



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SEVENTH GENERAL ASSEMBLY

71ST LEGISLATIVE DAY

TUESDAY, NOVEMBER 29, 2011

10:47 O'CLOCK A.M.

SENATE
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71st Legislative Day

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The Senate met pursuant to the directive of the President.
Senator M. Maggie Crotty, Oak Forest, Illinois, presiding.
Prayer by Reverend Sara Isbell, Chatham United Methodist Church, Chatham, Illinois.
Senator Sullivan led the Senate in the Pledge of Allegiance.

The Journal of Sunday, May 22, 2011, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator Hunter moved that reading and approval of the Journal of Thursday, November 10, 2011, be postponed, pending arrival of the printed Journal.
The motion prevailed.

MESSAGE FROM THE PRESIDENT
OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

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

November 14, 2011

Ms. Jillayne Rock
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 2-10, I am scheduling the Senate Session to convene at 10:30 a.m., on Tuesday, November 29, 2011.

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

cc: Senate Minority Leader Christine Radogno

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

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

Personal Information Protection Act Report, submitted by the Office of the State Fire Marshal.

Personal Information Protection Act Report, submitted by the Department of Human Services.

Report #8 Pursuant to the Taxpayer Accountability and Budget Stabilization Act, submitted by the Office of the Auditor General.

DOC Annual Report to the General Assembly, submitted by the Department of Corrections.

[November 29, 2011]

Division of Rehabilitation Services Home Service Program Spousal Caregiver Pilot Project, submitted by the Department of Human Services.

Metropolitan Pier and Exposition Authority's 2011 Procurement Activity Report, submitted by the Metropolitan Pier and Exposition Authority.

Illinois Workforce Development Annual Report 2011, submitted by the Department of Commerce and Economic Opportunity.

2011 Educator Supply and Demand Report, submitted by the Illinois State Board of Education.

2011 Annual Statistical Report, submitted by the Illinois State Board of Education.

State of Illinois Budget Summary, Fiscal Year 2012, submitted by the Commission on Government Forecasting and Accountability.

Rural Illinois Working Together, 2011 Rural Affairs Annual Report, submitted by the Office of the Lieutenant Governor.

Report of Recovery Zone Facility Bonds and Recovery Zone Economic Development Bonds; Qualified Energy Conservation Bonds, June 28, 2011, submitted by the Illinois Finance Authority.

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

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 2 to Senate Bill 678

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

Senate Floor Amendment No. 1 to House Bill 506
Senate Floor Amendment No. 6 to House Bill 1883
Senate Floor Amendment No. 7 to House Bill 1883
Senate Floor Amendment No. 8 to House Bill 1883

MESSAGES FROM THE PRESIDENT

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

JOHN J. CULLERTON
SENATE PRESIDENT

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

November 28, 2011

Ms. Jillayne Rock
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

[November 29, 2011]

Pursuant to the provisions of Senate Rule 2-10, I hereby establish December 31, 2011 as the 3rd Reading deadline for the following bills:

House Bills: 355, 358, 442, 503, 506, 507, 691, 735, 1076, 1237, 1577, 1708, 1883, 1927, 1958, 3188, 3285, 3375, 3788, and 3840.

Senate Bills: 24, 275, 276, 346, 349, 405, 406, 515, 545, 632, 633, 635, 679, 680, 681, 747, 774, 864, 1134, and 2259.

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

cc: Senate Republican Leader Christine Radogno

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

JOHN J. CULLERTON
SENATE PRESIDENT

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

November 28, 2011

Ms. Jillayne Rock
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby establish December 31, 2011 as the 3rd Reading deadline for HB 508 and HB 588.

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

cc: Senate Republican Leader Christine Radogno

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

JOHN J. CULLERTON
SENATE PRESIDENT

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

November 29, 2011

Ms. Jillayne Rock
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Madam Secretary:

[November 29, 2011]

Pursuant to Rule 3-2(c), I hereby appoint Senator A. J. Wilhelmi to temporarily replace Senator William Delgado as a member of the Senate Executive Appointments Committee. This appointment will automatically expire upon adjournment of the Senate Executive Appointments Committee.

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

cc: Senate Minority Leader Christine Radogno

REPORT FROM STANDING COMMITTEE

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred **Appointment Messages Numbered 130, 131, 132, 133, 134, 135, 136, 170 and 247**, reported the same back with the recommendation that the Senate do advise and consent.

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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 451

Offered by Senator Lauzen and all Senators:
Mourns the death of Stanley C. Fayfar, Sr., of Aurora.

SENATE RESOLUTION NO. 452

Offered by Senators Radogno - Cullerton and all Senators:
Mourns the death of James L. Althoff, Sr., of McHenry.

SENATE RESOLUTION NO. 453

Offered by Senator E. Jones, III and all Senators:
Mourns the death of Lillie Davis.

SENATE RESOLUTION NO. 454

Offered by Senator E. Jones, III and all Senators:
Mourns the death of Joyce Nevins of Troy, Missouri.

SENATE RESOLUTION NO. 455

Offered by Senator Haine and all Senators:
Mourns the death of Robert L. Henke of Edwardsville.

SENATE RESOLUTION NO. 456

Offered by Senator Mulroe and all Senators:
Mourns the death of Ann Donohoe, nee O'Shea.

SENATE RESOLUTION NO. 457

Offered by Senator Mulroe and all Senators:
Mourns the death of Bernadette T. Redmond.

SENATE RESOLUTION NO. 458

Offered by Senator Koehler and all Senators:
Mourns the death of Doris Raabe of Walnut.

SENATE RESOLUTION NO. 459

Offered by Senator Koehler and all Senators:
Mourns the death of Cheryl A. Baer of Peoria.

SENATE RESOLUTION NO. 460

[November 29, 2011]

Offered by Senator Koehler and all Senators:
Mourns the death of Lila Lissetta Tomblin of Peoria Heights.

SENATE RESOLUTION NO. 461

Offered by Senator E. Jones, III and all Senators:
Mourns the death of Sarah Sandra Hutchinson of Chicago.

SENATE RESOLUTION NO. 462

Offered by Senator Haine and all Senators:
Mourns the death of Kenneth C. Edelen of Alton.

SENATE RESOLUTION NO. 463

Offered by Senator Haine and all Senators:
Mourns the death of Mildred Julia Grandone.

SENATE RESOLUTION NO. 464

Offered by Senator Haine and all Senators:
Mourns the death of Richard "Rick" Allen Risinger, formerly of O'Fallon.

SENATE RESOLUTION NO. 465

Offered by Senator Dillard and all Senators:
Mourns the death of Stan Bergstein.

SENATE RESOLUTION NO. 466

Offered by Senator Harmon and all Senators:
Mourns the death of U.S. Marine Corps Lance Corporal Nickolas Daniels of Elmwood Park.

SENATE RESOLUTION NO. 467

Offered by Senator Pankau and all Senators:
Mourns the death of Fred E. Koehler of Roselle.

SENATE RESOLUTION NO. 468

Offered by Senator Wilhelmi and all Senators:
Mourns the death of Arthur "Art" Schultz of Joliet.

SENATE RESOLUTION NO. 469

Offered by Senator Koehler and all Senators:
Mourns the death of Rudolph T. "Rudy" Sepich of Canton.

SENATE RESOLUTION NO. 470

Offered by Senator Millner and all Senators:
Mourns the death of Stewart F. Johnsen, Sr., of North Aurora.

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

INTRODUCTION OF BILLS

SENATE BILL NO. 2530. Introduced by Senator Murphy, a bill for AN ACT concerning transportation.

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

SENATE BILL NO. 2531. Introduced by Senator Silverstein, a bill for AN ACT concerning criminal law.

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

[November 29, 2011]

SENATE BILL NO. 2532. Introduced by Senator Silverstein, a bill for AN ACT concerning transportation.

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

APPOINTMENT MESSAGES

Appointment Message No. 301

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

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

Title of Office: Commissioner

Agency or Other Body: Illinois Workers' Compensation Commission

Start Date: November 7, 2011

End Date: January 21, 2013

Name: Ruth W. White

Residence: 1824 S. Noble Ave., Springfield, IL 62704

Annual Compensation: \$119,840

Per diem: Not Applicable

Nominee's Senator: Senator Larry K. Bomke

Most Recent Holder of Office: Nancy Lindsay

Superseded Appointment Message: Appointment Message 198 of the 97th General Assembly

Appointment Message No. 302

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

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

Title of Office: Arbitrator

Agency or Other Body: Illinois Workers' Compensation Commission

Start Date: November 7, 2011

End Date: July 1, 2012

Name: Nancy Lindsay

Residence: 2320 Mariners Point Lane, Springfield, IL 62712

[November 29, 2011]

Annual Compensation: \$115,840

Per diem: Not Applicable

Nominee's Senator: Senator Larry K. Bomke

Most Recent Holder of Office: Original Appointment

Superseded Appointment Message: Appointment Message 205 of the 97th General Assembly

Appointment Message No. 303

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

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

Title of Office: Member

Agency or Other Body: Illinois Housing Development Authority

Start Date: May 14, 2011

End Date: January 12, 2015

Name: Terry Newman

Residence: 180 Pearson St., Apt. 4003, Chicago, IL 60611

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Kwame Raoul

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Appointment Message 114 of the 97th General Assembly

Appointment Message No. 304

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

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

Title of Office: Director

Agency or Other Body: Illinois Environmental Protection Agency

Start Date: November 7, 2011

End Date: January 21, 2013

Name: John J. Kim

[November 29, 2011]

Residence: 4613 Barrington Drive, Springfield, IL 62711

Annual Compensation: \$133,273

Per diem: Not Applicable

Nominee's Senator: Senator Larry K. Bomke

Most Recent Holder of Office: Doug Scott

Superseded Appointment Message: Not Applicable

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Haine, **House Bill No. 355** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 46; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Link	Sandack
Bivins	Haine	Maloney	Sandoval
Bomke	Harmon	Martinez	Schmidt
Brady	Holmes	McCann	Schoenberg
Clayborne	Hunter	Millner	Silverstein
Collins, J.	Hutchinson	Mulroe	Steans
Crotty	Jacobs	Muñoz	Sullivan
Delgado	Johnson, T.	Noland	Trotter
Dillard	Jones, E.	Pankau	Wilhelmi
Duffy	Koehler	Radogno	Mr. President
Forby	Kotowski	Raoul	
Frerichs	Lightford	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 11:00 o'clock a.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 11:13 o'clock a.m. the Senate resumed consideration of business.
Senator Crotty, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

[November 29, 2011]

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 29, 2011 meeting, reported the following Senate Resolution has been assigned to the indicated Standing Committee of the Senate:

Higher Education: **Senate Resolution No. 435.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 29, 2011 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Floor Amendment No. 6 to House Bill 1883; Senate Floor Amendment No. 7 to House Bill 1883; Senate Floor Amendment No. 8 to House Bill 1883.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 29, 2011 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Insurance: **Motion to Concur in House Amendments 1 and 3 to Senate Bill 1538**

State Government and Veterans Affairs: **Motion to Concur in House Amendment 1 to Senate Bill 2188**

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 29, 2011 meeting, reported that the following Legislative Measure has been approved for consideration:

Senate Floor Amendment No. 2 to Senate Bill 678

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

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following committee to meet at 12:15 o'clock p.m.:

Appropriations I in Room 400

The Chair announced the following committee to meet at 12:15 o'clock a.m.:

Insurance in Room 409

The Chair announced the following committee to meet at 12:16 o'clock p.m.:

State Government and Veterans Affairs in Room 400

The Chair announced the following committee to meet at 12:31 and 12:32 o'clock p.m.:

Executive in Room 212

MOTION IN WRITING

Senator Muñoz submitted the following Motion in Writing:

Pursuant to Senate Rule 10-1(c), as the Chairman of the Executive Appointments Committee, I move to compile the following Appointment Messages to be acted on together by a single vote of the Senate:

[November 29, 2011]

AM's 130, 131, 132, 133 (Health Facilities Services & Review Board)
 AM's 134, 135, 136 (Central Illinois Economic Development Authority)

Date: 29 Nov, 2011

s/Antonio Muñoz
 ASSISTANT MAJORITY LEADER ANTONIO MUÑOZ
 CHAIR, EXECUTIVE APPOINTMENTS COMMITTEE

The foregoing Motion in Writing was filed with the Secretary and ordered placed on the Senate Calendar.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Harmon, **House Bill No. 358** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 49; NAYS 4.

