elapsed between the parole of the person and the
13 commission of the violation for which parole was
14 revoked;

15 (B) Except as set forth in paragraph (C), for those
16 subject to mandatory supervised release under
17 paragraph (d) of Section 5-8-1 of this Code, the
18 recommitment shall be for the total mandatory
19 supervised release term, less the time elapsed between
20 the release of the person and the commission of the
21 violation for which mandatory supervised release is
22 revoked. The Board may also order that a prisoner serve
23 up to one year of the sentence imposed by the court
24 which was not served due to the accumulation of
25 sentence credit;

26 (C) For those subject to sex offender supervision

1 under clause (d) (4) of Section 5-8-1 of this Code, the
2 reconfinement period for violations of clauses (a) (3)
3 through (b-1) (15) of Section 3-3-7 shall not exceed 2
4 years from the date of reconfinement;~~;~~

5 (ii) the person shall be given credit against the
6 term of reimprisonment or reconfinement for time spent
7 in custody since he was paroled or released which has
8 not been credited against another sentence or period of
9 confinement;

10 (iii) persons committed under the Juvenile Court
11 Act or the Juvenile Court Act of 1987 may be continued
12 under the existing term of parole with or without
13 modifying the conditions of parole, paroled or
14 released to a group home or other residential facility,
15 or recommitted until the age of 21 unless sooner
16 terminated;

17 (iv) this Section is subject to the release under
18 supervision and the reparole and rerelease provisions
19 of Section 3-3-10.

20 (b) The Board may revoke parole or mandatory supervised
21 release for violation of a condition for the duration of the
22 term and for any further period which is reasonably necessary
23 for the adjudication of matters arising before its expiration.
24 The issuance of a warrant of arrest for an alleged violation of
25 the conditions of parole or mandatory supervised release shall
26 toll the running of the term until the final determination of

1 the charge. When parole or mandatory supervised release is not
2 revoked that period shall be credited to the term, unless a
3 community-based sanction is imposed as an alternative to
4 revocation and reincarceration, including a diversion
5 established by the Illinois Department of Corrections Parole
6 Services Unit prior to the holding of a preliminary parole
7 revocation hearing. Parolees who are diverted to a
8 community-based sanction shall serve the entire term of parole
9 or mandatory supervised release, if otherwise appropriate.

10 (b-5) The Board shall revoke parole or mandatory supervised
11 release for violation of the conditions prescribed in paragraph
12 (7.6) of subsection (a) of Section 3-3-7.

13 (c) A person charged with violating a condition of parole
14 or mandatory supervised release shall have a preliminary
15 hearing before a hearing officer designated by the Board to
16 determine if there is cause to hold the person for a revocation
17 hearing. However, no preliminary hearing need be held when
18 revocation is based upon new criminal charges and a court finds
19 probable cause on the new criminal charges or when the
20 revocation is based upon a new criminal conviction and a
21 certified copy of that conviction is available.

22 (d) Parole or mandatory supervised release shall not be
23 revoked without written notice to the offender setting forth
24 the violation of parole or mandatory supervised release charged
25 against him.

26 (e) A hearing on revocation shall be conducted before at

1 least one member of the Prisoner Review Board. The Board may
2 meet and order its actions in panels of 3 or more members. The
3 action of a majority of the panel shall be the action of the
4 Board. In consideration of persons committed to the Department
5 of Juvenile Justice, the member hearing the matter and at least
6 a majority of the panel shall be experienced in juvenile
7 matters. A record of the hearing shall be made. At the hearing
8 the offender shall be permitted to:

9 (1) appear and answer the charge; and

10 (2) bring witnesses on his behalf.

11 (f) The Board shall either revoke parole or mandatory
12 supervised release or order the person's term continued with or
13 without modification or enlargement of the conditions.

14 (g) Parole or mandatory supervised release shall not be
15 revoked for failure to make payments under the conditions of
16 parole or release unless the Board determines that such failure
17 is due to the offender's willful refusal to pay.

18 (Source: P.A. 96-1271, eff. 1-1-11; 97-697, eff. 6-22-12;
19 revised 8-3-12.)

20 (730 ILCS 5/5-5-3.1) (from Ch. 38, par. 1005-5-3.1)

21 Sec. 5-5-3.1. Factors in Mitigation.

22 (a) The following grounds shall be accorded weight in favor
23 of withholding or minimizing a sentence of imprisonment:

24 (1) The defendant's criminal conduct neither caused
25 nor threatened serious physical harm to another.

1 (2) The defendant did not contemplate that his criminal
2 conduct would cause or threaten serious physical harm to
3 another.

4 (3) The defendant acted under a strong provocation.

5 (4) There were substantial grounds tending to excuse or
6 justify the defendant's criminal conduct, though failing
7 to establish a defense.

8 (5) The defendant's criminal conduct was induced or
9 facilitated by someone other than the defendant.

10 (6) The defendant has compensated or will compensate
11 the victim of his criminal conduct for the damage or injury
12 that he sustained.

13 (7) The defendant has no history of prior delinquency
14 or criminal activity or has led a law-abiding life for a
15 substantial period of time before the commission of the
16 present crime.

17 (8) The defendant's criminal conduct was the result of
18 circumstances unlikely to recur.

19 (9) The character and attitudes of the defendant
20 indicate that he is unlikely to commit another crime.

21 (10) The defendant is particularly likely to comply
22 with the terms of a period of probation.

23 (11) The imprisonment of the defendant would entail
24 excessive hardship to his dependents.

25 (12) The imprisonment of the defendant would endanger
26 his or her medical condition.

1 (13) The defendant was intellectually disabled as
2 defined in Section 5-1-13 of this Code.

3 (14) The defendant sought or obtained emergency
4 medical assistance for an overdose and was convicted of a
5 Class 3 felony or higher possession, manufacture, or
6 delivery of a controlled, counterfeit, or look-alike
7 substance or a controlled substance analog under the
8 Illinois Controlled Substances Act or a Class 2 felony or
9 higher possession, manufacture or delivery of
10 methamphetamine under the Methamphetamine Control and
11 Community Protection Act.

12 (b) If the court, having due regard for the character of
13 the offender, the nature and circumstances of the offense and
14 the public interest finds that a sentence of imprisonment is
15 the most appropriate disposition of the offender, or where
16 other provisions of this Code mandate the imprisonment of the
17 offender, the grounds listed in paragraph (a) of this
18 subsection shall be considered as factors in mitigation of the
19 term imposed.

20 (Source: P.A. 97-227, eff. 1-1-12; 97-678, eff. 6-1-12; revised
21 10-16-12.)

22 Section 470. The Stalking No Contact Order Act is amended
23 by changing Section 115 as follows:

24 (740 ILCS 21/115)

1 Sec. 115. Notice of orders.

2 (a) Upon issuance of any stalking no contact order, the
3 clerk shall immediately, or on the next court day if an
4 emergency order is issued in accordance with subsection (c) of
5 Section 95:

6 (1) enter the order on the record and file it in
7 accordance with the circuit court procedures; and

8 (2) provide a file stamped copy of the order to the
9 respondent, if present, and to the petitioner.

10 (b) The clerk of the issuing judge shall, or the petitioner
11 may, on the same day that a stalking no contact order is
12 issued, file a certified copy of that order with the sheriff or
13 other law enforcement officials charged with maintaining
14 Department of State Police records or charged with serving the
15 order upon the respondent. If the order was issued in
16 accordance with subsection (c) of Section 95, the clerk shall,
17 on the next court day, file a certified copy of the order with
18 the sheriff or other law enforcement officials charged with
19 maintaining Department of State Police records. If the
20 respondent, at the time of the issuance of the order, is
21 committed to the custody of the Illinois Department of
22 Corrections or is on parole or mandatory supervised release,
23 the sheriff or other law enforcement officials charged with
24 maintaining Department of State Police records shall notify the
25 Department of Corrections within 48 hours of receipt of a copy
26 of the stalking no contact order from the clerk of the issuing

1 judge or the petitioner. Such notice shall include the name of
2 the respondent, the respondent's IDOC inmate number, the
3 respondent's date of birth, and the LEADS Record Index Number.

4 (c) Unless the respondent was present in court when the
5 order was issued, the sheriff, other law enforcement official,
6 or special process server shall promptly serve that order upon
7 the respondent and file proof of such service in the manner
8 provided for service of process in civil proceedings. Instead
9 of serving the order upon the respondent, however, the sheriff,
10 other law enforcement official, special process server, or
11 other persons defined in Section 117 may serve the respondent
12 with a short form notification as provided in Section 117. If
13 process has not yet been served upon the respondent, it shall
14 be served with the order or short form notification if such
15 service is made by the sheriff, other law enforcement official,
16 or special process server.

17 (d) If the person against whom the stalking no contact
18 order is issued is arrested and the written order is issued in
19 accordance with subsection (c) of Section 95 and received by
20 the custodial law enforcement agency before the respondent or
21 arrestee is released from custody, the custodial law
22 enforcement agent shall promptly serve the order upon the
23 respondent or arrestee before the respondent or arrestee is
24 released from custody. In no event shall detention of the
25 respondent or arrestee be extended for hearing on the petition
26 for stalking no contact order or receipt of the order issued

1 under Section 95 of this Act.

2 (e) Any order extending, modifying, or revoking any
3 stalking no contact order shall be promptly recorded, issued,
4 and served as provided in this Section.

5 (f) Upon the request of the petitioner, within 24 hours of
6 the issuance of a stalking no contact order, the clerk of the
7 issuing judge shall send written notice of the order along with
8 a certified copy of the order to any school, daycare, college,
9 or university at which the petitioner is enrolled.

10 (Source: P.A. 96-246, eff. 1-1-10; 97-904, eff. 1-1-13;
11 97-1017, eff. 1-1-13; revised 8-23-12.)

12 Section 475. The Civil No Contact Order Act is amended by
13 changing Section 218 as follows:

14 (740 ILCS 22/218)

15 Sec. 218. Notice of orders.

16 (a) Upon issuance of any civil no contact order, the clerk
17 shall immediately, or on the next court day if an emergency
18 order is issued in accordance with subsection (c) of Section
19 214:

20 (1) enter the order on the record and file it in
21 accordance with the circuit court procedures; and

22 (2) provide a file stamped copy of the order to the
23 respondent, if present, and to the petitioner.

24 (b) The clerk of the issuing judge shall, or the petitioner

1 may, on the same day that a civil no contact order is issued,
2 file a certified copy of that order with the sheriff or other
3 law enforcement officials charged with maintaining Department
4 of State Police records or charged with serving the order upon
5 the respondent. If the order was issued in accordance with
6 subsection (c) of Section 214, the clerk shall, on the next
7 court day, file a certified copy of the order with the Sheriff
8 or other law enforcement officials charged with maintaining
9 Department of State Police records. If the respondent, at the
10 time of the issuance of the order, is committed to the custody
11 of the Illinois Department of Corrections or is on parole or
12 mandatory supervised release, the sheriff or other law
13 enforcement officials charged with maintaining Department of
14 State Police records shall notify the Department of Corrections
15 within 48 hours of receipt of a copy of the civil no contact
16 order from the clerk of the issuing judge or the petitioner.
17 Such notice shall include the name of the respondent, the
18 respondent's IDOC inmate number, the respondent's date of
19 birth, and the LEADS Record Index Number.

20 (c) Unless the respondent was present in court when the
21 order was issued, the sheriff, other law enforcement official,
22 or special process server shall promptly serve that order upon
23 the respondent and file proof of such service in the manner
24 provided for service of process in civil proceedings. Instead
25 of serving the order upon the respondent, however, the sheriff,
26 other law enforcement official, special process server, or

1 other persons defined in Section 218.1 may serve the respondent
2 with a short form notification as provided in Section 218.1. If
3 process has not yet been served upon the respondent, it shall
4 be served with the order or short form notification if such
5 service is made by the sheriff, other law enforcement official,
6 or special process server.

7 (d) If the person against whom the civil no contact order
8 is issued is arrested and the written order is issued in
9 accordance with subsection (c) of Section 214 and received by
10 the custodial law enforcement agency before the respondent or
11 arrestee is released from custody, the custodial law
12 enforcement agent shall promptly serve the order upon the
13 respondent or arrestee before the respondent or arrestee is
14 released from custody. In no event shall detention of the
15 respondent or arrestee be extended for hearing on the petition
16 for civil no contact order or receipt of the order issued under
17 Section 214 of this Act.

18 (e) Any order extending, modifying, or revoking any civil
19 no contact order shall be promptly recorded, issued, and served
20 as provided in this Section.

21 (f) Upon the request of the petitioner, within 24 hours of
22 the issuance of a civil no contact order, the clerk of the
23 issuing judge shall send written notice of the order along with
24 a certified copy of the order to any school, college, or
25 university at which the petitioner is enrolled.

26 (Source: P.A. 97-904, eff. 1-1-13; 97-1017, eff. 1-1-13;

1 revised 8-23-12.)