The following voted in the affirmative:

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

The following voted in the negative:

Cultra	McCarter
Duffy	Sandack

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

Ordered that the Secretary inform the House of Representatives thereof.

Senator Cullerton asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

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

At the hour of 11:27 o'clock a.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

[November 29, 2011]

AFTER RECESS

At the hour of 1:50 o'clock p.m., the Senate resumed consideration of business.
 Senator Sullivan, presiding.

REPORTS FROM STANDING COMMITTEES

Senator Lightford, Vice-Chairperson of the Committee on Education, to which was referred **House Joint Resolution No. 41**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **House Joint Resolution No. 41** was placed on the Secretary's Desk.

Senator Haine, Chairperson of the Committee on Insurance, to which was referred the Motion to Concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendments 1 and 3 to Senate Bill 1538

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Holmes, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Resolution No. 352**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 352** was placed on the Secretary's Desk.

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

Motion to Concur in House Amendment 1 to Senate Bill 2188

Under the rules, the foregoing motion is eligible for consideration by the Senate.

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

Senate Amendment No. 7 to House Bill 1883
 Senate Amendment No. 8 to House Bill 1883

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

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 1609

A bill for AN ACT concerning State government.

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

House Amendment No. 1 to SENATE BILL NO. 1609

House Amendment No. 2 to SENATE BILL NO. 1609

Passed the House, as amended, November 29, 2011.

[November 29, 2011]

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1609

AMENDMENT NO. 1. Amend Senate Bill 1609 by replacing everything after the enacting clause with the following:

"Section 5. The Urban Weatherization Initiative Act is amended by changing Section 40-40 as follows:

(30 ILCS 738/40-40)

Sec. 40-40. Weatherization Initiative Board.

(a) The Weatherization Initiative Board is created within the Department. The Board must approve or deny all grants from the Fund.

(a-5) Notwithstanding any other provision of this Article, the Board has the authority to direct the Department to authorize the awarding of grants to applicants serving areas or populations not included in the target areas and populations set forth in Section 40-25 if the Board determines that there are special circumstances involving the areas or populations served by the applicant.

(b) The Board shall consist of 5 voting members appointed by the Governor with the advice and consent of the Senate. The initial members shall have terms as follows as designated by the Governor: one for one year, one for 2 years, one for 3 years, one for 4 years, and one for 5 years, or until a successor is appointed and qualified. Thereafter, members shall serve 5-year terms or until a successor is appointed and qualified. The voting members shall elect a voting member to serve as chair for a one-year term. Vacancies shall be filled in the same manner for the balance of a term.

(c) The Board shall also have 12 ~~4~~ non-voting ex officio members appointed as follows: 3 ~~Representatives~~ ~~one Representative~~ appointed by the Speaker of the House, 3 ~~Representatives~~ ~~one Representative~~ appointed by the House Minority Leader, 3 ~~Senators~~ ~~one Senator~~ appointed by the President of the Senate, and 3 ~~Senators~~ ~~one Senator~~ appointed by the Senate Minority Leader, each to serve at the pleasure of the appointing authority.

(d) Members shall receive no compensation, but may be reimbursed for necessary expenses from appropriations to the Department available for that purpose.

(e) The Board may adopt rules under the Illinois Administrative Procedure Act.

(f) A quorum of the Board is at least 3 voting members, and the affirmative vote of at least 3 voting members is required for Board decisions and adoption of rules.

(g) The Department shall provide staff and administrative assistance to the Board.

(h) By December 31 of each year, the Board shall file an annual report with the Governor and the General Assembly concerning the Initiative, grants awarded, and grantees and making recommendations for any changes needed to enhance the effectiveness of the Initiative.

(Source: P.A. 96-37, eff. 7-13-09.)

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

AMENDMENT NO. 2 TO SENATE BILL 1609

AMENDMENT NO. 2. Amend Senate Bill 1609, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The State Budget Law of the Civil Administrative Code of Illinois is amended by changing Section 50-5 as follows:

(15 ILCS 20/50-5)

Sec. 50-5. Governor to submit State budget.

(a) The Governor shall, as soon as possible and not later than the second Wednesday in March in 2010 (March 10, 2010), ~~and the third Wednesday in February of each year beginning in 2011, the fourth Wednesday in February in 2012 (February 22, 2012), and the third Wednesday in February of each year thereafter,~~ except as otherwise provided in this Section, submit a State budget, embracing therein the amounts recommended by the Governor to be appropriated to the respective departments, offices, and institutions, and for all other public purposes, the estimated revenues from taxation, and the estimated revenues from sources other than taxation. Except with respect to the capital development provisions of the State budget, beginning with the revenue estimates prepared for fiscal year 2012, revenue estimates shall be based solely on: (i) revenue sources (including non-income resources), rates, and levels that exist as of the date of the submission of the State budget for the fiscal year and (ii) revenue sources

[November 29, 2011]

(including non-income resources), rates, and levels that have been passed by the General Assembly as of the date of the submission of the State budget for the fiscal year and that are authorized to take effect in that fiscal year. Except with respect to the capital development provisions of the State budget, the Governor shall determine available revenue, deduct the cost of essential government services, including, but not limited to, pension payments and debt service, and assign a percentage of the remaining revenue to each statewide prioritized goal, as established in Section 50-25 of this Law, taking into consideration the proposed goals set forth in the report of the Commission established under that Section. The Governor shall also demonstrate how spending priorities for the fiscal year fulfill those statewide goals. The amounts recommended by the Governor for appropriation to the respective departments, offices and institutions shall be formulated according to each department's, office's, and institution's ability to effectively deliver services that meet the established statewide goals. The amounts relating to particular functions and activities shall be further formulated in accordance with the object classification specified in Section 13 of the State Finance Act. In addition, the amounts recommended by the Governor for appropriation shall take into account each State agency's effectiveness in achieving its prioritized goals for the previous fiscal year, as set forth in Section 50-25 of this Law, giving priority to agencies and programs that have demonstrated a focus on the prevention of waste and the maximum yield from resources.

Beginning in fiscal year 2011, the Governor shall distribute written quarterly financial reports on operating funds, which may include general, State, or federal funds and may include funds related to agencies that have significant impacts on State operations, and budget statements on all appropriated funds to the General Assembly and the State Comptroller. The reports shall be submitted no later than 45 days after the last day of each quarter of the fiscal year and shall be posted on the Governor's Office of Management and Budget's website on the same day. The reports shall be prepared and presented for each State agency and on a statewide level in an executive summary format that may include, for the fiscal year to date, individual itemizations for each significant revenue type as well as itemizations of expenditures and obligations, by agency, with an appropriate level of detail. The reports shall include a calculation of the actual total budget surplus or deficit for the fiscal year to date. The Governor shall also present periodic budget addresses throughout the fiscal year at the invitation of the General Assembly.

The Governor shall not propose expenditures and the General Assembly shall not enact appropriations that exceed the resources estimated to be available, as provided in this Section. Appropriations may be adjusted during the fiscal year by means of one or more supplemental appropriation bills if any State agency either fails to meet or exceeds the goals set forth in Section 50-25 of this Law.

For the purposes of Article VIII, Section 2 of the 1970 Illinois Constitution, the State budget for the following funds shall be prepared on the basis of revenue and expenditure measurement concepts that are in concert with generally accepted accounting principles for governments:

- (1) General Revenue Fund.
- (2) Common School Fund.
- (3) Educational Assistance Fund.
- (4) Road Fund.
- (5) Motor Fuel Tax Fund.
- (6) Agricultural Premium Fund.

These funds shall be known as the "budgeted funds". The revenue estimates used in the State budget for the budgeted funds shall include the estimated beginning fund balance, plus revenues estimated to be received during the budgeted year, plus the estimated receipts due the State as of June 30 of the budgeted year that are expected to be collected during the lapse period following the budgeted year, minus the receipts collected during the first 2 months of the budgeted year that became due to the State in the year before the budgeted year. Revenues shall also include estimated federal reimbursements associated with the recognition of Section 25 of the State Finance Act liabilities. For any budgeted fund for which current year revenues are anticipated to exceed expenditures, the surplus shall be considered to be a resource available for expenditure in the budgeted fiscal year.

Expenditure estimates for the budgeted funds included in the State budget shall include the costs to be incurred by the State for the budgeted year, to be paid in the next fiscal year, excluding costs paid in the budgeted year which were carried over from the prior year, where the payment is authorized by Section 25 of the State Finance Act. For any budgeted fund for which expenditures are expected to exceed revenues in the current fiscal year, the deficit shall be considered as a use of funds in the budgeted fiscal year.

Revenues and expenditures shall also include transfers between funds that are based on revenues received or costs incurred during the budget year.

Appropriations for expenditures shall also include all anticipated statutory continuing appropriation

obligations that are expected to be incurred during the budgeted fiscal year.

By March 15 of each year, the Commission on Government Forecasting and Accountability shall prepare revenue and fund transfer estimates in accordance with the requirements of this Section and report those estimates to the General Assembly and the Governor.

For all funds other than the budgeted funds, the proposed expenditures shall not exceed funds estimated to be available for the fiscal year as shown in the budget. Appropriation for a fiscal year shall not exceed funds estimated by the General Assembly to be available during that year.

(b) By February 24, 2010, the Governor must file a written report with the Secretary of the Senate and the Clerk of the House of Representatives containing the following:

(1) for fiscal year 2010, the revenues for all budgeted funds, both actual to date and estimated for the full fiscal year;

(2) for fiscal year 2010, the expenditures for all budgeted funds, both actual to date and estimated for the full fiscal year;

(3) for fiscal year 2011, the estimated revenues for all budgeted funds, including without limitation the affordable General Revenue Fund appropriations, for the full fiscal year; and

(4) for fiscal year 2011, an estimate of the anticipated liabilities for all budgeted funds, including without limitation the affordable General Revenue Fund appropriations, debt service on bonds issued, and the State's contributions to the pension systems, for the full fiscal year.

Between July 1 and August 31 of each fiscal year, the members of the General Assembly and members of the public may make written budget recommendations to the Governor.

Beginning with budgets prepared for fiscal year 2013, the budgets submitted by the Governor and appropriations made by the General Assembly for all executive branch State agencies must adhere to a method of budgeting where each priority must be justified each year according to merit rather than according to the amount appropriated for the preceding year.

(Source: P.A. 96-1, eff. 2-17-09; 96-320, eff. 1-1-10; 96-881, eff. 2-11-10; 96-958, eff. 7-1-10; 96-1000, eff. 7-2-10; 96-1529, eff. 2-16-11; 96-1531, eff. 2-16-11; revised 2-17-11.)

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

Under the rules, the foregoing **Senate Bill No. 1609**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 1762

A bill for AN ACT concerning State government.

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

House Amendment No. 1 to SENATE BILL NO. 1762

House Amendment No. 2 to SENATE BILL NO. 1762

Passed the House, as amended, November 29, 2011.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1762

AMENDMENT NO. 1. Amend Senate Bill 1762 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Section 2105-1 as follows:

(20 ILCS 2105/2105-1)

Sec. 2105-1. Article short title. This Article 2105 of ~~the~~ the Civil Administrative Code of Illinois may be cited as the Department of Professional Regulation Law.

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

AMENDMENT NO. 2 TO SENATE BILL 1762

AMENDMENT NO. 2. Amend Senate Bill 1762, AS AMENDED, by replacing everything after

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the enacting clause with the following:

"Section 5. The Personnel Code is amended by changing Section 4d as follows:
(20 ILCS 415/4d) (from Ch. 127, par. 63b104d)

Sec. 4d. Partial exemptions. The following positions in State service are exempt from jurisdictions A, B, and C to the extent stated for each, unless those jurisdictions are extended as provided in this Act:

(1) In each department, board or commission that now maintains or may hereafter maintain a major administrative division, service or office in both Sangamon County and Cook County, 2 private secretaries for the director or chairman thereof, one located in the Cook County office and the other located in the Sangamon County office, shall be exempt from jurisdiction B; in all other departments, boards and commissions one private secretary for the director or chairman thereof shall be exempt from jurisdiction B. In all departments, boards and commissions one confidential assistant for the director or chairman thereof shall be exempt from jurisdiction B. This paragraph is subject to such modifications or waiver of the exemptions as may be necessary to assure the continuity of federal contributions in those agencies supported in whole or in part by federal funds.

(2) The resident administrative head of each State charitable, penal and correctional institution, the chaplains thereof, and all member, patient and inmate employees are exempt from jurisdiction B.

(3) The Civil Service Commission, upon written recommendation of the Director of Central Management Services, shall exempt from jurisdiction B other positions which, in the judgment of the Commission, involve either principal administrative responsibility for the determination of policy or principal administrative responsibility for the way in which policies are carried out, except positions in agencies which receive federal funds if such exemption is inconsistent with federal requirements, and except positions in agencies supported in whole by federal funds.

(4) All beauticians and teachers of beauty culture and teachers of barbering, and all positions heretofore paid under Section 1.22 of "An Act to standardize position titles and salary rates", approved June 30, 1943, as amended, shall be exempt from jurisdiction B.

(5) Licensed attorneys in positions as legal or technical advisors, positions in the Department of Natural Resources requiring incumbents to be either a registered professional engineer or to hold a bachelor's degree in engineering from a recognized college or university, licensed physicians in positions of medical administrator or physician or physician specialist (including psychiatrists), and registered nurses (except those registered nurses employed by the Department of Public Health), except those in positions in agencies which receive federal funds if such exemption is inconsistent with federal requirements and except those in positions in agencies supported in whole by federal funds, are exempt from jurisdiction B only to the extent that the requirements of Section 8b.1, 8b.3 and 8b.5 of this Code need not be met.

(6) All positions established outside the geographical limits of the State of Illinois to which appointments of other than Illinois citizens may be made are exempt from jurisdiction B.

(7) Staff attorneys reporting directly to individual Commissioners of the Illinois Workers' Compensation Commission are exempt from jurisdiction B.

(8) Twenty senior public service administrator positions within the Department of Healthcare and Family Services, as set forth in this paragraph (8), requiring the specific knowledge of healthcare administration, healthcare finance, healthcare data analytics, or information technology described are exempt from jurisdiction B only to the extent that the requirements of Sections 8b.1, 8b.3, and 8b.5 of this Code need not be met. When filling positions so designated, the Director of Healthcare and Family Services shall cause a position description to be published which allots points to various qualifications desired. After scoring qualified applications, the Director shall add Veteran's Preference points as enumerated in Section 8b.7 of this Code. The following are the minimum qualifications for the senior public service administrator positions provided for in this paragraph (8):

(A) HEALTHCARE ADMINISTRATION.

Medical Director: Licensed Medical Doctor in good standing; experience in healthcare payment systems, pay for performance initiatives, medical necessity criteria or federal or State quality improvement programs; preferred experience serving Medicaid patients or experience in population health programs with a large provider, health insurer, government agency, or research institution.

Chief, Bureau of Quality Management: Advanced degree in health policy or health professional field preferred; at least 3 years experience in implementing or managing healthcare quality improvement initiatives in a clinical setting.

Quality Management Bureau: Manager, Care Coordination/Managed Care Quality: Clinical degree or advanced degree in relevant field required; experience in the field of managed care quality improvement, with knowledge of HEDIS measurements, coding, and related data definitions.

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Quality Management Bureau: Manager, Primary Care Provider Quality and Practice Development: Clinical degree or advanced degree in relevant field required; experience in practice administration in the primary care setting with a provider or a provider association or an accrediting body; knowledge of practice standards for medical homes and best evidence based standards of care for primary care.

Director of Care Coordination Contracts and Compliance: Bachelor's degree required; multi-year experience in negotiating managed care contracts, preferably on behalf of a payer; experience with health care contract compliance.

Chief, Bureau of Pharmacy Services: Bachelor's degree required; pharmacy degree preferred; in formulary development and management from both a clinical and financial perspective, experience in prescription drug utilization review and utilization control policies, knowledge of retail pharmacy reimbursement policies and methodologies and available benchmarks, knowledge of Medicare Part D benefit design.

Chief, Bureau of Maternal and Child Health Promotion: Bachelor's degree required, advanced degree preferred, in public health, health care management, or a clinical field; multi-year experience in health care or public health management; knowledge of federal EPSDT requirements and strategies for improving health care for children as well as improving birth outcomes.

Director of Dental Program: Bachelor's degree required, advanced degree preferred, in healthcare management or relevant field; experience in healthcare administration; experience in administering dental healthcare programs, knowledge of practice standards for dental care and treatment services; knowledge of the public dental health infrastructure.

Manager of Medicare/Medicaid Coordination: Bachelor's degree required, knowledge and experience with Medicare Advantage rules and regulations, knowledge of Medicaid laws and policies; experience with contract drafting preferred.

(B) HEALTHCARE FINANCE.

Director of Care Coordination Rate and Finance: MBA, CPA, or Actuarial degree required; experience in managed care rate setting, including, but not limited to, baseline costs and growth trends; knowledge and experience with Medical Loss Ratio standards and measurements.

Director of Encounter Data Program: Bachelor's degree required, advanced degree preferred, preferably in business or information systems; at least 2 years healthcare data reporting experience, including, but not limited to, data definitions, submission, and editing; strong background in HIPAA transactions relevant to encounter data submission; knowledge of healthcare claims systems.

Chief, Bureau of Rate Development and Analysis: Bachelor's degree required, advanced degree preferred, with preferred coursework in business or public administration, accounting, finance, data analysis, or statistics; experience with Medicaid reimbursement methodologies and regulations; experience with extracting data from large systems for analysis.

Manager of Medical Finance, Division of Finance: Requires relevant advanced degree or certification in relevant field, such as Certified Public Accountant; coursework in business or public administration, accounting, finance, data analysis, or statistics preferred; experience in control systems and GAAP; financial management experience in a healthcare or government entity utilizing Medicaid funding.

(C) HEALTHCARE DATA ANALYTICS.

Data Quality Assurance Manager: Bachelor's degree required, advanced degree preferred, preferably in business, information systems, or epidemiology; at least 3 years of extensive healthcare data reporting experience with a large provider, health insurer, government agency, or research institution; previous data quality assurance role or formal data quality assurance training.

Data Analytics Unit Manager: Bachelor's degree required, advanced degree preferred, in information systems, applied mathematics, or another field with a strong analytics component; extensive healthcare data reporting experience with a large provider, health insurer, government agency, or research institution; experience as a business analyst interfacing between business and information technology departments; in-depth knowledge of health insurance coding and evolving healthcare quality metrics; working knowledge of SQL and/or SAS.

Data Analytics Platform Manager: Bachelor's degree required, advanced degree preferred, preferably in business or information systems; extensive healthcare data reporting experience with a large provider, health insurer, government agency, or research institution; previous experience working on a health insurance data analytics platform; experience managing contracts and vendors preferred.

(D) HEALTHCARE INFORMATION TECHNOLOGY.

Manager of Recipient Provider Reference Unit: Bachelor's degree required; experience equivalent to 4 years of administration in a public or business organization; 3 years of administrative

experience in a computer-based management information system.

Manager of MMIS Claims Unit: Bachelor's degree required, with preferred coursework in business, public administration, information systems; experience equivalent to 4 years of administration in a public or business organization; working knowledge with design and implementation of technical solutions to medical claims payment systems; extensive technical writing experience, including, but not limited to, the development of RFPs, APDs, feasibility studies, and related documents; thorough knowledge of IT system design, commercial off the shelf software packages and hardware components.

Assistant Bureau Chief, Office of Information Systems: Bachelor's degree required, with preferred coursework in business, public administration, information systems; experience equivalent to 5 years of administration in a public or private business organization; extensive technical writing experience including but not limited to the development of RFPs, APDs, feasibility studies and related documents; extensive healthcare technology experience with a large provider, health insurer, government agency, or research institution; experience as a business analyst interfacing between business and information technology departments; thorough knowledge of IT system design, commercial off the shelf software packages and hardware components.

Technical System Architect: Bachelor's degree required, with preferred coursework in computer science or information technology; prior experience equivalent to 5 years of computer science or IT administration in a public or business organization; extensive healthcare technology experience with a large provider, health insurer, government agency, or research institution; experience as a business analyst interfacing between business and information technology departments.

The provisions of this paragraph (8), other than this sentence, are inoperative after January 1, 2014. (Source: P.A. 93-721, eff. 1-1-05.)

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

Under the rules, the foregoing **Senate Bill No. 1762**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 1830

A bill for AN ACT concerning regulation.

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

House Amendment No. 1 to SENATE BILL NO. 1830

House Amendment No. 2 to SENATE BILL NO. 1830

Passed the House, as amended, November 29, 2011.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1830

AMENDMENT NO. 1. Amend Senate Bill 1830 by replacing everything after the enacting clause with the following:

"Section 5. The Human Skeletal Remains Protection Act is amended by changing Section 1 as follows:

(20 ILCS 3440/1) (from Ch. 127, par. 2661)

Sec. 1. Definitions. For the purposes of this Act:

(a) "Human skeletal remains" include the bones and decomposed fleshy parts of a deceased human body.

(b) "Unregistered graves" are any graves or locations where a human body has been buried or deposited; is over 100 years old; and is not in a cemetery registered with or licensed by the State Comptroller under the Cemetery Care Act or under the authority of the Illinois Department of Financial and Professional Regulation pursuant to the Cemetery Oversight Act, whichever is applicable.

(c) "Grave artifacts" are any item of human manufacture or use that is associated with the human skeletal remains in an unregistered grave.

(d) "Grave markers" are any tomb, monument, stone, ornament, mound, or other item of human

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manufacture that is associated with an unregistered grave.

(e) "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation or a receiver, trustee, guardian or other representatives appointed by order of any court, the Federal and State governments, including State Universities created by statute or any city, town, county or other political subdivision of this State.

(f) "Disturb" includes excavating, removing, exposing, defacing, mutilating, destroying, molesting, or desecrating in any way human skeletal remains, unregistered graves, and grave markers.
(Source: P.A. 96-863, eff. 3-1-10.)

Section 10. The Missing Persons Identification Act is amended by adding Section 25 as follows:
(50 ILCS 722/25 new)

Sec. 25. Unidentified persons. The coroner or medical examiner shall obtain a DNA sample from any individual whose remains are not identifiable. The DNA sample shall be forwarded to the Department of State Police for inclusion in the State and National DNA Databases.