2 Section 480. The Crime Victims Compensation Act is amended
3 by changing Section 7.1 as follows:

4 (740 ILCS 45/7.1) (from Ch. 70, par. 77.1)

5 Sec. 7.1. (a) The application shall set out:

6 (1) the name and address of the victim;

7 (2) if the victim is deceased, the name and address of
8 the applicant and his relationship to the victim, the names
9 and addresses of other persons dependent on the victim for
10 their support and the extent to which each is so dependent,
11 and other persons who may be entitled to compensation for a
12 pecuniary loss;

13 (3) the date and nature of the crime on which the
14 application for compensation is based;

15 (4) the date and place where and the law enforcement
16 officials to whom notification of the crime was given;

17 (5) the nature and extent of the injuries sustained by
18 the victim, and the names and addresses of those giving
19 medical and hospitalization treatment to the victim;

20 (6) the pecuniary loss to the applicant and to such
21 other persons as are specified under item (2) resulting
22 from the injury or death;

23 (7) the amount of benefits, payments, or awards, if
24 any, payable under:

- 1 (a) the Workers' Compensation Act,
2 (b) the Dram Shop Act,
3 (c) any claim, demand, or cause of action based
4 upon the crime-related injury or death,
5 (d) the Federal Medicare program,
6 (e) the State Public Aid program,
7 (f) Social Security Administration burial
8 benefits,
9 (g) Veterans administration burial benefits,
10 (h) life, health, accident or liability insurance,
11 (i) the Criminal Victims' Escrow Account Act,
12 (j) the Sexual Assault Survivors Emergency
13 Treatment Act,
14 (k) restitution, or
15 (l) ~~from~~ any other source~~;~~
16 (8) releases authorizing the surrender to the Court of
17 Claims or Attorney General of reports, documents and other
18 information relating to the matters specified under this
19 Act and rules promulgated in accordance with the Act~~;~~
20 (9) such other information as the Court of Claims or
21 the Attorney General reasonably requires.
22 (b) The Attorney General may require that materials
23 substantiating the facts stated in the application be submitted
24 with that application.
25 (c) An applicant, on his own motion, may file an amended
26 application or additional substantiating materials to correct

1 inadvertent errors or omissions at any time before the original
2 application has been disposed of by the Court of Claims. In
3 either case, the filing of additional information or of an
4 amended application shall be considered for the purpose of this
5 Act to have been filed at the same time as the original
6 application.

7 (Source: P.A. 97-817, eff. 1-1-13; revised 8-3-12.)

8 Section 490. The Illinois Marriage and Dissolution of
9 Marriage Act is amended by changing Section 505 as follows:

10 (750 ILCS 5/505) (from Ch. 40, par. 505)

11 Sec. 505. Child support; contempt; penalties.

12 (a) In a proceeding for dissolution of marriage, legal
13 separation, declaration of invalidity of marriage, a
14 proceeding for child support following dissolution of the
15 marriage by a court that lacked personal jurisdiction over the
16 absent spouse, a proceeding for modification of a previous
17 order for child support under Section 510 of this Act, or any
18 proceeding authorized under Section 501 or 601 of this Act, the
19 court may order either or both parents owing a duty of support
20 to a child of the marriage to pay an amount reasonable and
21 necessary for the support of the child, without regard to
22 marital misconduct. The duty of support owed to a child
23 includes the obligation to provide for the reasonable and
24 necessary educational, physical, mental and emotional health

1 needs of the child. For purposes of this Section, the term
 2 "child" shall include any child under age 18 and any child
 3 under age 19 who is still attending high school.

4 (1) The Court shall determine the minimum amount of
 5 support by using the following guidelines:

6 7	Number of Children	Percent of Supporting Party's 8 9 10 11 12 13	Net Income
8	1		20%
9	2		28%
10	3		32%
11	4		40%
12	5		45%
13	6 or more		50%

14 (2) The above guidelines shall be applied in each case
 15 unless the court finds that a deviation from the guidelines
 16 is appropriate after considering the best interest of the
 17 child in light of the evidence, including, but not limited
 18 to, one or more of the following relevant factors:

19 (a) the financial resources and needs of the child;

20 (b) the financial resources and needs of the
 21 custodial parent;

22 (c) the standard of living the child would have
 23 enjoyed had the marriage not been dissolved;

24 (d) the physical, mental, and emotional needs of
 25 the child;

26 (d-5) the educational needs of the child; and

1 (e) the financial resources and needs of the
2 non-custodial parent.

3 If the court deviates from the guidelines, the court's
4 finding shall state the amount of support that would have
5 been required under the guidelines, if determinable. The
6 court shall include the reason or reasons for the variance
7 from the guidelines.

8 (2.5) The court, in its discretion, in addition to
9 setting child support pursuant to the guidelines and
10 factors, may order either or both parents owing a duty of
11 support to a child of the marriage to contribute to the
12 following expenses, if determined by the court to be
13 reasonable:

14 (a) health needs not covered by insurance;

15 (b) child care;

16 (c) education; and

17 (d) extracurricular activities.

18 (3) "Net income" is defined as the total of all income
19 from all sources, minus the following deductions:

20 (a) Federal income tax (properly calculated
21 withholding or estimated payments);

22 (b) State income tax (properly calculated
23 withholding or estimated payments);

24 (c) Social Security (FICA payments);

25 (d) Mandatory retirement contributions required by
26 law or as a condition of employment;

1 (e) Union dues;

2 (f) Dependent and individual
3 health/hospitalization insurance premiums and premiums
4 for life insurance ordered by the court to reasonably
5 secure payment of ordered child support;

6 (g) Prior obligations of support or maintenance
7 actually paid pursuant to a court order;

8 (h) Expenditures for repayment of debts that
9 represent reasonable and necessary expenses for the
10 production of income, medical expenditures necessary
11 to preserve life or health, reasonable expenditures
12 for the benefit of the child and the other parent,
13 exclusive of gifts. The court shall reduce net income
14 in determining the minimum amount of support to be
15 ordered only for the period that such payments are due
16 and shall enter an order containing provisions for its
17 self-executing modification upon termination of such
18 payment period;

19 (i) Foster care payments paid by the Department of
20 Children and Family Services for providing licensed
21 foster care to a foster child.

22 (4) In cases where the court order provides for
23 health/hospitalization insurance coverage pursuant to
24 Section 505.2 of this Act, the premiums for that insurance,
25 or that portion of the premiums for which the supporting
26 party is responsible in the case of insurance provided

1 through an employer's health insurance plan where the
2 employer pays a portion of the premiums, shall be
3 subtracted from net income in determining the minimum
4 amount of support to be ordered.

5 (4.5) In a proceeding for child support following
6 dissolution of the marriage by a court that lacked personal
7 jurisdiction over the absent spouse, and in which the court
8 is requiring payment of support for the period before the
9 date an order for current support is entered, there is a
10 rebuttable presumption that the supporting party's net
11 income for the prior period was the same as his or her net
12 income at the time the order for current support is
13 entered.

14 (5) If the net income cannot be determined because of
15 default or any other reason, the court shall order support
16 in an amount considered reasonable in the particular case.
17 The final order in all cases shall state the support level
18 in dollar amounts. However, if the court finds that the
19 child support amount cannot be expressed exclusively as a
20 dollar amount because all or a portion of the payor's net
21 income is uncertain as to source, time of payment, or
22 amount, the court may order a percentage amount of support
23 in addition to a specific dollar amount and enter such
24 other orders as may be necessary to determine and enforce,
25 on a timely basis, the applicable support ordered.

26 (6) If (i) the non-custodial parent was properly served

1 with a request for discovery of financial information
2 relating to the non-custodial parent's ability to provide
3 child support, (ii) the non-custodial parent failed to
4 comply with the request, despite having been ordered to do
5 so by the court, and (iii) the non-custodial parent is not
6 present at the hearing to determine support despite having
7 received proper notice, then any relevant financial
8 information concerning the non-custodial parent's ability
9 to provide child support that was obtained pursuant to
10 subpoena and proper notice shall be admitted into evidence
11 without the need to establish any further foundation for
12 its admission.

13 (a-5) In an action to enforce an order for support based on
14 the respondent's failure to make support payments as required
15 by the order, notice of proceedings to hold the respondent in
16 contempt for that failure may be served on the respondent by
17 personal service or by regular mail addressed to the
18 respondent's last known address. The respondent's last known
19 address may be determined from records of the clerk of the
20 court, from the Federal Case Registry of Child Support Orders,
21 or by any other reasonable means.

22 (b) Failure of either parent to comply with an order to pay
23 support shall be punishable as in other cases of contempt. In
24 addition to other penalties provided by law the Court may,
25 after finding the parent guilty of contempt, order that the
26 parent be:

1 (1) placed on probation with such conditions of
2 probation as the Court deems advisable;

3 (2) sentenced to periodic imprisonment for a period not
4 to exceed 6 months; provided, however, that the Court may
5 permit the parent to be released for periods of time during
6 the day or night to:

7 (A) work; or

8 (B) conduct a business or other self-employed
9 occupation.

10 The Court may further order any part or all of the earnings
11 of a parent during a sentence of periodic imprisonment paid to
12 the Clerk of the Circuit Court or to the parent having custody
13 or to the guardian having custody of the children of the
14 sentenced parent for the support of said children until further
15 order of the Court.

16 If a parent who is found guilty of contempt for failure to
17 comply with an order to pay support is a person who conducts a
18 business or who is self-employed, the court in addition to
19 other penalties provided by law may order that the parent do
20 one or more of the following: (i) provide to the court monthly
21 financial statements showing income and expenses from the
22 business or the self-employment; (ii) seek employment and
23 report periodically to the court with a diary, listing, or
24 other memorandum of his or her employment search efforts; or
25 (iii) report to the Department of Employment Security for job
26 search services to find employment that will be subject to

1 withholding for child support.

2 If there is a unity of interest and ownership sufficient to
3 render no financial separation between a non-custodial parent
4 and another person or persons or business entity, the court may
5 pierce the ownership veil of the person, persons, or business
6 entity to discover assets of the non-custodial parent held in
7 the name of that person, those persons, or that business
8 entity. The following circumstances are sufficient to
9 authorize a court to order discovery of the assets of a person,
10 persons, or business entity and to compel the application of
11 any discovered assets toward payment on the judgment for
12 support:

13 (1) the non-custodial parent and the person, persons,
14 or business entity maintain records together.

15 (2) the non-custodial parent and the person, persons,
16 or business entity fail to maintain an arm's length
17 relationship between themselves with regard to any assets.

18 (3) the non-custodial parent transfers assets to the
19 person, persons, or business entity with the intent to
20 perpetrate a fraud on the custodial parent.

21 With respect to assets which are real property, no order
22 entered under this paragraph shall affect the rights of bona
23 fide purchasers, mortgagees, judgment creditors, or other lien
24 holders who acquire their interests in the property prior to
25 the time a notice of lis pendens pursuant to the Code of Civil
26 Procedure or a copy of the order is placed of record in the

1 office of the recorder of deeds for the county in which the
2 real property is located.

3 The court may also order in cases where the parent is 90
4 days or more delinquent in payment of support or has been
5 adjudicated in arrears in an amount equal to 90 days obligation
6 or more, that the parent's Illinois driving privileges be
7 suspended until the court determines that the parent is in
8 compliance with the order of support. The court may also order
9 that the parent be issued a family financial responsibility
10 driving permit that would allow limited driving privileges for
11 employment and medical purposes in accordance with Section
12 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit
13 court shall certify the order suspending the driving privileges
14 of the parent or granting the issuance of a family financial
15 responsibility driving permit to the Secretary of State on
16 forms prescribed by the Secretary. Upon receipt of the
17 authenticated documents, the Secretary of State shall suspend
18 the parent's driving privileges until further order of the
19 court and shall, if ordered by the court, subject to the
20 provisions of Section 7-702.1 of the Illinois Vehicle Code,
21 issue a family financial responsibility driving permit to the
22 parent.

23 In addition to the penalties or punishment that may be
24 imposed under this Section, any person whose conduct
25 constitutes a violation of Section 15 of the Non-Support
26 Punishment Act may be prosecuted under that Act, and a person

1 convicted under that Act may be sentenced in accordance with
2 that Act. The sentence may include but need not be limited to a
3 requirement that the person perform community service under
4 Section 50 of that Act or participate in a work alternative
5 program under Section 50 of that Act. A person may not be
6 required to participate in a work alternative program under
7 Section 50 of that Act if the person is currently participating
8 in a work program pursuant to Section 505.1 of this Act.

9 A support obligation, or any portion of a support
10 obligation, which becomes due and remains unpaid as of the end
11 of each month, excluding the child support that was due for
12 that month to the extent that it was not paid in that month,
13 shall accrue simple interest as set forth in Section 12-109 of
14 the Code of Civil Procedure. An order for support entered or
15 modified on or after January 1, 2006 shall contain a statement
16 that a support obligation required under the order, or any
17 portion of a support obligation required under the order, that
18 becomes due and remains unpaid as of the end of each month,
19 excluding the child support that was due for that month to the
20 extent that it was not paid in that month, shall accrue simple
21 interest as set forth in Section 12-109 of the Code of Civil
22 Procedure. Failure to include the statement in the order for
23 support does not affect the validity of the order or the
24 accrual of interest as provided in this Section.

25 (c) A one-time charge of 20% is imposable upon the amount
26 of past-due child support owed on July 1, 1988 which has

1 accrued under a support order entered by the court. The charge
2 shall be imposed in accordance with the provisions of Section
3 10-21 of the Illinois Public Aid Code and shall be enforced by
4 the court upon petition.

5 (d) Any new or existing support order entered by the court
6 under this Section shall be deemed to be a series of judgments
7 against the person obligated to pay support thereunder, each
8 such judgment to be in the amount of each payment or
9 installment of support and each such judgment to be deemed
10 entered as of the date the corresponding payment or installment
11 becomes due under the terms of the support order. Each such
12 judgment shall have the full force, effect and attributes of
13 any other judgment of this State, including the ability to be
14 enforced. Notwithstanding any other State or local law to the
15 contrary, a lien arises by operation of law against the real
16 and personal property of the noncustodial parent for each
17 installment of overdue support owed by the noncustodial parent.

18 (e) When child support is to be paid through the clerk of
19 the court in a county of 1,000,000 inhabitants or less, the
20 order shall direct the obligor to pay to the clerk, in addition
21 to the child support payments, all fees imposed by the county
22 board under paragraph (3) of subsection (u) of Section 27.1 of
23 the Clerks of Courts Act. Unless paid in cash or pursuant to an
24 order for withholding, the payment of the fee shall be by a
25 separate instrument from the support payment and shall be made
26 to the order of the Clerk.

1 (f) All orders for support, when entered or modified, shall
2 include a provision requiring the obligor to notify the court
3 and, in cases in which a party is receiving child and spouse
4 services under Article X of the Illinois Public Aid Code, the
5 Department of Healthcare and Family Services, within 7 days,
6 (i) of the name and address of any new employer of the obligor,
7 (ii) whether the obligor has access to health insurance
8 coverage through the employer or other group coverage and, if
9 so, the policy name and number and the names of persons covered
10 under the policy, and (iii) of any new residential or mailing
11 address or telephone number of the non-custodial parent. In any
12 subsequent action to enforce a support order, upon a sufficient
13 showing that a diligent effort has been made to ascertain the
14 location of the non-custodial parent, service of process or
15 provision of notice necessary in the case may be made at the
16 last known address of the non-custodial parent in any manner
17 expressly provided by the Code of Civil Procedure or this Act,
18 which service shall be sufficient for purposes of due process.

19 (g) An order for support shall include a date on which the
20 current support obligation terminates. The termination date
21 shall be no earlier than the date on which the child covered by
22 the order will attain the age of 18. However, if the child will
23 not graduate from high school until after attaining the age of
24 18, then the termination date shall be no earlier than the
25 earlier of the date on which the child's high school graduation
26 will occur or the date on which the child will attain the age

1 of 19. The order for support shall state that the termination
2 date does not apply to any arrearage that may remain unpaid on
3 that date. Nothing in this subsection shall be construed to
4 prevent the court from modifying the order or terminating the
5 order in the event the child is otherwise emancipated.

6 (g-5) If there is an unpaid arrearage or delinquency (as
7 those terms are defined in the Income Withholding for Support
8 Act) equal to at least one month's support obligation on the
9 termination date stated in the order for support or, if there
10 is no termination date stated in the order, on the date the
11 child attains the age of majority or is otherwise emancipated,
12 the periodic amount required to be paid for current support of
13 that child immediately prior to that date shall automatically
14 continue to be an obligation, not as current support but as
15 periodic payment toward satisfaction of the unpaid arrearage or
16 delinquency. That periodic payment shall be in addition to any
17 periodic payment previously required for satisfaction of the
18 arrearage or delinquency. The total periodic amount to be paid
19 toward satisfaction of the arrearage or delinquency may be
20 enforced and collected by any method provided by law for
21 enforcement and collection of child support, including but not
22 limited to income withholding under the Income Withholding for
23 Support Act. Each order for support entered or modified on or
24 after the effective date of this amendatory Act of the 93rd
25 General Assembly must contain a statement notifying the parties
26 of the requirements of this subsection. Failure to include the

1 statement in the order for support does not affect the validity
2 of the order or the operation of the provisions of this
3 subsection with regard to the order. This subsection shall not
4 be construed to prevent or affect the establishment or
5 modification of an order for support of a minor child or the
6 establishment or modification of an order for support of a
7 non-minor child or educational expenses under Section 513 of
8 this Act.

9 (h) An order entered under this Section shall include a
10 provision requiring the obligor to report to the obligee and to
11 the clerk of court within 10 days each time the obligor obtains
12 new employment, and each time the obligor's employment is
13 terminated for any reason. The report shall be in writing and
14 shall, in the case of new employment, include the name and
15 address of the new employer. Failure to report new employment
16 or the termination of current employment, if coupled with
17 nonpayment of support for a period in excess of 60 days, is
18 indirect criminal contempt. For any obligor arrested for
19 failure to report new employment bond shall be set in the
20 amount of the child support that should have been paid during
21 the period of unreported employment. An order entered under
22 this Section shall also include a provision requiring the
23 obligor and obligee parents to advise each other of a change in
24 residence within 5 days of the change except when the court
25 finds that the physical, mental, or emotional health of a party
26 or that of a child, or both, would be seriously endangered by

1 disclosure of the party's address.

2 (i) The court does not lose the powers of contempt,
3 driver's license suspension, or other child support
4 enforcement mechanisms, including, but not limited to,
5 criminal prosecution as set forth in this Act, upon the
6 emancipation of the minor child or children.

7 (Source: P.A. 96-1134, eff. 7-21-10; 97-186, eff. 7-22-11;
8 97-608, eff. 1-1-12; 97-813, eff. 7-13-12; 97-878, eff. 8-2-12;
9 97-941, eff. 1-1-13; 97-1029, eff. 1-1-13; revised 8-23-12.)

10 Section 495. The Adoption Act is amended by changing
11 Section 10 as follows:

12 (750 ILCS 50/10) (from Ch. 40, par. 1512)

13 Sec. 10. Forms of consent and surrender; execution and
14 acknowledgment thereof.

15 A. The form of consent required for the adoption of a born
16 child shall be substantially as follows:

17 FINAL AND IRREVOCABLE CONSENT TO ADOPTION

18 I,, (relationship, e.g., mother, father, relative,
19 guardian) of, a ..male child, state:

20 That such child was born on at

21 That I reside at, County of and State of

22 That I am of the age of years.

23 That I hereby enter my appearance in this proceeding and
24 waive service of summons on me.

1 That I hereby acknowledge that I have been provided with a
 2 copy of the Birth Parent Rights and Responsibilities-Private
 3 Form before signing this Consent and that I have had time to
 4 read, or have had read to me, this Form. I understand that if I
 5 do not receive any of the rights as described in this Form, it
 6 shall not constitute a basis to revoke this Final and
 7 Irrevocable Consent.

8 That I do hereby consent and agree to the adoption of such
 9 child.

10 That I wish to and understand that by signing this consent
 11 I do irrevocably and permanently give up all custody and other
 12 parental rights I have to such child.

13 That I understand such child will be placed for adoption
 14 and that I cannot under any circumstances, after signing this
 15 document, change my mind and revoke or cancel this consent or
 16 obtain or recover custody or any other rights over such child.
 17 That I have read and understand the above and I am signing it
 18 as my free and voluntary act.

19 Dated (insert date).

20

21 If under Section 8 the consent of more than one person is
 22 required, then each such person shall execute a separate
 23 consent.

24 A-1. (1) The form of the Final and Irrevocable Consent to
 25 Adoption by a Specified Person or Persons: Non-DCFS Case set

1 forth in this subsection A-1 is to be used by legal parents
2 only. This form is not to be used in cases in which there is a
3 pending petition under Section 2-13 of the Juvenile Court Act
4 of 1987.

5 (2) The form of the Final and Irrevocable Consent to
6 Adoption by a Specified Person or Persons in a non-DCFS case
7 shall have the caption of the proceeding in which it is to be
8 filed and shall be substantially as follows:

9 FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY

10 A SPECIFIED PERSON OR PERSONS; NON-DCFS CASE

11 I,, (relationship, e.g., mother, father) of, a
12 ..male child, state:

13 1. That such child was born on, at, City of ...
14 and State of

15 2. That I reside at, County of and State of

16 3. That I am of the age of years.

17 4. That I hereby enter my appearance in this proceeding and
18 waive service of summons on me.

19 5. That I hereby acknowledge that I have been provided a
20 copy of the Birth Parent Rights and Responsibilities-Private
21 Form before signing this Consent and that I have had time to
22 read, or have had read to me, this Form and that I understand
23 the Rights and Responsibilities described in this Form. I
24 understand that if I do not receive any of my rights as
25 described in said Form, it shall not constitute a basis to
26 revoke this Final and Irrevocable Consent to Adoption by a

1 Specified Person.

2 6. That I do hereby consent and agree to the adoption of
3 such child by (specified persons) only.

4 7. That I wish to and understand that upon signing this
5 consent I do irrevocably and permanently give up all custody
6 and other parental rights I have to such child if such child is
7 adopted by (specified person or persons). I hereby
8 transfer all of my rights to the custody, care and control of
9 such child to (specified person
10 or persons).

11 8. That I understand such child will be adopted by
12 (specified person or persons) and that
13 I cannot under any circumstances, after signing this document,
14 change my mind and revoke or cancel this consent or obtain or
15 recover custody or any other rights over such child if
16 (specified person or persons)
17 adopt(s) such child; PROVIDED that each specified person has
18 filed or shall file, within 60 days from the date hereof, a
19 petition for the adoption of such child.

20 9. That if the specified person or persons designated
21 herein do not file a petition for adoption within the
22 time-frame specified above, or, if said petition for adoption
23 is filed within the time-frame specified above but the adoption
24 petition is dismissed with prejudice or the adoption proceeding
25 is otherwise concluded without an order declaring the child to
26 be the adopted child of the specified person or persons, then I

1 understand that I will receive written notice of such
2 circumstances within 10 business days of their occurrence. I
3 understand that the notice will be directed to me using the
4 contact information I have provided in this consent. I
5 understand that I will have 10 business days from the date that
6 the written notice is sent to me to respond, within which time
7 I may request the Court to declare this consent voidable and
8 return the child to me. I further understand that the Court
9 will make the final decision of whether or not the child will
10 be returned to me. If I do not make such request within 10
11 business days of the date of the notice, then I expressly waive
12 any other notice or service of process in any legal proceeding
13 for the adoption of the child.

14 10. That I expressly acknowledge that nothing in this
15 Consent impairs the validity and absolute finality of this
16 Consent under any circumstance other than those described in
17 paragraph 9 of this Consent.

18 11. That I understand that I have a remaining duty and
19 obligation to keep (insert name and address of
20 the attorney for the specified person or persons) informed of
21 my current address or other preferred contact information until
22 this adoption has been finalized. My failure to do so may
23 result in the termination of my parental rights and the child
24 being placed for adoption in another home.

25 12. That I do expressly waive any other notice or service
26 of process in any of the legal proceedings for the adoption of

1 the child as long as the adoption proceeding by the specified
2 person or persons is pending.

3 13. That I have read and understand the above and I am
4 signing it as my free and voluntary act.

5 14. That I acknowledge that this consent is valid even if
6 the specified person or persons separate or divorce or one of
7 the specified persons dies prior to the entry of the final
8 judgment for adoption.

9 Dated (insert date).

10

11 Signature of parent.

12

13 Address of parent.

14

15 Phone number(s) of parent.

16

17 Personal email(s) of parent.

18

19 (3) The form of the certificate of acknowledgement for a
20 Final and Irrevocable Consent for Adoption by a Specified
21 Person or Persons: Non-DCFS Case shall be substantially as
22 follows:

23 STATE OF)

24) SS.

25 COUNTY OF)

1 I, (Name of Judge or other person),
2 (official title, name, and address),
3 certify that, personally known to me to be the
4 same person whose name is subscribed to the foregoing Final and
5 Irrevocable Consent for Adoption by a Specified Person or
6 Persons; non-DCFS case, appeared before me this day in person
7 and acknowledged that (she)(he) signed and delivered the
8 consent as (her)(his) free and voluntary act, for the specified
9 purpose. I am further satisfied that, before signing this
10 Consent, has read, or has had read to him or her, the
11 Birth Parent Rights and Responsibilities-Private Form.

12 A-2. Birth Parent Rights and Responsibilities-Private
13 Form. The Birth Parent Rights and Responsibilities-Private
14 Form must be read by, or have been read to, any person
15 executing a Final and Irrevocable Consent to Adoption under
16 subsection A, a Final and Irrevocable Consent to Adoption by a
17 Specified Person or Persons: Non-DCFS Case under subsection
18 A-1, or a Consent to Adoption of Unborn Child under subsection
19 B prior to the execution of said Consent. The form of the Birth
20 Parent Rights and Responsibilities-Private Form shall be
21 substantially as follows:

22 Birth Parent Rights and Responsibilities-Private Form

23 As a birth parent in the State of Illinois, you have the
24 right:

25 1. To have your own attorney represent you. The prospective
26 adoptive parents may agree to pay for the cost of your attorney

1 in a manner consistent with Illinois law, but they are not
2 required to do so.

3 2. To be treated with dignity and respect at all times and
4 to make decisions free from coercion and pressure.