Prior to the burial or interment of any unknown individual's remains or any unknown individual's body part, the medical examiner or coroner in possession of the remains or body part must assign a DNA log number to the unknown individual or body part. The medical examiner or coroner shall place a tag that is stamped or inscribed with the DNA log number on the individual or body part. The DNA log number shall be stamped on the unidentified individual's toe tag, if possible.

Section 15. The Counties Code is amended by changing Section 3-3034 as follows:
(55 ILCS 5/3-3034) (from Ch. 34, par. 3-3034)

Sec. 3-3034. Disposition of body. After the inquest the coroner may deliver the body or human remains of the deceased to the family of the deceased or, if there are no family members to accept the body or the remains, then to friends of the deceased, if there be any, but if not, the coroner shall cause the body or the remains to be decently buried, cremated, or donated for medical science purposes, the expenses to be paid from the property of the deceased, if there is sufficient, if not, by the county. The coroner may not approve the cremation or donation of the body if it is necessary to preserve the body for law enforcement purposes. If the State Treasurer, pursuant to the Uniform Disposition of Unclaimed Property Act, delivers human remains to the coroner, the coroner shall cause the human remains to be disposed of as provided in this Section. If the police department of any municipality or county investigates abandoned cremated remains, determines that they are human remains, and cannot locate the owner of the remains, then the police shall deliver the remains to the coroner, and the coroner shall cause the remains to be disposed of as provided in this Section.
(Source: P.A. 96-1339, eff. 7-27-10.)

Section 25. The Cemetery Oversight Act is amended by changing Sections 5-15, 5-20, 5-25, 10-5, 10-15, 10-20, 10-21, 10-23, 10-25, 10-30, 10-40, 10-45, 10-50, 10-55, 20-5, 20-6, 20-10, 25-10, 25-14, 25-25, 25-70, 25-75, 25-105, 25-110, 25-120, 25-125, 75-50, and 75-55 and by adding Sections 10-39, 20-35, 20-40, and 25-14.5 as follows:

(225 ILCS 411/5-15)

(Section scheduled to be repealed on January 1, 2021)

Sec. 5-15. Definitions. In this Act:

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file. It is the duty of the applicant or licensee to inform the Department of any change of address within 14 days either through the Department's website or by contacting the Department's licensure maintenance unit. The address of record for a cemetery authority shall be the permanent street address of the cemetery.

"Applicant" means a person applying for licensure under this Act as a cemetery authority, cemetery manager, or customer service employee. Any applicant or any person who holds himself or herself out as an applicant is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Burial permit" means a permit provided by a licensed funeral director for the disposition of a dead human body ~~that is filed with the Illinois Department of Public Health.~~

"Care" means the maintenance of a cemetery and of the lots, graves, crypts, niches, family mausoleums, memorials, and markers therein, including: (i) the cutting and trimming of lawn, shrubs, and trees at reasonable intervals; (ii) keeping in repair the drains, water lines, roads, buildings, fences, and other structures, in keeping with a well-maintained cemetery as provided for in Section 20-5 of this Act and otherwise as required by rule; (iii) maintenance of machinery, tools, and equipment for such

care; (iv) compensation of cemetery workers, any discretionary payment of insurance premiums, and any reasonable payments for workers' pension and other benefits plans; and (v) the payment of expenses necessary for such purposes and for maintaining necessary records of lot ownership, transfers, and burials.

"Care funds", as distinguished from receipts from annual charges or gifts for current or annual care, means any realty or personalty impressed with a trust by the terms of any gift, grant, contribution, payment, legacy, or pursuant to contract, accepted by any cemetery authority or by any trustee, licensee, agent, or custodian for the same, under Article 15 of this Act, and any income accumulated therefrom, where legally so directed by the terms of the transaction by which the principal was established.

"Cemetery" means any land or structure in this State dedicated to and used, or intended to be used, for the interment, inurnment, or entombment of human remains.

"Cemetery association" means an association of 6 or more persons, and their successors in trust, who have received articles of organization from the Secretary of State to operate a cemetery; the articles of organization shall be in perpetuity and in trust for the use and benefit of all persons who may acquire burial lots in a cemetery.

"Cemetery authority" means any individual or legal entity that owns or controls cemetery lands or property.

"Cemetery manager" means an individual directly responsible or holding himself or herself directly responsible for the operation, maintenance, development, or improvement of a cemetery that is or shall be licensed under this Act, irrespective of whether the individual is paid by the licensed cemetery authority or a third party. This definition does not include a volunteer who receives no compensation, either directly or indirectly, for his or her work as a cemetery manager, who is engaged in, or responsible for, or holding himself or herself out as engaged in, those activities involved in or incidental to supervising the following: the maintenance, operation, development, or improvement of a cemetery licensed under this Act; the interment of human remains; or the care, preservation, and embellishment of cemetery property. This definition includes, without limitation, an employee, an individual that is an independent contractor, an individual employed or contracted by an independent contractor, a third party vendor, or an individual employed or contracted by a third party vendor who is engaged in, or holding himself or herself out as engaged in, those activities involved in or incidental to supervising the following: the maintenance, operation, development, or improvement of a cemetery licensed under this Act; the interment of human remains; or the care, preservation, and embellishment of cemetery property.

"Cemetery merchandise" means items of personal property normally sold by a cemetery authority not covered under the Illinois Funeral or Burial Funds Act, including, but not limited to: (1) memorials, (2) markers, (3) monuments, (4) foundations and installations, and (5) outer burial containers.

"Cemetery operation" means to engage in any or all of the following, whether on behalf of, or in the absence of, a cemetery authority: (i) the interment, entombment, or inurnment of human remains, (ii) the sale of interment, entombment, or inurnment rights, cemetery merchandise, or cemetery services, (iii) the maintenance of interment rights ownership records, (iv) the maintenance of or reporting of interment, entombment, or inurnment records, (v) the maintenance of cemetery property, (vi) the development or improvement of cemetery grounds, or (vii) the maintenance and execution of business documents, including State and federal government reporting and the payment of taxes, for a cemetery business entity, or attempt to engage in the interment, inurnment, or entombment of human remains or to engage in or attempt to engage in the care of a cemetery.

"Cemetery Oversight Database" means a database certified by the Department as effective in tracking the interment, entombment, or inurnment of human remains.

"Cemetery services" means those services customarily performed by cemetery personnel in connection with the interment, entombment, or inurnment of a dead human body.

"Cemetery worker" means an individual, including an independent contractor or third party vendor, who performs any work at the cemetery that is customarily performed by one or more cemetery employees, including openings and closings of vaults and graves, stone settings, inurnments, interments, entombments, administrative work, handling of any official burial records, the preparation of foundations for memorials, and routine cemetery maintenance. This definition does not include uncompensated, volunteer workers.

"Certificate of organization" means the document received by a cemetery association from the Secretary of State that indicates that the cemetery association shall be deemed fully organized as a body corporate under the name adopted and in its corporate name may sue and be sued.

"Comptroller" means the Comptroller of the State of Illinois.

"Confidential information" means unique identifiers, including a person's Social Security number, home address, home phone number, personal phone number, personal email address, personal financial

information, and any other information protected by law.

"Consumer" means an individual who purchases or who is considering purchasing cemetery, burial, or cremation products or services from a cemetery authority, whether for themselves or for another person, a person, or the persons given priority for the disposition of an individual's remains under the Disposition of Remains Act, who purchases or is considering purchasing cemetery, burial, or cremation products or services from a cemetery authority or crematory authority, whether for themselves or for another person.

"Customer service employee" means an individual who has direct contact with consumers to explain cemetery merchandise, services, and interment rights and to execute the sale of those items to consumers, whether at the cemetery or an off-site location, irrespective of whether compensation is paid by the cemetery authority or a third party. This definition does not include a volunteer who receives no compensation, either directly or indirectly, for his or her work as a customer service employee. and explains cemetery merchandise or services or negotiates, develops, or finalizes contracts with consumers. This definition includes, without limitation, an employee, an individual that is an independent contractor, an individual that is employed or contracted by an independent contractor, a third party vendor, or an individual that is employed or contracted by a third party vendor, who has direct contact with consumers and explains cemetery merchandise or services or negotiates, develops, or finalizes contracts with consumers. This definition does not include an employee, an individual that is an independent contractor or an individual that is employed or contracted by an independent contractor, a third party vendor, or an individual that is employed or contracted by a third party vendor, who merely provides a printed cemetery list to a consumer, processes payment from a consumer, or performs sales functions related solely to incidental merchandise like flowers, souvenirs, or other similar items.

"Department" means the Department of Financial and Professional Regulation.

"Employee" means an individual who works for a cemetery authority where the cemetery authority has the right to control what work is performed and the details of how the work is performed regardless of whether federal or State payroll taxes are withheld.

"Entombment right" means the right to place individual human remains or individual cremated human remains in a specific mausoleum crypt or lawn crypt selected by a consumer for use as a final resting place.

"Family burying ground" means a cemetery in which no lots, crypts, or niches are sold to the public and in which interments, inurnments, and entombments are restricted to the immediate family or a group of individuals related to each other by blood or marriage.

"Full exemption" means an exemption granted to a cemetery authority pursuant to subsection (a) of Section 5-20.

"Funeral director" means a funeral director as defined by the Funeral Directors and Embalmers Licensing Code.

"Grave" means a space of ground in a cemetery used or intended to be used for burial.

"Green burial or cremation disposition" means burial or cremation practices that reduce the greenhouse gas emissions, waste, and toxic chemicals ordinarily created in burial or cremation or, in the case of greenhouse gas emissions, mitigate or offset emissions. Such practices include any standards or method for burial or cremation certified by the Green Burial Council or any other organization or method that the Department may name by rule.

"Immediate family" means the designated agent of a person or the persons given priority for the disposition of a person's remains under the Disposition of Remains Act and shall include a person's spouse, parents, grandparents, children, grandchildren and siblings.

"Imputed value" means the retail price of comparable rights within the same or similar area of the cemetery.

"Independent contractor" means a person who performs work for a cemetery authority where the cemetery authority has the right to control or direct only the result of the work and not the means and methods of accomplishing the result.

"Individual" means a natural person.

"Interment right" means the right to place individual human remains or cremated human remains in a specific underground location selected by a consumer for use as a final resting place.

"Inurnment right" means the right to place individual cremated human remains in a specific niche selected by the consumer for use as a final resting place.

"Investment Company Act of 1940" means Title 15 of the United States Code, Sections 80a-1 to 80a-64, inclusive, as amended.

"Investment company" means any issuer (a) whose securities are purchasable only with care funds or trust funds, or both; (b) that is an open and diversified management company as defined in and registered

~~under the Investment Company Act of 1940; and (c) that has entered into an agreement with the Department containing such provisions as the Department by regulation requires for the proper administration of this Act.~~

"Lawn crypt" means a permanent underground crypt installed in multiple units for the entombment ~~interment~~ of human remains.

"Licensee" means a person licensed under this Act as a cemetery authority, cemetery manager, or customer service employee. Anyone who holds himself or herself out as a licensee or who is accused of unlicensed practice is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act. ~~This definition does not include a cemetery worker.~~

"Mausoleum crypt" means a grouping of spaces constructed of reinforced concrete or similar material constructed or assembled above the ground for entombing remains ~~space in a mausoleum used or intended to be used, above or underground, to entomb human remains.~~

"Niche" means a space in a columbarium or mausoleum used, or intended to be used, for inurnment of cremated human remains.

"Partial exemption" means an exemption granted to a cemetery authority pursuant to subsection (b) of Section 5-20.

"Parcel identification number" means a unique number assigned by the Cemetery Oversight Database to a grave, plot, crypt, or niche that enables the Department to ascertain the precise location of a decedent's remains interred, entombed, or inurned after the effective date of this Act.