5 3. To receive counseling before and after signing a Final
6 and Irrevocable Consent to Adoption ("Consent"), a Final and
7 Irrevocable Consent to Adoption by a Specified Person or
8 Persons: Non-DCFS Case ("Specified Consent"), or a Consent to
9 Adoption of Unborn Child ("Unborn Consent"). The prospective
10 adoptive parents may agree to pay for the cost of counseling in
11 a manner consistent with Illinois law, but they are not
12 required to do so.

13 4. To ask to be involved in choosing your child's
14 prospective adoptive parents and to ask to meet them.

15 5. To ask your child's prospective adoptive parents any
16 questions that pertain to your decision to place your child
17 with them.

18 6. To see your child before signing a Consent or Specified
19 Consent.

20 7. To request contact with your child and/or the child's
21 prospective adoptive parents, with the understanding that any
22 promises regarding contact with your child or receipt of
23 information about the child after signing a Consent, Specified
24 Consent, or Unborn Consent cannot be enforced under Illinois
25 law.

26 8. To receive copies of all documents that you sign and

1 have those documents provided to you in your preferred
2 language.

3 9. To request that your identifying information remain
4 confidential, unless required otherwise by Illinois law or
5 court order, and to register with the Illinois Adoption
6 Registry and Medical Information Exchange.

7 10. To work with an adoption agency or attorney of your
8 choice, or change said agency or attorney, provided you
9 promptly inform all of the parties currently involved.

10 11. To receive, upon request, a written list of any
11 promised support, financial or otherwise, from your attorney or
12 the attorney for your child's prospective adoptive parents.

13 12. To delay signing a Consent, Specified Consent, or
14 Unborn Consent if you are not ready to do so.

15 13. To decline to sign a Consent, Specified Consent, or
16 Unborn Consent even if you have received financial support from
17 the prospective adoptive parents.

18 If you do not receive any of the rights described in this
19 Form, it shall not be a basis to revoke a Consent, Specified
20 Consent, or Unborn Consent.

21 As a Birth Parent in the State of Illinois, you have the
22 responsibility:

23 1. To carefully consider your reasons for choosing
24 adoption.

25 2. To voluntarily provide all known medical, background,
26 and family information about yourself and your immediate family

1 to your child's prospective adoptive parents or their attorney.
2 For the health of your child, you are strongly encouraged, but
3 not required, to provide all known medical, background, and
4 family history information about yourself and your family to
5 your child's prospective adoptive parents or their attorney.

6 3. (Birth mothers only) To accurately complete an Affidavit
7 of Identification, which identifies the father of the child
8 when known, with the understanding that a birth mother has a
9 right to decline to identify the birth father.

10 4. To not accept financial support or reimbursement of
11 pregnancy related expenses simultaneously from more than one
12 source.

13 B. The form of consent required for the adoption of an
14 unborn child shall be substantially as follows:

15 CONSENT TO ADOPTION OF UNBORN CHILD

16 I,, state:

17 That I am the father of a child expected to be born on or
18 about to (name of mother).

19 That I reside at County of, and State of

20 That I am of the age of years.

21 That I hereby enter my appearance in such adoption
22 proceeding and waive service of summons on me.

23 That I hereby acknowledge that I have been provided with a
24 copy of the Birth Parent Rights and Responsibilities-Private
25 Form before signing this Consent, and that I have had time to
26 read, or have had read to me, this Form. I understand that if I

1 do not receive any of the rights as described in this Form, it
2 shall not constitute a basis to revoke this Consent to Adoption
3 of Unborn Child.

4 That I do hereby consent and agree to the adoption of such
5 child, and that I have not previously executed a consent or
6 surrender with respect to such child.

7 That I wish to and do understand that by signing this
8 consent I do irrevocably and permanently give up all custody
9 and other parental rights I have to such child, except that I
10 have the right to revoke this consent by giving written notice
11 of my revocation not later than 72 hours after the birth of the
12 child.

13 That I understand such child will be placed for adoption
14 and that, except as hereinabove provided, I cannot under any
15 circumstances, after signing this document, change my mind and
16 revoke or cancel this consent or obtain or recover custody or
17 any other rights over such child.

18 That I have read and understand the above and I am signing
19 it as my free and voluntary act.

20 Dated (insert date).

21

22 B-5. (1) The parent of a child may execute a consent to
23 standby adoption by a specified person or persons. A consent
24 under this subsection B-5 shall be acknowledged by a parent
25 pursuant to subsection H and subsection K of this Section. The
26 form of consent required for the standby adoption of a born

1 child effective at a future date when the consenting parent of
2 the child dies or requests that a final judgment of adoption be
3 entered shall be substantially as follows:

4 FINAL AND IRREVOCABLE CONSENT

5 TO STANDBY ADOPTION

6 I, ..., (relationship, e.g. mother or father) of ..., a
7 ..male child, state:

8 That the child was born on at

9 That I reside at, County of, and State of

10 That I am of the age of years.

11 That I hereby enter my appearance in this proceeding and
12 waive service of summons on me in this action only.

13 That I do hereby consent and agree to the standby adoption
14 of the child, and that I have not previously executed a consent
15 or surrender with respect to the child.

16 That I wish to and understand that by signing this consent
17 I do irrevocably and permanently give up all custody and other
18 parental rights I have to the child, effective upon (my death)
19 (the child's other parent's death) or upon (my) (the other
20 parent's) request for the entry of a final judgment for
21 adoption if (specified person or persons) adopt my child.

22 That I understand that until (I die) (the child's other
23 parent dies), I retain all legal rights and obligations
24 concerning the child, but at that time, I irrevocably give all
25 custody and other parental rights to (specified person or
26 persons).

1 I understand my child will be adopted by (specified
 2 person or persons) only and that I cannot, under any
 3 circumstances, after signing this document, change my mind and
 4 revoke or cancel this consent or obtain or recover custody or
 5 any other rights over my child if (specified person or
 6 persons) adopt my child.

7 I understand that this consent to standby adoption is valid
 8 only if the petition for standby adoption is filed and that if
 9 (specified person or persons), for any reason, cannot
 10 or will not file a petition for standby adoption or if his,
 11 her, or their petition for standby adoption is denied, then
 12 this consent is void. I have the right to notice of any other
 13 proceeding that could affect my parental rights.

14 That I have read and understand the above and I am signing
 15 it as my free and voluntary act.

16 Dated (insert date).
 17

18 If under Section 8 the consent of more than one person is
 19 required, then each such person shall execute a separate
 20 consent. A separate consent shall be executed for each child.

21 (2) If the parent consents to a standby adoption by 2
 22 specified persons, then the form shall contain 2 additional
 23 paragraphs in substantially the following form:

24 If (specified persons) obtain a judgment of
 25 dissolution of marriage before the judgment for adoption is

1 entered, then (specified person) shall adopt my child. I
2 understand that I cannot change my mind and revoke this consent
3 or obtain or recover custody of my child if (specified
4 persons) obtain a judgment of dissolution of marriage and
5 (specified person) adopts my child. I understand that I cannot
6 change my mind and revoke this consent if (specified
7 persons) obtain a judgment of dissolution of marriage before
8 the adoption is final. I understand that this consent to
9 adoption has no effect on who will get custody of my child if
10 (specified persons) obtain a judgment of dissolution of
11 marriage after the adoption is final. I understand that if
12 either (specified persons) dies before the petition to
13 adopt my child is granted, then the surviving person may adopt
14 my child. I understand that I cannot change my mind and revoke
15 this consent or obtain or recover custody of my child if the
16 surviving person adopts my child.

17 A consent to standby adoption by specified persons on this
18 form shall have no effect on a court's determination of custody
19 or visitation under the Illinois Marriage and Dissolution of
20 Marriage Act if the marriage of the specified persons is
21 dissolved before the adoption is final.

22 (3) The form of the certificate of acknowledgement for a
23 Final and Irrevocable Consent for Standby Adoption shall be
24 substantially as follows:

25 STATE OF)

1) SS.

2 COUNTY OF)

3 I, (name of Judge or other person) (official
4 title, name, and address), certify that, personally
5 known to me to be the same person whose name is subscribed to
6 the foregoing Final and Irrevocable Consent to Standby
7 Adoption, appeared before me this day in person and
8 acknowledged that (she) (he) signed and delivered the consent
9 as (her) (his) free and voluntary act, for the specified
10 purpose.

11 I have fully explained that this consent to adoption is
12 valid only if the petition to adopt is filed, and that if the
13 specified person or persons, for any reason, cannot or will not
14 adopt the child or if the adoption petition is denied, then
15 this consent will be void. I have fully explained that if the
16 specified person or persons adopt the child, by signing this
17 consent (she) (he) is irrevocably and permanently
18 relinquishing all parental rights to the child, and (she) (he)
19 has stated that such is (her) (his) intention and desire.

20 Dated (insert date).

21 Signature

22 (4) If a consent to standby adoption is executed in this
23 form, the consent shall be valid only if the specified person
24 or persons adopt the child. The consent shall be void if:

25 (a) the specified person or persons do not file a petition

1 for standby adoption of the child; or

2 (b) a court denies the standby adoption petition.

3 The parent shall not need to take further action to revoke
4 the consent if the standby adoption by the specified person or
5 persons does not occur, notwithstanding the provisions of
6 Section 11 of this Act.

7 C. The form of surrender to any agency given by a parent of
8 a born child who is to be subsequently placed for adoption
9 shall be substantially as follows and shall contain such other
10 facts and statements as the particular agency shall require.

11 FINAL AND IRREVOCABLE SURRENDER

12 FOR PURPOSES OF ADOPTION

13 I, (relationship, e.g., mother, father, relative,
14 guardian) of, a ..male child, state:

15 That such child was born on, at

16 That I reside at, County of, and State of

17 That I am of the age of years.

18 That I do hereby surrender and entrust the entire custody
19 and control of such child to the (the "Agency"), a
20 (public) (licensed) child welfare agency with its principal
21 office in the City of, County of and State of,
22 for the purpose of enabling it to care for and supervise the
23 care of such child, to place such child for adoption and to
24 consent to the legal adoption of such child.

25 That I hereby grant to the Agency full power and authority
26 to place such child with any person or persons it may in its

1 sole discretion select to become the adopting parent or parents
 2 and to consent to the legal adoption of such child by such
 3 person or persons; and to take any and all measures which, in
 4 the judgment of the Agency, may be for the best interests of
 5 such child, including authorizing medical, surgical and dental
 6 care and treatment including inoculation and anaesthesia for
 7 such child.

8 That I wish to and understand that by signing this
 9 surrender I do irrevocably and permanently give up all custody
 10 and other parental rights I have to such child.

11 That I understand I cannot under any circumstances, after
 12 signing this surrender, change my mind and revoke or cancel
 13 this surrender or obtain or recover custody or any other rights
 14 over such child.

15 That I have read and understand the above and I am signing
 16 it as my free and voluntary act.

17 Dated (insert date).
 18

19 C-5. The form of a Final and Irrevocable Designated
 20 Surrender for Purposes of Adoption to any agency given by a
 21 parent of a born child who is to be subsequently placed for
 22 adoption is to be used by legal parents only. The form shall be
 23 substantially as follows and shall contain such other facts and
 24 statements as the particular agency shall require:

25 FINAL AND IRREVOCABLE DESIGNATED SURRENDER
 26 FOR PURPOSES OF ADOPTION

1 I, (relationship, e.g., mother, father, relative,
2 guardian) of, a ..male child, state:

3 1. That such child was born on, at

4 2. That I reside at, County of, and State of
5

6 3. That I am of the age of years.

7 4. That I do hereby surrender and entrust the entire
8 custody and control of such child to the (the "Agency"), a
9 (public) (licensed) child welfare agency with its principal
10 office in the City of, County of and State of,
11 for the purpose of enabling it to care for and supervise the
12 care of such child, to place such child for adoption with
13 (specified person or persons)
14 and to consent to the legal adoption of such child and to take
15 any and all measures which, in the judgment of the Agency, may
16 be for the best interests of such child, including authorizing
17 medical, surgical and dental care and treatment including
18 inoculation and anesthesia for such child.

19 5. That I wish to and understand that by signing this
20 surrender I do irrevocably and permanently give up all custody
21 and other parental rights I have to such child.

22 6. That if the petition for adoption is not filed by the
23 specified person or persons designated herein or, if the
24 petition for adoption is filed but the adoption petition is
25 dismissed with prejudice or the adoption proceeding is
26 otherwise concluded without an order declaring the child to be

1 the adopted child of each specified person, then I understand
2 that the Agency will provide notice to me within 10 business
3 days and that such notice will be directed to me using the
4 contact information I have provided to the Agency. I understand
5 that I will have 10 business days from the date that the Agency
6 sends me its notice to respond, within which time I may choose
7 to designate other adoptive parent(s). However, I acknowledge
8 that the Agency has full power and authority to place the child
9 for adoption with any person or persons it may in its sole
10 discretion select to become the adopting parent or parents and
11 to consent to the legal adoption of the child by such person or
12 persons.

13 7. That I acknowledge that this surrender is valid even if
14 the specified persons separate or divorce or one of the
15 specified persons dies prior to the entry of the final judgment
16 for adoption.

17 8. That I expressly acknowledge that the above paragraphs 6
18 and 7 do not impair the validity and absolute finality of this
19 surrender under any circumstance.

20 9. That I understand that I have a remaining obligation to
21 keep the Agency informed of my current contact information
22 until the adoption of the child has been finalized if I wish to
23 be notified in the event the adoption by the specified
24 person(s) cannot proceed.

25 10. That I understand I cannot under any circumstances,
26 after signing this surrender, change my mind and revoke or

1 cancel this surrender or obtain or recover custody or any other
2 rights over such child.

3 11. That I have read and understand the above and I am
4 signing it as my free and voluntary act.

5 Dated (insert date).

6

7 D. The form of surrender to an agency given by a parent of
8 an unborn child who is to be subsequently placed for adoption
9 shall be substantially as follows and shall contain such other
10 facts and statements as the particular agency shall require.

11 SURRENDER OF UNBORN CHILD FOR
12 PURPOSES OF ADOPTION

13 I, (father), state:

14 That I am the father of a child expected to be born on or
15 about to (name of mother).

16 That I reside at, County of, and State of

17 That I am of the age of years.

18 That I do hereby surrender and entrust the entire custody
19 and control of such child to the (the "Agency"), a
20 (public) (licensed) child welfare agency with its principal
21 office in the City of, County of and State of,
22 for the purpose of enabling it to care for and supervise the
23 care of such child, to place such child for adoption and to
24 consent to the legal adoption of such child, and that I have
25 not previously executed a consent or surrender with respect to
26 such child.

1 I,, (father) (mother) of, an adult, state:

2 That I reside at, County of and State of

3 That I do hereby consent and agree to the adoption of such
4 adult by and

5 Dated (insert date).

6

7 F. The form of consent required for the adoption of a child
8 of the age of 14 years or over, or of an adult, to be given by
9 such person, shall be substantially as follows:

10 CONSENT

11 I,, state:

12 That I reside at, County of and State of

13 That I am of the age of years. That I hereby enter my
14 appearance in this proceeding and waive service of summons on
15 me. That I consent and agree to my adoption by and

16 Dated (insert date).

17

18 G. The form of consent given by an agency to the adoption
19 by specified persons of a child previously surrendered to it
20 shall set forth that the agency has the authority to execute
21 such consent. The form of consent given by a guardian of the
22 person of a child sought to be adopted, appointed by a court of
23 competent jurisdiction, shall set forth the facts of such
24 appointment and the authority of the guardian to execute such
25 consent.

26 H. A consent (other than that given by an agency, or

1 guardian of the person of the child sought to be adopted who
2 was appointed by a court of competent jurisdiction) shall be
3 acknowledged by a parent before a judge of a court of competent
4 jurisdiction or, except as otherwise provided in this Act,
5 before a representative of an agency, or before a person, other
6 than the attorney for the prospective adoptive parent or
7 parents, designated by a court of competent jurisdiction.

8 I. A surrender, or any other document equivalent to a
9 surrender, by which a child is surrendered to an agency shall
10 be acknowledged by the person signing such surrender, or other
11 document, before a judge of a court of competent jurisdiction,
12 or, except as otherwise provided in this Act, before a
13 representative of an agency, or before a person designated by a
14 court of competent jurisdiction.

15 J. The form of the certificate of acknowledgment for a
16 consent, a surrender, or any other document equivalent to a
17 surrender, shall be substantially as follows:

18 STATE OF)

19) SS.

20 COUNTY OF ...)

21 I, (Name of judge or other person), (official
22 title, name and location of court or status or position of
23 other person), certify that, personally known to me to be
24 the same person whose name is subscribed to the foregoing
25 (consent) (surrender), appeared before me this day in person
26 and acknowledged that (she) (he) signed and delivered such

1 (consent) (surrender) as (her) (his) free and voluntary act,
2 for the specified purpose.

3 I have fully explained that by signing such (consent)
4 (surrender) (she) (he) is irrevocably relinquishing all
5 parental rights to such child or adult and (she) (he) has
6 stated that such is (her) (his) intention and desire. (Add if
7 Consent only) I am further satisfied that, before signing this
8 Consent, has read, or has had read to him or her, the
9 Birth Parent Rights and Responsibilities-Private Form.

10 Dated (insert date).

11 Signature

12 K. When the execution of a consent or a surrender is
13 acknowledged before someone other than a judge, such other
14 person shall have his or her signature on the certificate
15 acknowledged before a notary public, in form substantially as
16 follows:

17 STATE OF)

18) SS.

19 COUNTY OF ...)

20 I, a Notary Public, in and for the County of, in the
21 State of, certify that, personally known to me to
22 be the same person whose name is subscribed to the foregoing
23 certificate of acknowledgment, appeared before me in person and
24 acknowledged that (she) (he) signed such certificate as (her)
25 (his) free and voluntary act and that the statements made in
26 the certificate are true.

1 Dated (insert date).

2 Signature Notary Public

3 (official seal)

4 There shall be attached a certificate of magistracy, or
5 other comparable proof of office of the notary public
6 satisfactory to the court, to a consent signed and acknowledged
7 in another state.

8 L. A surrender or consent executed and acknowledged outside
9 of this State, either in accordance with the law of this State
10 or in accordance with the law of the place where executed, is
11 valid.

12 M. Where a consent or a surrender is signed in a foreign
13 country, the execution of such consent shall be acknowledged or
14 affirmed in a manner conformable to the law and procedure of
15 such country.

16 N. If the person signing a consent or surrender is in the
17 military service of the United States, the execution of such
18 consent or surrender may be acknowledged before a commissioned
19 officer and the signature of such officer on such certificate
20 shall be verified or acknowledged before a notary public or by
21 such other procedure as is then in effect for such division or
22 branch of the armed forces.

23 O. (1) The parent or parents of a child in whose interests
24 a petition under Section 2-13 of the Juvenile Court Act of 1987
25 is pending may, with the approval of the designated

1 representative of the Department of Children and Family
2 Services ("Department" or "DCFS"), execute a consent to
3 adoption by a specified person or persons:

4 (a) in whose physical custody the child has resided for
5 at least 6 months; or

6 (b) in whose physical custody at least one sibling of
7 the child who is the subject of this consent has resided
8 for at least 6 months, and the child who is the subject of
9 this consent is currently residing in this foster home; or

10 (c) in whose physical custody a child under one year of
11 age has resided for at least 3 months.

12 The court may waive the time frames in subdivisions (a),
13 (b), and (c) for good cause shown if the court finds it to be in
14 the child's best interests.

15 A consent under this subsection O shall be acknowledged by
16 a parent pursuant to subsection H and subsection K of this
17 Section.

18 (2) The final and irrevocable consent to adoption by a
19 specified person or persons in a Department of Children and
20 Family Services (DCFS) case shall be substantially as follows:

21 FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY

22 A SPECIFIED PERSON OR PERSONS: DCFS CASE

23 I,, the
24 (mother or father) of amale child,
25 state:

26 1. My child (name of

1 child) was born on (insert date) at
 2 Hospital in the municipality of, in
 3 County, State of

4 2. I reside at, County of
 5 and State of

6 Mail may also be sent to me at this address
 7, in care of

8 My home telephone number is

9 My cell telephone number is

10 My e-mail address is

11 3. I,, am years old.

12 4. I enter my appearance in this action for my child to
 13 be adopted by the person or persons specified herein by me
 14 and waive service of summons on me in this action only.

15 5. I hereby acknowledge that I have been provided a
 16 copy of the Birth Parent Rights and Responsibilities for
 17 DCFS Cases before signing this Consent and that I have had
 18 time to read this form or have it read to me and that I
 19 understand the rights and responsibilities described in
 20 this form. I understand that if I do not receive any of my
 21 rights as described in the form, it shall not constitute a
 22 basis to revoke this Final and Irrevocable Consent to
 23 Adoption by a Specified Person or Persons.

24 6. I do hereby consent and agree to the adoption of
 25 such child by (specified person or persons)
 26 only.

1 7. I wish to sign this consent and I understand that by
2 signing this consent I irrevocably and permanently give up
3 all my parental rights I have to my child.

4 8. I understand that this consent allows my child to be
5 adopted by only and that I cannot under any
6 circumstances after signing this document change my mind
7 and revoke or cancel this consent.

8 9. I understand that this consent will be void if:

9 (a) the Department places my child with someone
10 other than the specified person or persons; or

11 (b) a court denies the adoption petition for the
12 specified person or persons to adopt my child; or

13 (c) the DCFS Guardianship Administrator refuses to
14 consent to my child's adoption by the specified person
15 or persons on the basis that the adoption is not in my
16 child's best interests.

17 I understand that if this consent is void I have
18 parental rights to my child, subject to any applicable
19 court orders including those entered under Article II of
20 the Juvenile Court Act of 1987, unless and until I sign a
21 new consent or surrender or my parental rights are
22 involuntarily terminated. I understand that if this
23 consent is void, my child may be adopted by someone other
24 than the specified person or persons only if I sign a new
25 consent or surrender, or my parental rights are
26 involuntarily terminated. I understand that if this

1 consent is void, the Department will notify me within 30
2 days using the addresses and telephone numbers I provided
3 in paragraph 2 of this form. I understand that if I receive
4 such a notice, it is very important that I contact the
5 Department immediately, and preferably within 30 days, to
6 have input into the plan for my child's future.

7 10. I understand that if a petition for adoption of my
8 child is filed by someone other than the specified person
9 or persons, the Department will notify me within 14 days
10 after the Department becomes aware of the petition. The
11 fact that someone other than the specified person or
12 persons files a petition to adopt my child does not make
13 this consent void.

14 11. If a person other than the specified person or
15 persons files a petition to adopt my child or if the
16 consent is void under paragraph 9, the Department will send
17 written notice to me using the mailing address and email
18 address provided by me in paragraph 2 of this form. The
19 Department will also contact me using the telephone numbers
20 I provided in paragraph 2 of this form. It is very
21 important that I let the Department know if any of my
22 contact information changes. If I do not let the Department
23 know if any of my contact information changes, I understand
24 that I may not receive notification from the Department if
25 this consent is void or if someone other than the specified
26 person or persons files a petition to adopt my child. If

1 any of my contact information changes, I should immediately
2 notify:

3 Caseworker's name and telephone number:
4 ;

5 Agency name, address, zip code, and telephone number:
6 ;

7 Supervisor's name and telephone number:
8 ;

9 DCFS Advocacy Office for Children and Families:
10 800-232-3798.

11 12. I expressly acknowledge that paragraph 9 (and
12 paragraphs 8a and 8b, if applicable) do not impair the
13 validity and finality of this consent under any
14 circumstances.

15 13. I have read and understand the above and I am
16 signing it as my free and voluntary act.

17 Dated (insert date).
18

19 Signature of parent

20 (3) If the parent consents to an adoption by 2 specified
21 persons, then the form shall contain 2 additional paragraphs in
22 substantially the following form:

23 8a. If (specified persons) get a
24 divorce or are granted a dissolution of a civil union
25 before the petition to adopt my child is granted, this
26 consent is valid for (specified person) to

1 adopt my child. I understand that I cannot change my mind
2 or revoke this consent or recover custody of my child on
3 the basis that the specified persons divorce or are granted
4 a dissolution of a civil union.

5 8b. I understand that if either
6 (specified persons) dies before the petition to adopt my
7 child is granted, this consent remains valid for the
8 surviving person to adopt my child. I understand that I
9 cannot change my mind or revoke this consent or recover
10 custody of my child on the basis that one of the specified
11 persons dies.

12 (4) The form of the certificate of acknowledgement for a
13 Final and Irrevocable Consent for Adoption by a Specified
14 Person or Persons: DCFS Case shall be substantially as follows:

15 STATE OF)
16) SS.
17 COUNTY OF)

18 I, (Name of Judge or other person),
19 (official title, name, and address),
20 certify that, personally known to me to be the
21 same person whose name is subscribed to the foregoing Final and
22 Irrevocable Consent for Adoption by a Specified Person or
23 Persons: DCFS Case, appeared before me this day in person and
24 acknowledged that (she) (he) signed and delivered the consent as

1 (her) (his) free and voluntary act, for the specified purpose.

2 I have fully explained that by signing this consent this
3 parent is irrevocably and permanently relinquishing all
4 parental rights to the child so that the child may be adopted
5 by a specified person or persons, and this parent has stated
6 that such is (her) (his) intention and desire. I have fully
7 explained that this consent is void only if:

8 (a) the placement is disrupted and the child is moved
9 to a different placement; or

10 (b) a court denies the petition for adoption; or

11 (c) the Department of Children and Family Services
12 Guardianship Administrator refuses to consent to the
13 child's adoption by a specified person or persons on the
14 basis that the adoption is not in the child's best
15 interests.

16 Dated (insert date).

17

18 Signature

19 (5) If a consent to adoption by a specified person or
20 persons is executed in this form, the following provisions
21 shall apply. The consent shall be valid only for the specified
22 person or persons to adopt the child. The consent shall be void
23 if:

24 (a) the placement disrupts and the child is moved to
25 another placement; or

26 (b) a court denies the petition for adoption; or

1 (c) the Department of Children and Family Services
2 Guardianship Administrator refuses to consent to the
3 child's adoption by the specified person or persons on the
4 basis that the adoption is not in the child's best
5 interests.

6 If the consent is void under this Section, the parent shall
7 not need to take further action to revoke the consent. No
8 proceeding for termination of parental rights shall be brought
9 unless the parent who executed the consent to adoption by a
10 specified person or persons has been notified of the
11 proceedings pursuant to Section 7 of this Act or subsection (4)
12 of Section 2-13 of the Juvenile Court Act of 1987.