"Person" means any individual, firm, partnership, association, corporation, limited liability company, trustee, government or political subdivision, or other entity.

"Public cemetery" means a cemetery owned, operated, controlled, or managed by the federal government, by any state, county, city, village, incorporated town, township, multi-township, public cemetery district, or other municipal corporation, political subdivision, or instrumentality thereof authorized by law to own, operate, or manage a cemetery.

"Religious burying ground" means a cemetery in which no lots, crypts, or niches are sold and in which interments, inurnments, and entombments are restricted to a group of individuals all belonging to a religious order or granted burial rights by special consideration of the religious order.

"Religious cemetery" means a cemetery owned, operated, controlled, and ~~or~~ managed by any recognized church, religious society, association, or denomination, or by any cemetery authority or any corporation administering, or through which is administered, the temporalities of any recognized church, religious society, association, or denomination.

"Secretary" means the Secretary of Financial and Professional Regulation.

"Term burial" means a right of interment sold to a consumer in which the cemetery authority retains the right to disinter and relocate the remains, subject to the provisions of subsection (d) of Section 35-15 of this Act.

"Trustee" means any person authorized to hold funds under this Act.

"Unique personal identifier" means the parcel identification number in addition to the term of burial in years; the numbered level or depth in the grave, plot, crypt, or niche; and the year of death for human remains interred, entombed, or inurned after the effective date of this Act. The unique personal identifier is assigned by the Cemetery Oversight Database.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/5-20)

(Section scheduled to be repealed on January 1, 2021)

Sec. 5-20. Exemptions.

(a) Full exemption. Except as provided in this subsection, Notwithstanding any provision of law to the contrary, this Act does not apply to (1) any cemetery authority operating as a family burying ground or religious burying ground, (2) any cemetery authority that has not engaged in an interment, inurnment, or entombment of human remains within the last 10 years and does not accept or maintain care funds, or (3) any cemetery authority that is less than 3 acres 2 acres and does not accept or maintain care funds. For purposes of determining the applicability of this subsection, the number of interments, inurnments, and entombments shall be aggregated for each calendar year. A cemetery authority claiming a full exemption shall apply for exempt status as provided for in Section 10-20 Article 10 ~~Article 10~~ of this Act. A cemetery authority claiming a full exemption shall be subject to Sections 10-40, 10-55, and 10-60 of this Act. A cemetery authority that performs activities that would disqualify it from a full exemption is required to apply for licensure within one year following the date on which its activities would disqualify it for a full exemption. A cemetery authority that previously qualified for and maintained a full exemption that fails to timely apply for licensure shall be deemed to have engaged in unlicensed practice and shall be subject to discipline in accordance with Article 25 of this Act.

(b) Partial exemption. If a cemetery authority does not qualify for a full exemption and (1) engages in 25 or fewer interments, inurnments, or entombments of human remains for each of the preceding 2 calendar years, (2) operates as a public cemetery, or (3) operates as a religious cemetery, then the cemetery authority is partially exempt from this Act but shall be required to comply with Sections 10-23, 10-40, 10-55, 10-60, subsections (a), (b), (b-5), (c), (d), and (h) of Section 20-5, Sections 20-6, 20-8, 20-10, 20-12, 20-30, 20-35, 20-40, 25-3, and 25-120, and Article 35 of this Act. ~~Notwithstanding any provision of law to the contrary, a cemetery authority that does not qualify for a full exemption that is operating as a cemetery authority (i) that engages in 25 or fewer interments, inurnments, or entombments of human remains for each of the preceding 2 calendar years and does not accept or maintain care funds, (ii) that is operating as a public cemetery, or (iii) that is operating as a religious cemetery is exempt from this Act, but is required to comply with Sections 20 5(a), 20 5(b), 20 5(b 5), 20 5(c), 20 5(d), 20 6, 20 8, 20 10, 20 11, 20 12, 20 30, 25 3, and 25 120 and Article 35 of this Act.~~ Cemetery authorities claiming a partial exemption shall apply for the partial exemption as provided in ~~Section 10-20 Article 10~~ of this Act. A cemetery authority that changes to a status that would disqualify it from a partial exemption is required to apply for licensure within one year following the date on which it changes its status. A cemetery authority that maintains a partial exemption that fails to timely apply for licensure shall be deemed to have engaged in unlicensed practice and shall be subject to discipline in accordance with Article 25 of this Act.

(c) Nothing in this Act applies to the City of Chicago in its exercise of its powers under the O'Hare Modernization Act or limits the authority of the City of Chicago to acquire property or otherwise exercise its powers under the O'Hare Modernization Act, or requires the City of Chicago, or any person acting on behalf of the City of Chicago, to comply with the licensing, regulation, investigation, or mediation requirements of this Act in exercising its powers under the O'Hare Modernization Act.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/5-25)

(Section scheduled to be repealed on January 1, 2021)

Sec. 5-25. Powers of the Department. Subject to the provisions of this Act, the Department may exercise the following powers:

(1) Authorize certification programs ~~written examinations~~ to ascertain the qualifications and fitness of applicants for licensing

as a licensed cemetery manager or as a customer service employee to ascertain whether they possess the requisite level of knowledge for such position.

(2) Examine ~~and audit~~ a licensed cemetery authority's ~~care funds~~, records from any year, ~~and records of care funds from any year~~, or any other aspects

of cemetery operation as the Department deems appropriate.

(3) Investigate any and all cemetery operations ~~cemetery related activity~~.

(4) Conduct hearings on proceedings to refuse to issue or renew licenses or to revoke, suspend, place on probation, reprimand, or otherwise discipline a license under this Act or take other non-disciplinary action.

(5) Adopt reasonable rules required for the administration of this Act.

(6) Prescribe forms to be issued for the administration and enforcement of this Act.

(7) Maintain rosters of the names and addresses of all licensees and all persons whose licenses have been suspended, revoked, denied renewal, or otherwise disciplined within the previous calendar year. These rosters shall be available upon written request and payment of the required fee as established by rule.

(8) Work with the Office of the Comptroller and the Department of Public Health, Division of Vital Records to exchange information and request additional information relating to a licensed cemetery authority;

(9) Investigate cemetery contracts, grounds, or employee records.

If the Department exercises its authority to conduct investigations under this Section, the Department shall provide the cemetery authority with information sufficient to challenge the allegation. If the complainant consents, then the Department shall provide the cemetery authority with the identity of and contact information for the complainant so as to allow the cemetery authority and the complainant to resolve the complaint directly. Except as otherwise provided in this Act, any complaint received by the Department and any information collected to investigate the complaint shall be maintained by the Department for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials or other regulatory agencies or persons that have an appropriate regulatory interest, as determined by the Secretary, or to a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, state,

county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the Department or any order issued by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-5)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-5. Restrictions and limitations. No person shall, without a valid license issued by the Department, (i) hold himself or herself out in any manner to the public as a licensed cemetery authority, licensed cemetery manager, or customer service employee or ~~or~~ (ii) attach the title "licensed cemetery authority", "licensed cemetery manager", or "licensed customer service employee" to his or her name. ~~No person shall, without a valid license or exemption from licensure from the Department, (iii) render or offer to render services constituting the practice of cemetery operation; or (iv) accept care funds within the meaning of this Act or otherwise hold funds for care and maintenance unless such person is holding and managing funds on behalf of a cemetery authority and is authorized to conduct a trust business under the Corporate Fiduciary Act or the federal National Bank Act.~~

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-15)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-15. Licenses for cemetery authorities, cemetery managers, and customer service employees. ~~Persons not licensed under the Cemetery Care Act or the Cemetery Association Act. A cemetery manager, a customer service employee, or a person acting as a cemetery authority who was not required to obtain licensure prior to the effective date of this Act need not comply with the licensure requirement in this Article until the Department takes action on the person's application for a license. The application for a cemetery authority license must be submitted to the Department within 6 months after the Department adopts rules under this Act the effective date of this Act. For cemetery managers already working for a cemetery authority at the time of cemetery authority application for licensure, the application for a cemetery manager license must be submitted at the same time as the original application for licensure as a cemetery authority pursuant to this Section or Section 10-10, whichever the case may be. Any applicant for licensure as a cemetery manager of a cemetery authority that is already licensed under this Act or that has a pending application for licensure under this Act must submit his or her application to the Department on or before his or her first day of work. The application for a customer service employee license must be submitted to the Department within 10 days after the cemetery authority for which he or she works becomes licensed under this Act or on or before his or her first day of work for a cemetery authority that is already licensed under this Act, whichever the case may be. If the person fails to submit the application within the required period, the person shall be considered to be engaged in unlicensed practice and shall be subject to discipline in accordance with Article 25 of this Act.~~

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-20)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-20. Application for original license or exemption.

(a) Applications for original licensure as a cemetery authority, cemetery manager, or customer service employee authorized by this Act, or application for exemption from licensure as a cemetery authority, shall be made to the Department on forms prescribed by the Department, which shall include the applicant's Social Security number or FEIN number, or both, and shall be accompanied by the required fee as set by Section 10-55 of this Act and further refined by rule. Applications for partial or full exemption from licensure as a cemetery authority shall be submitted to the Department within 6 months ~~12 months~~ after the Department adopts rules under this Act. If the person fails to submit the application for partial or full exemption within this period, the person shall be subject to discipline in accordance with Article 25 of this Act. The process for renewing a full or partial exemption shall be set by rule. If a cemetery authority seeks to practice at more than one location, it shall meet all licensure requirements at each location as required by this Act and by rule, including submission of an application and fee. ~~A person licensed as a cemetery manager or customer service employee need not submit a Worker's Statement in accordance with Section 10-22 of this Act.~~

(b) (Blank). ~~If the application for licensure as a cemetery authority does not claim a full exemption or partial exemption, then the cemetery authority license application shall be accompanied by a fidelity bond, proof of self insurance, or letter of credit in the amount required by rule. Such bond, self insurance, or letter of credit shall run to the Department for the benefit of the care funds held by~~

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such cemetery authority or by the trustee of the care funds of such cemetery authority. If care funds of a cemetery authority are held by any entity authorized to do a trust business under the Corporate Fiduciary Act or held by an investment company, then the Department shall waive the requirement of a bond, self insurance, or letter of credit as established by rule. If the Department finds at any time that the bond, self insurance or letter of credit is insecure or exhausted or otherwise doubtful, then an additional bond, form of self insurance, or letter of credit in like amount to be approved by the Department shall be filed by the cemetery authority applicant or licensee within 30 days after written demand is served upon the applicant or licensee by the Department. In addition, if the cemetery authority application does not claim a full exemption or partial exemption, then the license application shall be accompanied by proof of liability insurance, proof of self insurance, or a letter of credit in the amount required by rule. The procedure by which claims on the liability insurance, self insurance, or letter of credit are made and paid shall be determined by rule. Any bond obtained pursuant to this subsection shall be issued by a bonding company authorized to do business in this State. Any letter of credit obtained pursuant to this subsection shall be issued by a financial institution authorized to do business in this State. Maintaining the bonds, self insurance, or letters of credit required under this subsection is a continuing obligation for licensure. A bonding company may terminate a bond, a financial institution may terminate a letter of credit, or an insurance company may terminate liability insurance and avoid further liability by filing a 60 day notice of termination with the Department and at the same time sending the same notice to the cemetery authority.

(c) After initial licensure, if any person comes to obtain at least 51% of the ownership over the licensed cemetery authority, then the cemetery authority shall have to apply for a new license and receive licensure in the required time as set by rule. The current license remains in effect until the Department takes action on the application for a new license.

(d) All applications shall contain the information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for an exemption from licensure or for a license to practice as a cemetery authority, cemetery manager, or customer service employee as set by rule.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-21)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-21. Qualifications for licensure.

(a) A cemetery authority shall apply for licensure on forms prescribed by the Department and pay the required fee. An applicant is qualified for licensure as a cemetery authority if the applicant meets all of the following qualifications:

(1) The applicant ~~is of good moral character and~~ has not committed any act or offense in any jurisdiction that would

constitute the basis for discipline under this Act. When considering such license ~~In determining good moral character,~~ the Department shall take into consideration the following:

(A) the applicant's record of compliance with the Code of Professional Conduct and Ethics, and whether the applicant has been found to have engaged in any unethical or dishonest practices in the cemetery business;

(B) whether the applicant has been adjudicated, civilly or criminally, to have committed fraud or to have violated any law of any state involving unfair trade or business practices, has been convicted of a misdemeanor of which fraud is an essential element or which involves any aspect of the cemetery business, or has been convicted of any felony;

(C) whether the applicant has willfully violated any provision of this Act or a predecessor law or any regulations relating thereto;

(D) whether the applicant has been permanently or temporarily suspended, enjoined, or barred by any court of competent jurisdiction in any state from engaging in or continuing any conduct or practice involving any aspect of the cemetery or funeral business; and

(E) whether the applicant has ever had any license to practice any profession or occupation suspended, denied, fined, or otherwise acted against or disciplined by the applicable licensing authority.

If the applicant is a corporation, limited liability company, partnership, or other entity permitted by law, then the Department shall determine whether each principal, owner, member, officer, and shareholder holding 25% or more of corporate stock has met the requirements of this item (1) of subsection (a) of this Section ~~is to be of good moral character. Good moral character is a continuing requirement of licensure.~~

(2) The applicant must provide a statement of its assets and liabilities to the Department. ~~The~~

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~~applicant provides evidence satisfactory to the Department that the applicant has financial resources sufficient to comply with the maintenance and record keeping provisions in Section 20-5 of this Act. Maintaining sufficient financial resources is a continuing requirement for licensure.~~

(3) The applicant has not, within the preceding 10 years, been convicted of or entered a plea of guilty or nolo contendere to (i) a Class X felony or (ii) a felony, an essential element of which was fraud or dishonesty under the laws of this State, another state, the United States, or a foreign jurisdiction. If the applicant is a corporation, limited liability company, partnership, or other entity permitted by law, then each principal, owner, member, officer, and shareholder holding 25% or more of corporate stock has not, within the preceding 10 years, been convicted of or entered a plea of guilty or nolo contendere to (i) a Class X felony or (ii) a felony, an essential element of which was fraud or dishonesty under the laws of this State, another state, the United States, or a foreign jurisdiction.

~~(4) The applicant shall authorize the Department to conduct a criminal background check that does not involve fingerprinting. The applicant submits his or her fingerprints in accordance with subsection (c) of this Section.~~

~~(5) In the case of a person or entity applying for renewal of his, her, or its license, the~~ The applicant has complied with all other requirements of this Act and the rules adopted for the implementation of this Act.

(b) The cemetery manager and customer service employees of a licensed cemetery authority shall apply for licensure as a cemetery manager or customer service employee on forms prescribed by the Department and pay the required fee. A person is qualified for licensure as a cemetery manager or customer service employee if he or she meets all of the following requirements:

(1) Is at least 18 years of age.

~~(2) Has acted in an ethical manner as set forth in Section 10-23 of this Act. Is of good moral character. Good moral character is a continuing requirement of licensure.~~ In determining qualifications of licensure ~~good moral character~~, the Department shall take into consideration the factors outlined in item (1) of subsection (a) of this Section.

(3) Submits proof of successful completion of a high school education or its equivalent as established by rule.

~~(4) The applicant shall authorize the Department to conduct a criminal background check that does not involve fingerprinting. Submits his or her fingerprints in accordance with subsection (c) of this Section.~~

(5) Has not committed a violation of this Act or any rules adopted under this Act that, in the opinion of the Department, renders the applicant unqualified to be a cemetery manager.

~~(6) Submits proof of successful completion of a certification course recognized by the Department for a cemetery manager or customer service employee, whichever the case may be. Successfully passes the examination authorized by the Department for cemetery manager or customer service employee, whichever is applicable.~~

(7) Has not, within the preceding 10 years, been convicted of or entered a plea of guilty or nolo contendere to (i) a Class X felony or (ii) a felony, an essential element of which was fraud or dishonesty under the laws of this State, another state, the United States, or a foreign jurisdiction.

(8) ~~Can be reasonably expected to treat consumers professionally, fairly, and ethically.~~

(9) In the case of a person applying for renewal of his or her license, ~~has~~ Has complied with all other requirements of this Act and the rules adopted for implementation of this Act.

~~(c) Each applicant for a cemetery authority, cemetery manager, or customer service employee license shall authorize the Department to conduct a criminal background check that does not involve fingerprinting. The Department must, in turn, conduct the criminal background check on each applicant. The Department shall adopt rules to implement this subsection (c), but in no event shall the Department impose a fee upon the applicant for the background check. Each applicant for a cemetery authority, cemetery manager, or customer service employee license shall have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information that is prescribed by the Department of State Police. These fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases. The Department of State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department may require applicants to pay a separate fingerprinting fee, either to the Department or~~

directly to a designated fingerprint vendor. The Department, in its discretion, may allow an applicant who does not have reasonable access to a designated fingerprint vendor to provide his or her fingerprints in an alternative manner. The Department, in its discretion, may also use other procedures in performing or obtaining criminal background checks of applicants. Instead of submitting his or her fingerprints, an individual may submit proof that is satisfactory to the Department that an equivalent security clearance has been conducted. If the applicant for a cemetery authority license is a corporation, limited liability company, partnership, or other entity permitted by law, then each principal, owner, member, officer, and shareholder holding 25% or more of corporate stock shall have his or her fingerprints submitted in accordance with this subsection (e).

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-23)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-23. Code of Professional Conduct and Ethics. Licensed cemetery authorities and their licensed cemetery managers and customer service employees, and cemetery authorities maintaining a partial exemption and their cemetery managers and customer service employees shall:

(a) Refrain from committing any action that may violate Section 25-10 of this Act;

(b) Be aware of applicable federal and State laws and regulations, adhere to those laws and regulations, and be able to explain them to families in an understandable manner;

(c) Treat all human remains with proper care and dignity, honoring known religious, ethnic, and personal beliefs;

(d) Protect all confidential information;

(e) Carry out all aspects of service in a competent and respectful manner;

(f) Fulfill all written and verbal agreements and contracts;

(g) Provide honest, factual, and complete information regarding all aspects of the services offered and provided;

(h) Not engage in advertising that is false, misleading, or otherwise prohibited by law;

(i) Not discriminate against any person because of race, creed, marital status, sex, national origin, sexual orientation, or color, except a religious cemetery may restrict its services to those of the same religious faith or creed. A cemetery authority operating any cemetery may designate parts of cemeteries or burial grounds for the specific use of persons whose religious code requires isolation;

(j) To have clear and specific cemetery rules and regulations, subject to other applicable law, including this Act, and to apply them equally to all families served;

(k) Report all violations of this Act and this Section to the Department. The Department shall adopt a Code of Professional Conduct and Ethics by rule. Cemetery authorities, cemetery managers, and customer service employees shall abide by the Code of Professional Conduct and Ethics.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-25)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-25. Certification Examination; failure or refusal to take the examination.

(a) The Department shall authorize certification programs for examinations of cemetery manager and customer service employee applicants at such times and places as it may determine. The certification programs must consist of education and training in cemetery ethics, cemetery law, and cemetery practices. Cemetery ethics shall include, without limitation, the Code of Professional Conduct and Ethics as set forth in Section 10-23 of this Act. Cemetery law shall include, without limitation, the Cemetery Oversight Act, the Cemetery Care Act, the Disposition of Remains Act, and the Cemetery Protection Act. Cemetery practices shall include, without limitation, treating the dead and their family members with dignity and respect. The certification program shall include an examination administered by the entity providing the certification. The examinations shall fairly test an applicant's qualifications to practice as cemetery manager or customer service employee, whatever the case may be, and knowledge of the theory and practice of cemetery operation and management or cemetery customer service, whichever is applicable. The examination shall further test the extent to which the applicant understands and appreciates that the final disposal of a deceased human body should be attended with appropriate observance and understanding, having due regard and respect for the reverent care of the human body and for those bereaved and for the overall spiritual dignity of an individual.

(a-5) An entity seeking to offer a certification program to cemetery manager applicants and customer service employee applicants must receive approval of its program from the Department in a manner and form prescribed by the Department by rule. As part of this process, the entity must submit to the Department the examination it offers or intends to offer as part of its certification program. The examinations for cemetery manager and customer service employee shall be appropriate for cemetery

professionals and shall not cover mortuary science.

(a-10) ~~A cemetery manager applicant or customer service employee applicant may choose any entity that has been approved by the Department from which to obtain certification. The examinations for cemetery manager and customer service employee applicants shall be tiered, as determined by rule, to account for the different amount of knowledge needed by such applicants depending on their job duties and the number of interments, inurnments, and entombments per year at the cemetery at which they work.~~

~~(b) Cemetery manager applicants and customer service employee applicants shall pay the fee for the certification program directly to the entity offering the program. Applicants for examinations shall pay, either to the Department or to the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date at the time and place specified after the application for examination has been received and acknowledged by the Department or the designated testing service shall result in forfeiture of the examination fee.~~

~~(c) If the cemetery manager applicant or customer service employee applicant neglects, fails, or refuses to become certified take an examination or fails to pass an examination for a license under this Act within one year after filing an application, then the application shall be denied. However, the applicant may thereafter submit a new application accompanied by the required fee. The applicant shall meet the requirements in force at the time of making the new application.~~

~~(d) A cemetery manager applicant or customer service employee applicant who has completed a certification program offered by an entity that has not received the Department's approval as required by this Section has not met the qualifications for licensure as set forth in Section 10-21 of this Act. The Department may employ consultants for the purpose of preparing and conducting examinations.~~

~~(e) The Department shall recognize any certification program that is conducted by a death care trade association in Illinois that has been in existence for more than 5 years that, in the determination of the Department, provides adequate education and training in cemetery law, cemetery ethics, and cemetery practices and administers an examination covering the same. The Department shall have the authority to adopt or recognize, in part or in whole, examinations prepared, administered, or graded by other organizations in the cemetery industry that are determined appropriate to measure the qualifications of an applicant for licensure.~~

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-30)

(Section scheduled to be repealed on January 1, 2021)

~~Sec. 10-30. Continuing education. The Department shall adopt rules for continuing education of cemetery managers and customer service employees. The continuing education programs may consist of education and training in cemetery ethics, cemetery law, and cemetery practices as defined in Section 10-25 of this Act. An entity seeking to offer a continuing education program to cemetery managers and customer service employees must receive approval of its program from the Department in a manner and form prescribed by the Department by rule. Cemetery managers shall be required to complete 6 hours of continuing education during each renewal cycle. Customer service employees shall be required to complete 3 hours of continuing education during each renewal cycle. The continuing education requirements for cemetery managers and customer service employees shall be tiered, as determined by rule, to account for the different amount of knowledge needed by such applicants depending on their job duties and the number of interments, inurnments, and entombments per year at the cemetery at which they work. The Department shall strive to keep the costs of any continuing education program imposed on a cemetery authority minimal. The requirements of this Section apply to any person seeking renewal or restoration under Section 10-40 of this Act.~~

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-39 new)

~~Sec. 10-39. Cemetery manager and customer service employee; display of certification and license; grace periods. The cemetery manager and customer service employee must conspicuously display the certification and the license after it is received at the cemetery authority's place of business. Any person applying for original licensure as a cemetery manager without the required certification from a program approved by the Department shall have a reasonable period of time, not to exceed one year from the date of his or her original application, but not any second or subsequent application, to complete the program. In the interim, the cemetery manager without certification may manage the cemetery if he or she (1) has submitted an application for licensure and (2) has received training from another person, as verified by an appropriate form approved by the Department, who has received the required certification from a program recognized by the Department. Any person applying for original licensure as a customer service employee without the required certification from a program approved by the Department shall have a~~

reasonable period of time, not to exceed one year from the date of his or her original application, but not any second or subsequent application, to complete the program. In the interim, the customer service employee without certification may engage in the work of a customer service employee if he or she (1) has submitted an application for licensure and (2) has received training from another person, as verified by an appropriate form approved by the Department, who has received certification from a program recognized by the Department.