13 (6) The Department of Children and Family Services is
14 authorized to promulgate rules necessary to implement this
15 subsection O.

16 (7) (Blank).

17 (8) The Department of Children and Family Services shall
18 promulgate a rule and procedures regarding Consents to Adoption
19 by a Specified Person or Persons in DCFS cases. The rule and
20 procedures shall provide for the development of the Birth
21 Parent Rights and Responsibilities Form for DCFS Cases.

22 (9) A consent to adoption by specified persons on this
23 consent form shall have no effect on a court's determination of
24 custody or visitation under the Illinois Marriage and
25 Dissolution of Marriage Act or the Illinois Religious Freedom
26 Protection and Civil Union Act if the marriage or civil union

1 of the specified persons is dissolved after the adoption is
2 final.

3 P. If the person signing a consent is incarcerated or
4 detained in a correctional facility, prison, jail, detention
5 center, or other comparable institution, either in this State
6 or any other jurisdiction, the execution of such consent may be
7 acknowledged before social service personnel of such
8 institution, or before a person designated by a court of
9 competent jurisdiction.

10 Q. A consent may be acknowledged telephonically, via
11 audiovisual connection, or other electronic means, provided
12 that a court of competent jurisdiction has entered an order
13 approving the execution of the consent in such manner and has
14 designated an individual to be physically present with the
15 parent executing such consent in order to verify the identity
16 of the parent.

17 R. An agency whose representative is acknowledging a
18 consent pursuant to this Section shall be a public child
19 welfare agency, or a child welfare agency, or a child placing
20 agency that is authorized or licensed in the State or
21 jurisdiction in which the consent is signed.

22 S. The form of waiver by a putative or legal father of a
23 born or unborn child shall be substantially as follows:

24 FINAL AND IRREVOCABLE

25 WAIVER OF PARENTAL RIGHTS OF PUTATIVE OR LEGAL FATHER

1 I, , state under oath or affirm as
2 follows:

3 1. That the biological mother has
4 named me as a possible biological or legal father of her
5 minor child who was born, or is expected to be born on
6,, in the City/Town of....., State
7 of

8 2. That I understand that the biological mother
9 intends to or has placed the child for
10 adoption.

11 3. That I reside at, in the City/Town
12 of....., State of

13 4. That I am years of age and my date
14 of birth is,

15 5. That I (select one):
16 am married to the biological mother.
17 am not married to the biological mother and
18 have not been married to the biological mother within
19 300 days before the child's birth or expected date of
20 child's birth.

21 am not currently married to the biological
22 mother, but was married to the biological mother,
23 within 300 days before the child's birth or expected
24 date of child's birth.

25 6. That I (select one):

1 neither admit nor deny that I am the
2 biological father of the child.

3 deny that I am the biological father of the
4 child.

5 7. That I hereby agree to the termination of my
6 parental rights, if any, without further notice to me of
7 any proceeding for the adoption of the minor child, even if
8 I have taken any action to establish parental rights or
9 take any such action in the future including registering
10 with any putative father registry.

11 8. That I understand that by signing this Waiver I do
12 irrevocably and permanently give up all custody and other
13 parental rights I may have to such child.

14 9. That I understand that this Waiver is FINAL AND
15 IRREVOCABLE and that I am permanently barred from
16 contesting any proceeding for the adoption of the child
17 after I sign this Waiver.

18 10. That I waive any further service of summons or
19 other pleadings in any proceeding to terminate parental
20 rights, if any to this child, or any proceeding for
21 adoption of this child.

22 11. That I understand that if a final judgment or order
23 of adoption for this child is not entered, then any
24 parental rights or responsibilities that I may have remain
25 intact.

26 12. That I have read and understand the above and that

1 I am signing it as my free and voluntary act.

2 Dated: ,

3

4 Signature

5 OATH

6 I have been duly sworn and I state under oath that I have read
7 and understood this Final and Irrevocable Waiver of Parental
8 Rights of Putative or Legal Father. The facts contained in it
9 are true and correct to the best of my knowledge. I have signed
10 this document as my free and voluntary act in order to
11 facilitate the adoption of the child.

12

13 Signature

14 Signed and Sworn before me on

15 this day

16 of, 20....

17

18 Notary Public

19 (Source: P.A. 96-601, eff. 8-21-09; 96-1461, eff. 1-1-11;

20 97-493, eff. 8-22-11; 97-988, eff. 1-1-13; 97-1063, eff.

21 1-1-13; revised 9-20-12.)

1 Section 500. The Disposition of Remains Act is amended by
2 changing Section 5 as follows:

3 (755 ILCS 65/5)

4 Sec. 5. Right to control disposition; priority. Unless a
5 decedent has left directions in writing for the disposition or
6 designated an agent to direct the disposition of the decedent's
7 remains as provided in Section 65 of the Crematory Regulation
8 Act or in subsection (a) of Section 40 of this Act, the
9 following persons, in the priority listed, have the right to
10 control the disposition, including cremation, of the
11 decedent's remains and are liable for the reasonable costs of
12 the disposition:

13 (1) the person designated in a written instrument that
14 satisfies the provisions of Sections 10 and 15 of this Act;

15 (2) any person serving as executor or legal
16 representative of the decedent's estate and acting
17 according to the decedent's written instructions contained
18 in the decedent's will;

19 (3) the individual who was the spouse of the decedent
20 at the time of the decedent's death;

21 (4) the sole surviving competent adult child of the
22 decedent, or if there is more than one surviving competent
23 adult child of the decedent, the majority of the surviving
24 competent adult children; however, less than one-half of

1 the surviving adult children shall be vested with the
2 rights and duties of this Section if they have used
3 reasonable efforts to notify all other surviving competent
4 adult children of their instructions and are not aware of
5 any opposition to those instructions on the part of more
6 than one-half of all surviving competent adult children;

7 (5) the surviving competent parents of the decedent; if
8 one of the surviving competent parents is absent, the
9 remaining competent parent shall be vested with the rights
10 and duties of this Act after reasonable efforts have been
11 unsuccessful in locating the absent surviving competent
12 parent;

13 (6) the surviving competent adult person or persons
14 respectively in the next degrees of kindred or, if there is
15 more than one surviving competent adult person of the same
16 degree of kindred, the majority of those persons; less than
17 the majority of surviving competent adult persons of the
18 same degree of kindred shall be vested with the rights and
19 duties of this Act if those persons have used reasonable
20 efforts to notify all other surviving competent adult
21 persons of the same degree of kindred of their instructions
22 and are not aware of any opposition to those instructions
23 on the part of one-half or more of all surviving competent
24 adult persons of the same degree of kindred;

25 (7) in the case of indigents or any other individuals
26 whose final disposition is the responsibility of the State

1 or any of its instrumentalities, a public administrator,
2 medical examiner, coroner, State appointed guardian, or
3 any other public official charged with arranging the final
4 disposition of the decedent;

5 (8) in the case of individuals who have donated their
6 bodies to science, or whose death occurred in a nursing
7 home or other private institution, who have executed
8 cremation authorization forms under Section 65 of the
9 Crematory Regulation Act and the institution is charged
10 with making arrangements for the final disposition of the
11 decedent, a representative of the institution; or

12 (9) any other person or organization that is willing to
13 assume legal and financial responsibility.

14 As used in Section, "adult" means any individual who has
15 reached his or her eighteenth birthday.

16 Notwithstanding provisions to the contrary, in the case of
17 decedents who die while serving as members of the United States
18 Armed Forces, the Illinois National Guard, or the United States
19 ~~Reserve~~ Reserve Forces, as defined in Section 1481 of Title 10
20 of the United States Code, and who have executed the required
21 U.S. Department of Defense Record of Emergency Data Form (DD
22 Form 93), or successor form, the person designated in such form
23 to direct disposition of the decedent's remains shall have the
24 right to control the disposition, including cremation, of the
25 decedent's remains.

26 (Source: P.A. 96-1243, eff. 7-23-10; 97-333, eff. 8-12-11;

1 revised 8-3-12.)

2 Section 505. The Residential Real Property Disclosure Act
3 is amended by changing Section 78 as follows:

4 (765 ILCS 77/78)

5 Sec. 78. Exemption. Borrowers applying for reverse
6 mortgage financing of residential real estate including under
7 programs regulated by the Federal Housing Administration
8 ~~Authority~~ (FHA) that require HUD-certified counseling are
9 exempt from the program and may submit a HUD counseling
10 certificate to comply with the program.

11 (Source: P.A. 95-691, eff. 6-1-08; revised 8-3-12.)

12 Section 510. The Land Sales Registration Act of 1999 is
13 amended by changing Section 20-25 as follows:

14 (765 ILCS 86/20-25)

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

16 Sec. 20-25. Real Estate License Administration Fund. All
17 fees collected for registration and for civil penalties
18 pursuant to this Act and administrative rules adopted under
19 this Act shall be deposited into the Real Estate License
20 Administration Fund. The moneys deposited in the Real Estate
21 License Administration ~~License~~ Fund shall be appropriated to
22 the Department for expenses for the administration and

1 enforcement of this Act.

2 (Source: P.A. 96-855, eff. 12-31-09; revised 10-18-12.)

3 Section 515. The Condominium Property Act is amended by
4 changing Section 22.2 as follows:

5 (765 ILCS 605/22.2)

6 Sec. 22.2. Resale approval. In the event of a sale of a
7 condominium unit by a unit owner, no condominium association
8 shall exercise any right of refusal, option to purchase, or
9 right to disapprove the sale, on the basis that the purchaser's
10 financing is guaranteed by the Federal Housing Administration
11 Authority.

12 (Source: P.A. 96-228, eff. 1-1-10; revised 8-3-12.)

13 Section 520. The Health Care Services Lien Act is amended
14 by changing Section 30 as follows:

15 (770 ILCS 23/30)

16 Sec. 30. Adjudication of rights. On petition filed by the
17 injured person or the health care professional or health care
18 provider and on the petitioner's written notice to all
19 interested adverse parties, the circuit court shall adjudicate
20 the rights of all interested parties and enforce their liens. A
21 lien created under the Crime Victims Compensation Act may be
22 reduced only by the Court of Claims.

1 A petition filed under this Section may be served upon the
2 interested adverse parties by personal service, substitute
3 service, or registered or certified mail.

4 (Source: P.A. 97-817, eff. 1-1-13; 97-1042, eff. 1-1-13;
5 revised 8-23-12.)

6 Section 525. The Illinois Development Credit Corporation
7 Act is amended by changing Section 6.1 as follows:

8 (805 ILCS 35/6.1)

9 Sec. 6.1. All moneys received by the Department of
10 Financial Institutions under this Act shall be deposited in the
11 Financial Institution ~~Institutions~~ Fund created under Section
12 6z-26 of the State Finance Act.

13 (Source: P.A. 88-13; revised 10-18-12.)

14 Section 530. The Uniform Limited Partnership Act (2001) is
15 amended by changing Sections 117 and 1308 as follows:

16 (805 ILCS 215/117)

17 Sec. 117. Service of process.

18 (a) An agent for service of process appointed by a limited
19 partnership or foreign limited partnership is an agent of the
20 limited partnership or foreign limited partnership for service
21 of any process, notice, or demand required or permitted by law
22 to be served upon the limited partnership or foreign limited

1 partnership.

2 (b) If a limited partnership or foreign limited partnership
3 does not appoint or maintain an agent for service of process in
4 this State or the agent for service of process cannot with
5 reasonable diligence be found at the agent's address, the
6 Secretary of State is an agent of the limited partnership or
7 foreign limited partnership upon whom process, notice, or
8 demand may be served.

9 (c) Service under subsection (b) shall be made by the
10 person instituting the action by doing all of the following:

11 (1) serving upon the Secretary of State, or upon any
12 employee having responsibility for administering this Act,
13 a copy of the process, notice, or demand, together with any
14 papers required by law to be delivered in connection with
15 service and paying the fee prescribed by Section 1302 of
16 this Act;

17 (2) transmitting notice of the service upon the
18 Secretary of State and a copy of the process, notice, or
19 demand and accompanying papers to the limited partnership
20 being served, by registered or certified mail:

21 (A) at the last address of the agent for service of
22 process for the limited partnership or foreign limited
23 partnership shown by the records on file in the Office
24 of the Secretary of State; and

25 (B) at the address the use of which the person
26 instituting the action, suit, or proceeding knows or,

1 on the basis of reasonable inquiry, has reason to
2 believe, is most likely to result in actual notice;~~;~~

3 (3) attaching an affidavit of compliance with this
4 Section, in substantially the form that the Secretary of
5 State may by rule or regulation prescribe, to the process,
6 notice, or demand.

7 (d) Service is effected under subsection (c) at the
8 earliest of:

9 (1) the date the limited partnership or foreign limited
10 partnership receives the process, notice, or demand;

11 (2) the date shown on the return receipt, if signed on
12 behalf of the limited partnership or foreign limited
13 partnership; or

14 (3) five days after the process, notice, or demand is
15 deposited in the mail, if mailed postpaid and correctly
16 addressed.

17 (e) The Secretary of State shall keep a record of each
18 process, notice, and demand served pursuant to this Section and
19 record the time of, and the action taken regarding, the
20 service.

21 (f) This Section does not affect the right to serve
22 process, notice, or demand in any other manner provided by law.

23 (Source: P.A. 97-839, eff. 7-20-12; revised 8-3-12.)

24 (805 ILCS 215/1308)

25 Sec. 1308. Department of Business Services Special

1 Operations Fund.

2 (a) A special fund in the State Treasury is created and
3 shall be known as the Department of Business Services Special
4 Operations Fund. Moneys deposited into the Fund shall, subject
5 to appropriation, be used by the Department of Business
6 Services of the Office of the Secretary of State, hereinafter
7 "Department", to create and maintain the capability to perform
8 expedited services in response to special requests made by the
9 public for same day or 24 hour service. Moneys deposited into
10 the Fund shall be used for, but not limited to, expenditures
11 for personal services, retirement, Social Security,
12 contractual services, equipment, electronic data processing,
13 and telecommunications.

14 (b) The balance in the Fund at the end of any fiscal year
15 shall not exceed \$600,000 and any amount in excess thereof
16 shall be transferred to the General Revenue Fund.

17 (c) All fees payable to the Secretary of State under this
18 Section shall be deposited into the Fund. No other fees or
19 charges collected under this Act shall be deposited into the
20 Fund.

21 (d) "Expedited services" means services rendered within
22 the same day, or within 24 hours from the time the request
23 therefor is submitted by the filer, law firm, service company,
24 or messenger physically in person or, at the Secretary of
25 State's discretion, by electronic means, to the Department's
26 Springfield Office or Chicago Office and includes requests for

1 certified copies, photocopies, and certificates of existence
2 or abstracts of computer record made to the Department's
3 Springfield Office in person or by telephone, or requests for
4 certificates of existence or abstracts of computer record made
5 in person or by telephone to the Department's Chicago Office.

6 (e) Fees for expedited services shall be as follows:

7 Merger or conversion, \$200;

8 Certificate of limited partnership, \$100;

9 Certificate of amendment, \$100;

10 Reinstatement, \$100;

11 Application for admission to transact business, \$100;

12 Certificate of existence or abstract of computer
13 record, \$20~~;~~

14 All other filings, copies of documents, annual renewal
15 reports, and copies of documents of canceled limited
16 partnerships, \$50.

17 (Source: P.A. 97-839, eff. 7-20-12; revised 8-3-12.)

18 Section 535. The Uniform Commercial Code is amended by
19 changing Section 9-516 as follows:

20 (810 ILCS 5/9-516)

21 (Text of Section before amendment by P.A. 97-1034)

22 Sec. 9-516. What constitutes filing; effectiveness of
23 filing.

24 (a) What constitutes filing. Except as otherwise provided

1 in subsection (b), communication of a record to a filing office
2 and tender of the filing fee or acceptance of the record by the
3 filing office constitutes filing.

4 (b) Refusal to accept record; filing does not occur. Filing
5 does not occur with respect to a record that a filing office
6 refuses to accept because:

7 (1) the record is not communicated by a method or
8 medium of communication authorized by the filing office;

9 (2) an amount equal to or greater than the applicable
10 filing fee is not tendered;

11 (3) the filing office is unable to index the record
12 because:

13 (A) in the case of an initial financing statement,
14 the record does not provide a name for the debtor;

15 (B) in the case of an amendment or correction
16 statement, the record:

17 (i) does not identify the initial financing
18 statement as required by Section 9-512 or 9-518, as
19 applicable;

20 (ii) identifies an initial financing statement
21 whose effectiveness has lapsed under Section
22 9-515; or

23 (iii) identifies an initial financing
24 statement which was terminated pursuant to Section
25 9-501.1;

26 (C) in the case of an initial financing statement

1 that provides the name of a debtor identified as an
2 individual or an amendment that provides a name of a
3 debtor identified as an individual which was not
4 previously provided in the financing statement to
5 which the record relates, the record does not identify
6 the debtor's last name;

7 (D) in the case of a record filed or recorded in
8 the filing office described in Section 9-501(a)(1),
9 the record does not provide a sufficient description of
10 the real property to which it relates; or

11 (E) in the case of a record submitted to the filing
12 office described in Section 9-501(a)(1), the filing
13 office has reason to believe, from information
14 contained in the record or from the person that
15 communicated the record to the office, that: (i) if the
16 record indicates that the debtor is a transmitting
17 utility, the debtor does not meet the definition of a
18 transmitting utility as described in Section
19 9-102(a)(81); (ii) if the record indicates that the
20 transaction relating to the record is a
21 manufactured-home transaction, the transaction does
22 not meet the definition of a manufactured-home
23 transaction as described in Section 9-102(a)(54); or
24 (iii) if the record indicates that the transaction
25 relating to the record is a public-finance
26 transaction, the transaction does not meet the

1 definition of a public-finance transaction as
2 described in Section 9-102(a)(67);

3 (3.5) in the case of an initial financing statement or
4 an amendment, if the filing office believes in good faith
5 that the record was communicated to the filing office in
6 violation of Section 9-501.1(a);

7 (4) in the case of an initial financing statement or an
8 amendment that adds a secured party of record, the record
9 does not provide a name and mailing address for the secured
10 party of record;

11 (5) in the case of an initial financing statement or an
12 amendment that provides a name of a debtor which was not
13 previously provided in the financing statement to which the
14 amendment relates, the record does not:

15 (A) provide a mailing address for the debtor;

16 (B) indicate whether the debtor is an individual or
17 an organization; or

18 (C) if the financing statement indicates that the
19 debtor is an organization, provide:

20 (i) a type of organization for the debtor;

21 (ii) a jurisdiction of organization for the
22 debtor; or

23 (iii) an organizational identification number
24 for the debtor or indicate that the debtor has
25 none;

26 (6) in the case of an assignment reflected in an

1 initial financing statement under Section 9-514(a) or an
2 amendment filed under Section 9-514(b), the record does not
3 provide a name and mailing address for the assignee; or

4 (7) in the case of a continuation statement, the record
5 is not filed within the six-month period prescribed by
6 Section 9-515(d).

7 (c) Rules applicable to subsection (b). For purposes of
8 subsection (b):

9 (1) a record does not provide information if the filing
10 office is unable to read or decipher the information; and

11 (2) a record that does not indicate that it is an
12 amendment or identify an initial financing statement to
13 which it relates, as required by Section 9-512, 9-514, or
14 9-518, is an initial financing statement.

15 (d) Refusal to accept record; record effective as filed
16 record. A record that is communicated to the filing office with
17 tender of the filing fee, but which the filing office refuses
18 to accept for a reason other than one set forth in subsection
19 (b), is effective as a filed record except as against a
20 purchaser of the collateral which gives value in reasonable
21 reliance upon the absence of the record from the files.

22 (e) The Secretary of State may refuse to accept a record
23 for filing under subdivision (b) (3) (E) or (b) (3.5) only if the
24 refusal is approved by the Department of Business Services of
25 the Secretary of State and the General Counsel to the Secretary
26 of State.

1 (Source: P.A. 97-836, eff. 7-20-12.)

2 (Text of Section after amendment by P.A. 97-1034)

3 Sec. 9-516. What constitutes filing; effectiveness of
4 filing.

5 (a) What constitutes filing. Except as otherwise provided
6 in subsection (b), communication of a record to a filing office
7 and tender of the filing fee or acceptance of the record by the
8 filing office constitutes filing.

9 (b) Refusal to accept record; filing does not occur. Filing
10 does not occur with respect to a record that a filing office
11 refuses to accept because:

12 (1) the record is not communicated by a method or
13 medium of communication authorized by the filing office;

14 (2) an amount equal to or greater than the applicable
15 filing fee is not tendered;

16 (3) the filing office is unable to index the record
17 because:

18 (A) in the case of an initial financing statement,
19 the record does not provide a name for the debtor;

20 (B) in the case of an amendment or information
21 statement, the record:

22 (i) does not identify the initial financing
23 statement as required by Section 9-512 or 9-518, as
24 applicable;

25 (ii) identifies an initial financing statement

1 whose effectiveness has lapsed under Section
2 9-515; or

3 (iii) identifies an initial financing
4 statement which was terminated pursuant to Section
5 9-501.1;

6 (C) in the case of an initial financing statement
7 that provides the name of a debtor identified as an
8 individual or an amendment that provides a name of a
9 debtor identified as an individual which was not
10 previously provided in the financing statement to
11 which the record relates, the record does not identify
12 the debtor's surname;

13 (D) in the case of a record filed or recorded in
14 the filing office described in Section 9-501(a)(1),
15 the record does not provide a sufficient description of
16 the real property to which it relates; or

17 (E) in the case of a record submitted to the filing
18 office described in Section 9-501(a)(1), the filing
19 office has reason to believe, from information
20 contained in the record or from the person that
21 communicated the record to the office, that: (i) if the
22 record indicates that the debtor is a transmitting
23 utility, the debtor does not meet the definition of a
24 transmitting utility as described in Section
25 9-102(a)(81); (ii) if the record indicates that the
26 transaction relating to the record is a

1 manufactured-home transaction, the transaction does
2 not meet the definition of a manufactured-home
3 transaction as described in Section 9-102(a)(54); or
4 (iii) if the record indicates that the transaction
5 relating to the record is a public-finance
6 transaction, the transaction does not meet the
7 definition of a public-finance transaction as
8 described in Section 9-102(a)(67);

9 (3.5) in the case of an initial financing statement or
10 an amendment, if the filing office believes in good faith
11 that the record was communicated to the filing office in
12 violation of Section 9-501.1(a);

13 (4) in the case of an initial financing statement or an
14 amendment that adds a secured party of record, the record
15 does not provide a name and mailing address for the secured
16 party of record;

17 (5) in the case of an initial financing statement or an
18 amendment that provides a name of a debtor which was not
19 previously provided in the financing statement to which the
20 amendment relates, the record does not:

21 (A) provide a mailing address for the debtor; or

22 (B) indicate whether the name provided as the name
23 of the debtor is the name of an individual or an
24 organization;

25 (6) in the case of an assignment reflected in an
26 initial financing statement under Section 9-514(a) or an

1 amendment filed under Section 9-514(b), the record does not
2 provide a name and mailing address for the assignee; or

3 (7) in the case of a continuation statement, the record
4 is not filed within the six-month period prescribed by
5 Section 9-515(d).

6 (c) Rules applicable to subsection (b). For purposes of
7 subsection (b):

8 (1) a record does not provide information if the filing
9 office is unable to read or decipher the information; and

10 (2) a record that does not indicate that it is an
11 amendment or identify an initial financing statement to
12 which it relates, as required by Section 9-512, 9-514, or
13 9-518, is an initial financing statement.

14 (d) Refusal to accept record; record effective as filed
15 record. A record that is communicated to the filing office with
16 tender of the filing fee, but which the filing office refuses
17 to accept for a reason other than one set forth in subsection
18 (b), is effective as a filed record except as against a
19 purchaser of the collateral which gives value in reasonable
20 reliance upon the absence of the record from the files.

21 (e) The Secretary of State may refuse to accept a record
22 for filing under subdivision (b)(3)(E) or (b)(3.5) only if the
23 refusal is approved by the Department of Business Services of
24 the Secretary of State and the General Counsel to the Secretary
25 of State.

26 (Source: P.A. 97-836, eff. 7-20-12; 97-1034, eff. 7-1-13;

1 revised 9-11-12.)

2 Section 540. The Recyclable Metal Purchase Registration
3 Law is amended by changing Section 3 as follows:

4 (815 ILCS 325/3) (from Ch. 121 1/2, par. 323)

5 Sec. 3. Records of purchases. Except as provided in Section
6 of this Act every recyclable metal dealer in this State shall
7 enter into an electronic record-keeping system for each
8 purchase of recyclable metal or recyclable metal containing
9 copper the following information:

- 10 1. The name and address of the recyclable metal dealer;
- 11 2. The date and place of each purchase;
- 12 3. The name and address of the person or persons from
13 whom the recyclable metal was purchased, which shall be
14 verified from a valid driver's license or other
15 government-issued photo identification. The recyclable
16 metal dealer shall make and record a photocopy or
17 electronic scan of the driver's license or other
18 government-issued photo identification. If the person
19 delivering the recyclable metal does not have a valid
20 driver's license or other government-issued photo
21 identification, the recyclable metal dealer shall not
22 complete the transaction;
- 23 4. The motor vehicle license number and state of
24 issuance of the motor vehicle license number of the vehicle

1 or conveyance on which the recyclable metal was delivered
2 to the recyclable metal dealer;

3 5. A description of the recyclable metal purchased,
4 including the weight and whether it consists of bars,
5 cable, ingots, rods, tubing, wire, wire scraps, clamps,
6 connectors, other appurtenances, or some combination
7 thereof;

8 6. Photographs or video, or both, of the seller and of
9 the materials as presented on the scale; and

10 7. A declaration signed and dated by the person or
11 persons from whom the recyclable metal was purchased which
12 states the following:

13 "I, the undersigned, affirm under penalty of law
14 that the property that is subject to this transaction
15 is not to the best of my knowledge stolen property."