(225 ILCS 411/10-40)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-40. Expiration and renewal of license. ~~Every cemetery authority, cemetery manager, and customer service employee license shall expire every 2 years. Every registration as a fully exempt cemetery authority or partially exempt cemetery authority shall expire every 4 years. The expiration date, renewal period, and other requirements for each license and registration shall be further refined~~ set by rule.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-45)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-45. Transfer or sale, preservation of license, ~~liability for shortage.~~

~~(a) (Blank). In the case of a sale of any cemetery or any part thereof or of any related personal property by a cemetery authority to a purchaser or pursuant to foreclosure proceedings, except the sale of burial rights, services, or merchandise to a person for his or her personal or family burial or interment, the purchaser is liable for any shortages existing before or after the sale in the care funds required to be maintained in a trust pursuant to this Act and shall honor all instruments issued under Article 15 of this Act for that cemetery. Any shortages existing in the care funds constitute a prior lien in favor of the trust for the total value of the shortages and notice of such lien shall be provided in all sales instruments.~~

~~(b) In the event of a sale or transfer of all or substantially all of the assets of the cemetery authority, the sale or transfer of the controlling interest of the corporate stock of the cemetery authority, if the cemetery authority is a corporation, or the sale or transfer of the controlling interest of the partnership, if the cemetery authority is a partnership, or the sale or transfer of the controlling membership, if the cemetery authority is a limited liability company, the cemetery authority shall, at least 30 days prior to the sale or transfer, notify the Department, in writing, of the pending date of sale or transfer so as to permit the Department to audit the books and records of the cemetery authority. The audit must be commenced within 10 business days of the receipt of the notification and completed within the 30 day notification period unless the Department notifies the cemetery authority during that period that there is a basis for determining a deficiency that will require additional time to finalize. The sale or transfer may not be completed by the cemetery authority unless and until:~~

~~(1) (Blank) the Department has completed the audit of the cemetery authority's books and records;~~

~~(2) (Blank) any delinquency existing in the care funds has been paid by the cemetery authority or arrangements satisfactory to the Department have been made by the cemetery authority on the sale or transfer for the payment of any delinquency; and~~

~~(3) the Department issues a new cemetery authority license upon application of the newly controlled corporation or partnership, which license must be applied for at least 30 days prior to the anticipated date of the sale or transfer, subject to the payment of any delinquencies, if any, as stated in item (2) of this subsection (b).~~

~~(c) In the event of a sale or transfer of any cemetery land, including any portion of cemetery land in which no human remains have been interred, a licensee shall, at least 45 days prior to the sale or transfer, notify the Department, in writing, of the pending sale or transfer. With the notification, the cemetery authority shall submit information to the Department, which may include a copy of a portion of the cemetery map showing the land to be sold or transferred, to enable the Department to determine whether any human remains are interred, inurned, or entombed within the land to be sold or transferred and whether consumers have rights of interment, inurnment, or entombment within the land to be sold or transferred.~~

~~(d) For purposes of this Section, a person who acquires the cemetery through a real estate foreclosure shall be subject to the provisions of this Section pertaining to the purchaser, including licensure.~~

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-50)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-50. Dissolution. Where any licensed cemetery authority or any trustee thereof ~~seeks has accepted care funds within the meaning of this Act, and dissolution is sought by such cemetery authority~~ in any manner, by resolution of such cemetery authority, or the trustees thereof, notice shall be given to

the Department of such intention to dissolve and proper disposition shall be made of the care funds so held for the general benefit of such lot owners by or for the benefit of such cemetery authority, as provided by law, or in accordance with the trust provisions of any gift, grant, contribution, payment, legacy, or pursuant to any contract whereby such funds were created. The Department, represented by the Attorney General, may apply to the circuit court for the appointment of a receiver, trustee, successor in trust, or for directions of such court as to the proper disposition to be made of such care funds, to the end that the uses and purposes for which such trust or care funds were created may be accomplished, and for proper continued operation of the cemetery.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-55)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-55. Fees.

(a) Except as provided in ~~subsection (b)~~ of this Section, the fees for the administration and enforcement of this Act, ~~including, but not limited to, original licensure, renewal, and restoration fees,~~ shall be set by the Department by rule. The fees shall be reasonable and shall not be refundable.

(b) Cemetery manager applicants and customer service employee applicants shall pay any certification program or continuing education program fee directly to the entity offering the program.

(c) The Department may waive fees based upon hardship.

(d) Nothing shall prohibit a cemetery authority from paying, on behalf of its cemetery managers or customer service employees, their application, renewal, or restoration fees.

~~(b) Applicants for examination shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination.~~

~~(e) (e)~~ All fees and other moneys collected under this Act shall be deposited in the Cemetery Oversight Licensing and Disciplinary Fund.

(f) The fee for application as a cemetery authority seeking a full exemption is \$0.

(g) The fee to renew registration as a fully exempt cemetery authority is \$0. As provided in Section 10-40 of this Act and as further refined by rule, each registration as a fully exempt cemetery authority shall expire every 4 years.

(h) The fee for application as a cemetery authority seeking a partial exemption is \$150.

(i) The fee to renew registration as a partially exempt cemetery authority is \$150. As provided in Section 10-40 of this Act and as further refined by rule, each registration as a partially exempt cemetery authority shall expire every 4 years.

(j) The fee for original licensure, renewal, and restoration as a cemetery authority not seeking a full or partial exemption is \$75. As provided in Section 10-40 of this Act and as further refined by rule, each cemetery authority license shall expire every 2 years.

(k) The fee for original licensure, renewal, and restoration as a cemetery manager is \$25. As provided in Section 10-40 of this Act and as further refined by rule, each cemetery manager license shall expire every 2 years.

(l) The fee for original licensure, renewal, and restoration as a customer service employee is \$25. As provided in Section 10-40 of this Act and as further refined by rule, each customer service employee license shall expire every 2 years.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/20-5)

(Section scheduled to be repealed on January 1, 2021)

Sec. 20-5. Maintenance and records.

(a) A cemetery authority shall provide reasonable maintenance of the cemetery property and of all lots, graves, crypts, and columbariums in the cemetery based on the type and size of the cemetery, topographic limitations, and contractual commitments with consumers. Subject to the provisions of this subsection (a), reasonable maintenance includes:

(1) the laying of seed, sod, or other suitable ground cover as soon as practical

following an interment given the weather conditions, climate, and season and the interment's proximity to ongoing burial activity;

(2) the cutting of lawn throughout the cemetery at reasonable intervals to prevent an overgrowth of grass and weeds given the weather conditions, climate, and season;

(3) the trimming of shrubs to prevent excessive overgrowth;

(4) the trimming of trees to remove dead limbs;

(5) maintaining, repairing, or removing, if necessary, drains, water lines, roads, buildings, fences, and other structures keeping in repair the drains, water lines, roads, buildings, fences, and other structures; and

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(6) keeping the cemetery premises free of trash and debris.

In determining whether a cemetery authority provides reasonable maintenance of the cemetery property, the Department shall consider:

(1) the cemetery authority's contractual obligations for care and maintenance;

(2) the size of the cemetery;

(3) the extent and use of the cemetery authority's financial resources;

(4) the standard of maintenance of one or more similarly situated cemeteries; in determining whether a cemetery is similarly situated the Department shall consider the cemetery's size, location, topography, and financial resources, and whether the cemetery is a fraternal cemetery, a religious cemetery, a public cemetery, a cemetery owned and operated by a cemetery association, or a licensed cemetery.

Reasonable maintenance by the cemetery authority shall not preclude the exercise of lawful rights by the owner of an interment, inurnment, or entombment right, or by the decedent's immediate family or other heirs, in accordance with reasonable rules and regulations of the cemetery or other agreement of the cemetery authority.

In the case of a cemetery dedicated as a nature preserve under the Illinois Natural Areas Preservation Act, reasonable maintenance by the cemetery authority shall be in accordance with the rules and master plan governing the dedicated nature preserve.

~~The Department shall adopt rules to provide greater detail as to what constitutes the reasonable maintenance required under this Section. The rules shall differentiate between cemeteries based on, among other things, the size and financial strength of the cemeteries. The rules shall also provide a reasonable opportunity for a cemetery authority accused of violating the provisions of this Section to cure any such violation in a timely manner given the weather conditions, climate, and season before the Department initiates formal proceedings.~~

A cemetery authority accused of violating the reasonable maintenance standard set forth in this Section shall have a reasonable opportunity to cure the violation. The cemetery authority shall have 10 business days after receipt of notice to cure the violation. If a cemetery authority cannot cure the violation within 10 business days, then the cemetery authority may request a time extension in order to cure the violation. The request for an extension shall be made in writing to the Department and must be postmarked within 10 business days after receipt of the notice of the alleged violation. The request shall outline all reasons for the extension and an estimated date by which the cure will be accomplished. Acceptable reasons include, without limitation, delays caused by weather conditions, season or climate, equipment failures, or acquisitions of materials or supplies being addressed by the authority in a timely manner, and unexpected temporary absences of personnel. The Department may approve or deny the extension. If the extension is denied, then the cemetery authority must cure the violation within 10 business days after the date of receipt of the Department's extension denial. If the extension is granted, then the cemetery authority must cure the violation within the extended period of time. A cemetery authority that does not cure the violation within the appropriate period of time shall be subject to discipline in accordance with Article 25 of this Act.

(b) A cemetery authority, before commencing cemetery operations or within 6 months after the effective date of this Act, shall cause an overall map of its cemetery property, delineating all lots or plots, blocks, sections, avenues, walks, alleys, and paths and their respective designations, to be filed at its on-site office, or if it does not maintain an on-site office, at its principal place of business. The cemetery authority shall update its map and index described in subsection (b-5) within a reasonable time after any expansion or alteration of the cemetery property. A cemetery manager's certificate acknowledging, accepting, and adopting the map shall also be included with the map. The Department may order that the cemetery authority obtain a cemetery plat and that it be filed at its on-site office, or if it does not maintain an on-site office, at its principal place of business ~~if only in the following circumstances: (1) the cemetery authority is expanding or altering the cemetery grounds; or (2) a human body that should have been interred, entombed, or inurned at the cemetery after the effective date of this amendatory Act of the 97th General Assembly is missing, displaced, or dismembered and (2) the cemetery map contains serious discrepancies.~~

In exercising this discretion, the Department shall consider whether the cemetery authority would experience an undue hardship as a result of obtaining the plat. The cemetery plat, as with all plats prepared under this Act, shall comply with the Illinois Professional Land Surveyor Act of 1989 and shall delineate, describe, and set forth all lots or plots, blocks, sections, avenues, walks, alleys, and paths and their respective designations. A cemetery manager's certificate acknowledging, accepting, and adopting the plat shall also be included with the plat.