16 A copy of the recorded information shall be kept in an
17 electronic record-keeping system by the recyclable metal
18 dealer. Purchase records shall be retained for a period of 3
19 years. Photographs shall be retained for a period of 3 months
20 and video recordings shall be retained for a period of one
21 month. The electronic record-keeping system shall be made
22 available for inspection by any law enforcement official or the
23 representatives of common carriers and persons, firms,
24 corporations or municipal corporations engaged in either the
25 generation, transmission or distribution of electric energy or
26 engaged in telephone, telegraph or other communications, at any

1 time.

2 (Source: P.A. 96-507, eff. 8-14-09; 97-923, eff. 1-1-13;
3 97-924, eff. 1-1-13; revised 8-23-12.)

4 Section 545. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by setting forth and renumbering
6 multiple versions of Section 2MMM as follows:

7 (815 ILCS 505/2MMM)

8 Sec. 2MMM. Violations of the Private Business and
9 Vocational Schools Act of 2012. A school subject to the Private
10 Business and Vocational Schools Act of 2012 commits an unlawful
11 practice within the meaning of this Act when it violates
12 subsection (k) of Section 85 of the Private Business and
13 Vocational Schools Act of 2012.

14 (Source: P.A. 97-650, eff. 2-1-12.)

15 (815 ILCS 505/2PPP)

16 Sec. 2PPP ~~2MMM~~. Internet dating safety. It is an unlawful
17 practice under this Act for an Internet dating service to fail
18 to provide notice or falsely indicate that it has performed
19 criminal background screenings in accordance with the Internet
20 Dating Safety Act.

21 (Source: P.A. 97-1056, eff. 8-24-12; revised 1-24-13.)

22 Section 550. The Day and Temporary Labor Services Act is

1 amended by changing Section 80 as follows:

2 (820 ILCS 175/80)

3 Sec. 80. Child Labor and Day and Temporary Labor Services
4 Enforcement Fund. All moneys received as fees and civil
5 penalties under this Act shall be deposited into the Child
6 Labor and Day and Temporary Labor Services Enforcement Fund and
7 may be used for the purposes set forth in Section 17.3 of the
8 Child Labor Law.

9 (Source: P.A. 92-783, eff. 1-1-03; revised 10-18-12.)

10 Section 555. The Child Labor Law is amended by changing
11 Section 17.3 as follows:

12 (820 ILCS 205/17.3) (from Ch. 48, par. 31.17-3)

13 Sec. 17.3. Any employer who violates any of the provisions
14 of this Act or any rule or regulation issued under the Act
15 shall be subject to a civil penalty of not to exceed \$5,000 for
16 each such violation. In determining the amount of such penalty,
17 the appropriateness of such penalty to the size of the business
18 of the employer charged and the gravity of the violation shall
19 be considered. The amount of such penalty, when finally
20 determined, may be

21 (1) recovered in a civil action brought by the Director
22 of Labor in any circuit court, in which litigation the
23 Director of Labor shall be represented by the Attorney

1 General;

2 (2) ordered by the court, in an action brought for
3 violation under Section 19, to be paid to the Director of
4 Labor.

5 Any administrative determination by the Department of
6 Labor of the amount of each penalty shall be final unless
7 reviewed as provided in Section 17.1 of this Act.

8 Civil penalties recovered under this Section shall be paid
9 into the Child Labor and Day and Temporary Labor Services
10 Enforcement Fund, a special fund which is hereby created in the
11 State treasury. Moneys in the Fund may be used, subject to
12 appropriation, for exemplary programs, demonstration projects,
13 and other activities or purposes related to the enforcement of
14 this Act or for the activities or purposes related to the
15 enforcement of the Day and Temporary Labor Services Act.

16 (Source: P.A. 92-783, eff. 1-1-03; revised 10-18-12.)

17 Section 560. The Unemployment Insurance Act is amended by
18 changing Sections 1402 and 1801.1 as follows:

19 (820 ILCS 405/1402) (from Ch. 48, par. 552)

20 Sec. 1402. Penalties.

21 A. If any employer fails, within the time prescribed in
22 this Act as amended and in effect on October 5, 1980, and the
23 regulations of the Director, to file a report of wages paid to
24 each of his workers, or to file a sufficient report of such

1 wages after having been notified by the Director to do so, for
2 any period which begins prior to January 1, 1982, he shall pay
3 to the Department as a penalty a sum determined in accordance
4 with the provisions of this Act as amended and in effect on
5 October 5, 1980.

6 B. Except as otherwise provided in this Section, any
7 employer who fails to file a report of wages paid to each of
8 his workers for any period which begins on or after January 1,
9 1982, within the time prescribed by the provisions of this Act
10 and the regulations of the Director, or, if the Director
11 pursuant to such regulations extends the time for filing the
12 report, fails to file it within the extended time, shall, in
13 addition to any sum otherwise payable by him under the
14 provisions of this Act, pay to the Department as a penalty a
15 sum equal to the lesser of (1) \$5 for each \$10,000 or fraction
16 thereof of the total wages for insured work paid by him during
17 the period or (2) \$2,500, for each month or part thereof of
18 such failure to file the report. With respect to an employer
19 who has elected to file reports of wages on an annual basis
20 pursuant to Section 1400.2, in assessing penalties for the
21 failure to submit all reports by the due date established
22 pursuant to that Section, the 30-day period immediately
23 following the due date shall be considered as one month.

24 If the Director deems an employer's report of wages paid to
25 each of his workers for any period which begins on or after
26 January 1, 1982, insufficient, he shall notify the employer to

1 file a sufficient report. If the employer fails to file such
2 sufficient report within 30 days after the mailing of the
3 notice to him, he shall, in addition to any sum otherwise
4 payable by him under the provisions of this Act, pay to the
5 Department as a penalty a sum determined in accordance with the
6 provisions of the first paragraph of this subsection, for each
7 month or part thereof of such failure to file such sufficient
8 report after the date of the notice.

9 For wages paid in calendar years prior to 1988, the penalty
10 or penalties which accrue under the two foregoing paragraphs
11 with respect to a report for any period shall not be less than
12 \$100, and shall not exceed the lesser of (1) \$10 for each
13 \$10,000 or fraction thereof of the total wages for insured work
14 paid during the period or (2) \$5,000. For wages paid in
15 calendar years after 1987, the penalty or penalties which
16 accrue under the 2 foregoing paragraphs with respect to a
17 report for any period shall not be less than \$50, and shall not
18 exceed the lesser of (1) \$10 for each \$10,000 or fraction of
19 the total wages for insured work paid during the period or (2)
20 \$5,000. With respect to an employer who has elected to file
21 reports of wages on an annual basis pursuant to Section 1400.2,
22 for purposes of calculating the minimum penalty prescribed by
23 this Section for failure to file the reports on a timely basis,
24 a calendar year shall constitute a single period. For reports
25 of wages paid after 1986, the Director shall not, however,
26 impose a penalty pursuant to either of the two foregoing

1 paragraphs on any employer who can prove within 30 working days
2 after the mailing of a notice of his failure to file such a
3 report, that (1) the failure to file the report is his first
4 such failure during the previous 20 consecutive calendar
5 quarters, and (2) the amount of the total contributions due for
6 the calendar quarter of such report (or, in the case of an
7 employer who is required to file the reports on a monthly
8 basis, the amount of the total contributions due for the
9 calendar quarter that includes the month of such report) is
10 less than \$500.

11 For any month which begins on or after January 1, 2013, a
12 report of the wages paid to each of an employer's workers shall
13 be due on or before the last day of the month next following
14 the calendar month in which the wages were paid if the employer
15 is required to report such wages electronically pursuant to the
16 regulations of the Director; otherwise a report of the wages
17 paid to each of the employer's workers shall be due on or
18 before the last day of the month next following the calendar
19 quarter in which the wages were paid.

20 Any employer who wilfully fails to pay any contribution or
21 part thereof, based upon wages paid prior to 1987, when
22 required by the provisions of this Act and the regulations of
23 the Director, with intent to defraud the Director, shall in
24 addition to such contribution or part thereof pay to the
25 Department a penalty equal to 50 percent of the amount of such
26 contribution or part thereof, as the case may be, provided that

1 the penalty shall not be less than \$200.

2 Any employer who willfully fails to pay any contribution or
3 part thereof, based upon wages paid in 1987 and in each
4 calendar year thereafter, when required by the provisions of
5 this Act and the regulations of the Director, with intent to
6 defraud the Director, shall in addition to such contribution or
7 part thereof pay to the Department a penalty equal to 60% of
8 the amount of such contribution or part thereof, as the case
9 may be, provided that the penalty shall not be less than \$400.

10 However, all or part of any penalty may be waived by the
11 Director for good cause shown.

12 (Source: P.A. 97-689, eff. 6-14-12; 97-791, eff. 1-1-13;
13 revised 7-23-12.)

14 (820 ILCS 405/1801.1)

15 Sec. 1801.1. Directory of New Hires.

16 A. The Director shall establish and operate an automated
17 directory of newly hired employees which shall be known as the
18 "Illinois Directory of New Hires" which shall contain the
19 information required to be reported by employers to the
20 Department under subsection B. In the administration of the
21 Directory, the Director shall comply with any requirements
22 concerning the Employer New Hire Reporting Program established
23 by the federal Personal Responsibility and Work Opportunity
24 Reconciliation Act of 1996. The Director is authorized to use
25 the information contained in the Directory of New Hires to

1 administer any of the provisions of this Act.

2 B. Each employer in Illinois, except a department, agency,
3 or instrumentality of the United States, shall file with the
4 Department a report in accordance with rules adopted by the
5 Department (but in any event not later than 20 days after the
6 date the employer hires the employee or, in the case of an
7 employer transmitting reports magnetically or electronically,
8 by 2 monthly transmissions, if necessary, not less than 12 days
9 nor more than 16 days apart) providing the following
10 information concerning each newly hired employee: the
11 employee's name, address, and social security number, the date
12 services for remuneration were first performed by the employee,
13 the employee's projected monthly wages, and the employer's
14 name, address, Federal Employer Identification Number assigned
15 under Section 6109 of the Internal Revenue Code of 1986, and
16 such other information as may be required by federal law or
17 regulation, provided that each employer may voluntarily file
18 the address to which the employer wants income withholding
19 orders to be mailed, if it is different from the address given
20 on the Federal Employer Identification Number. An employer in
21 Illinois which transmits its reports electronically or
22 magnetically and which also has employees in another state may
23 report all newly hired employees to a single designated state
24 in which the employer has employees if it has so notified the
25 Secretary of the United States Department of Health and Human
26 Services in writing. An employer may, at its option, submit

1 information regarding any rehired employee in the same manner
2 as information is submitted regarding a newly hired employee.
3 Each report required under this subsection shall, to the extent
4 practicable, be made on an Internal Revenue Service Form W-4
5 or, at the option of the employer, an equivalent form, and may
6 be transmitted by first class mail, by telefax, magnetically,
7 or electronically.

8 C. An employer which knowingly fails to comply with the
9 reporting requirements established by this Section shall be
10 subject to a civil penalty of \$15 for each individual whom it
11 fails to report. An employer shall be considered to have
12 knowingly failed to comply with the reporting requirements
13 established by this Section with respect to an individual if
14 the employer has been notified by the Department that it has
15 failed to report an individual, and it fails, without
16 reasonable cause, to supply the required information to the
17 Department within 21 days after the date of mailing of the
18 notice. Any individual who knowingly conspires with the newly
19 hired employee to cause the employer to fail to report the
20 information required by this Section or who knowingly conspires
21 with the newly hired employee to cause the employer to file a
22 false or incomplete report shall be guilty of a Class B
23 misdemeanor with a fine not to exceed \$500 with respect to each
24 employee with whom the individual so conspires.

25 D. As used in this Section, "newly hired employee" means an
26 individual who (i) is an employee within the meaning of Chapter

1 24 of the Internal Revenue Code of 1986 and (ii) either has not
2 previously been employed by the employer or was previously
3 employed by the employer but has been separated from that prior
4 employment for at least 60 consecutive days; however, "newly
5 hired employee" does not include an employee of a federal or
6 State agency performing intelligence or counterintelligence
7 functions, if the head of that agency has determined that the
8 filing of the report required by this Section with respect to
9 the employee could endanger the safety of the employee or
10 compromise an ongoing investigation or intelligence mission.

11 Notwithstanding Section 205, and for the purposes of this
12 Section only, the term "employer" has the meaning given by
13 Section 3401(d) of the Internal Revenue Code of 1986 and
14 includes any governmental entity and labor organization as
15 defined by Section 2(5) of the National Labor Relations Act,
16 and includes any entity (also known as a hiring hall) which is
17 used by the organization and an employer to carry out the
18 requirements described in Section 8(f)(3) of that Act of an
19 agreement between the organization and the employer.

20 (Source: P.A. 97-621, eff. 11-18-11; 97-689, eff. 6-14-12;
21 97-791, eff. 1-1-13; revised 7-23-12.)

22 Section 995. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

4 Section 996. No revival or extension. This Act does not
5 revive or extend any Section or Act otherwise repealed.

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

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6	5 ILCS 100/1-5	from Ch. 127, par. 1001-5
7	5 ILCS 100/5-45	from Ch. 127, par. 1005-45
8	5 ILCS 140/7	from Ch. 116, par. 207
9	10 ILCS 5/7-43	from Ch. 46, par. 7-43
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