(b-5) A cemetery authority shall maintain an index that associates the identity of deceased persons

interred, entombed, or inurned after the effective date of this Act with their respective place of interment, entombment, or inurnment.

(c) The cemetery authority shall open the cemetery map or plat to public inspection. The cemetery authority shall make available a copy of the overall cemetery map or plat upon written request and shall, if practical, provide a copy of a segment of the cemetery plat where interment rights are located upon the payment of reasonable photocopy fees. Any unsold lots, plots, or parts thereof, in which there are not human remains, may be resurveyed and altered in shape or size and properly designated on the cemetery map or plat. However, sold lots, plots, or parts thereof in which there are human remains may not be renumbered or renamed. Nothing contained in this subsection, however, shall prevent the cemetery authority from enlarging an interment right by selling to its owner the excess space next to the interment right and permitting interments therein, provided reasonable access to the interment right and to adjoining interment rights is not thereby eliminated.

(d) A cemetery authority shall keep a record of every interment, entombment, and inurnment completed after the effective date of this Act. The record shall include the deceased's name, age, date of burial, and the specific location of the interred, entombed, or inurned human remains. The specific location shall correspond to the map or plat maintained in accordance with subsection (b) of this Section and parcel identification number identifying where the human remains are interred, entombed, or inurned. The record shall also include the unique personal identifier as may be further defined by rule, which is the parcel identification number in addition to the term of burial in years; the numbered level or depth in the grave, plot, crypt, or niche; and the year of death.

(e) (Blank).

(f) A cemetery authority shall make available for inspection and, upon reasonable request and the payment of a reasonable copying fee, provide a copy of its rules and regulations. A cemetery authority shall make available for viewing and provide a copy of its current prices of interment, inurnment, or entombment rights.

(g) A cemetery authority shall provide access to the cemetery under the cemetery authority's reasonable rules and regulations.

(h) A cemetery authority shall be responsible for the proper opening and closing of all graves, crypts, or niches for human remains in any cemetery property it owns.

~~(i) Any corporate or other business organization trustee of the care funds of every licensed cemetery authority shall be located in or a resident of this State. The licensed cemetery authority and the trustee of care funds shall keep in this State and use in its business such books, accounts, and records as will enable the Department to determine whether such licensee or trustee is complying with the provisions of this Act and with the rules, regulations, and directions made by the Department under this Act. The licensed cemetery authority shall keep the books, accounts, and records in electronic or written format at the location identified in the license issued by the Department or as otherwise agreed by the Department in writing. The books, accounts, and records shall be accessible for review upon demand of the Department.~~

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/20-6)

(Section scheduled to be repealed on January 1, 2021)

Sec. 20-6. Cemetery Oversight Database.

(a) Within 10 business days after an interment, entombment, or inurnment of human remains, the cemetery manager shall cause a record of the interment, entombment, or inurnment to be entered into the Cemetery Oversight Database. The requirement of this subsection (a) also applies in any instance in which human remains are relocated.

(b) Within 9 months after the effective date of this Act, the Department shall certify a database as the Cemetery Oversight Database. Upon certifying the database, the Department shall:

- (1) provide reasonable notice to cemetery authorities identifying the database; and
- (2) immediately upon certification, require each cemetery authority to use the Cemetery Oversight Database as a means of complying with subsection (a).

(c) In certifying the Cemetery Oversight Database, the Department shall ensure that the database:

- (1) provides real-time access through an Internet connection or, if real-time access through an Internet connection becomes unavailable due to technical problems with the Cemetery Oversight Database incurred by the database provider or if obtaining use of an Internet connection would be an undue hardship on the cemetery authority, through alternative mechanisms, including, but not limited to, telephone;

- (2) is accessible to the Department and to cemetery managers in order to ensure compliance with this Act and in order to provide any other information that the Department deems

necessary;

(3) requires cemetery authorities to input whatever information required by the Department;

(4) maintains a real-time copy of the required reporting information that is available to the Department at all times and is the property of the Department; and

(5) contains safeguards to ensure that all information contained in the Cemetery Oversight Database is secure.

(d) A cemetery authority may rely on the information contained in the Cemetery Oversight Database as accurate and is not subject to any administrative penalty or liability as a result of relying on inaccurate information contained in the database.

(e) The Cemetery Oversight Database provider shall indemnify cemetery authorities against all claims and actions arising from illegal, willful, or wanton acts on the part of the Database provider. The Cemetery Oversight Database provider shall at all times maintain an electronic backup copy of the information it receives pursuant to subsection (a).

(f) In the event the provider of the database imposes a fee for entries into the database, the fee shall be paid directly by the Department to the provider, and the fee may not be imposed upon cemetery authorities making entries into the database. However, the provider need not refund any entry fees paid by cemetery authorities prior to the effective date of this amendatory Act of the 97th General Assembly.
(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/20-10)

(Section scheduled to be repealed on January 1, 2021)

Sec. 20-10. Contract. At the time cemetery arrangements are made and prior to rendering the cemetery services, a cemetery authority shall create a written contract to be provided to the consumer, signed by both parties, that shall contain: (i) ~~contact information, as set out in Section 20-11,~~ and the date on which the arrangements were made; (ii) the price of the service selected and the services and merchandise included for that price; (iii) the supplemental items of service and merchandise requested and the price of each item; (iv) the terms or method of payment agreed upon; and (v) a statement as to any monetary advances made on behalf of the family. The cemetery authority shall maintain a copy of such written contract in its permanent records.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/20-35 new)

Sec. 20-35. Stacking; burial or interment of an unknown individual or unknown body part.

(a) The stacking of caskets underground of any individual is limited to no more than 3 caskets in one grave space with the exception of an arrangement made pursuant to a lawful contract with a consumer that complies with the requirements of Section 20-10 of this Act.

(b) Burials and interments of unknown individuals or unknown body parts must be entered into the Cemetery Oversight Database as provided in Section 20-6 of this Act.

(225 ILCS 411/20-40 new)

Sec. 20-40. Burial of multiple persons. A cemetery authority shall not knowingly bury human remains from multiple persons, known or unknown, in the same casket or grave space with the exception of (1) human remains that are placed in individual containers, (2) a mass casualty event, either natural or man-made, or (3) an arrangement made pursuant to a lawful contract with a consumer that complies with the requirements of Section 20-10 of this Act.

(225 ILCS 411/25-10)

(Section scheduled to be repealed on January 1, 2021)

Sec. 25-10. Grounds for disciplinary action.

(a) The Department may refuse to issue or renew a license or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department may deem appropriate, including imposing fines not to exceed ~~\$8,000~~ ~~\$10,000~~ for each violation, with regard to any license under this Act, for any one or combination of the following:

(1) Material misstatement in furnishing information to the Department.

(2) Violations of this Act, except for Section 20-8, or of the rules adopted under this Act.

(3) Conviction of, or entry of a plea of guilty or nolo contendere to, any crime within the last 10 years that is a Class X felony or higher or is a felony involving fraud and dishonesty under the laws of the United States or any state or territory thereof.

(4) Making any misrepresentation for the purpose of obtaining licensure or violating any provision of this Act or the rules adopted under this Act.

(5) Professional incompetence.

- (6) Gross malpractice.
- (7) Aiding or assisting another person in violating any provision of this Act or rules adopted under this Act.
- (8) Failing, within 10 business days, to provide information in response to a written request made by the Department.
- (9) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.
- (10) Inability to practice with reasonable judgment, skill, or safety as a result of habitual or excessive use of alcohol, narcotics, stimulants, or any other chemical agent or drug.
- (11) Discipline by another agency, state, District of Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.
- (12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for professional services not actually or personally rendered.
- (13) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.
- (14) Willfully making or filing false records or reports in his or her practice, including, but not limited to, false records filed with any governmental agency or department.
- (15) Inability to practice the profession with reasonable judgment, skill, or safety.
- (16) Failure to ~~file an annual report or to maintain in effect the required bond or to comply with an order, decision, or finding of the Department made~~ pursuant to this Act.
- (17) Directly or indirectly receiving compensation for any professional services not actually performed.
- (18) Practicing under a false or, except as provided by law, an assumed name.
- (19) Fraud or misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of a license under this Act.
- (20) Cheating on or attempting to subvert the licensing examination administered under this Act.
- (21) Unjustified failure to honor its contracts.
- (22) Negligent supervision of a cemetery manager, customer service employee, ~~employee cemetery worker~~, or independent contractor.
- (23) A pattern of practice or other behavior which demonstrates incapacity or incompetence to practice under this Act.
- (24) Allowing an individual who is not, but is required to be, licensed under this Act to perform work for the cemetery authority.
- (25) ~~(Blank). Allowing an individual who has not, but is required to, submit a Worker's Statement in accordance with Section 10-22 of this Act to perform work at the cemetery.~~

(b) No action may be taken under this Act against a person licensed under this Act unless the action is commenced within 5 years after the occurrence of the alleged violations, except for a violation of item (3) of subsection (a) of this Section. If a person licensed under this Act violates item (3) of subsection (a) of this Section, then the action may commence within 10 years after the occurrence of the alleged violation. A continuing violation shall be deemed to have occurred on the date when the circumstances last existed that give rise to the alleged violation.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/25-14)

(Section scheduled to be repealed on January 1, 2021)

Sec. 25-14. Mandatory reports.

(a) If a cemetery authority receives a consumer complaint that is not resolved to the satisfaction of the consumer within 60 days of the complaint, the cemetery authority shall advise the consumer of the right to seek investigation by the Department and may direct the consumer to the sign posted in its office as required by Section 20-30 of this Act, shall report the consumer complaint to the Department within the next 30 days. Cemetery authorities shall report to the Department within 30 days after the settlement of any liability insurance claim or cause of action, or final judgment in any cause of action, that alleges negligence, fraud, theft, misrepresentation, misappropriation, or breach of contract.

(b) The State's Attorney of each county shall report to the Department all instances in which an individual licensed as a cemetery manager or customer service employee, or any individual listed on a

licensed cemetery authority's application under this Act, is convicted or otherwise found guilty of the commission of any felony. The report shall be submitted to the Department within 60 days after conviction or finding of guilty.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/25-14.5 new)

Sec. 25-14.5. Comptroller report. The Comptroller shall annually provide a report to the Department with the total amount of trust funds reported by a cemetery authority licensed under the Cemetery Care Act, the Illinois Pre-Need Cemetery Sales Act, or the Illinois Funeral or Burial Funds Act and provide other information about a cemetery authority upon the request of the Department. Additionally, the Comptroller shall report to the Department any adverse action taken against a cemetery authority under the Cemetery Care Act, the Illinois Pre-Need Cemetery Sales Act, or the Illinois Funeral or Burial Funds Act.

(225 ILCS 411/25-25)

(Section scheduled to be repealed on January 1, 2021)

Sec. 25-25. Investigations, notice, hearings.

(a) The Department may at any time investigate the actions of any applicant or of any person or persons rendering or offering to render services as a cemetery authority, cemetery manager, or customer service employee of or any person holding or claiming to hold a license as a licensed cemetery authority, cemetery manager, or customer service employee. If it appears to the Department that a person has engaged in, is engaging in, or is about to engage in any practice declared to be unlawful by this Act, then the Department may: (1) require that person to file on such terms as the Department prescribes a statement or report in writing, under oath or otherwise, containing all information the Department may consider necessary to ascertain whether a licensee is in compliance with this Act, or whether an unlicensed person is engaging in activities for which a license is required; (2) examine under oath any individual in connection with the books and records pertaining to or having an impact upon the operation of a cemetery ~~or trust funds required to be maintained pursuant to this Act~~; (3) examine any books and records of the licensee, ~~trustee, or investment advisor~~ that the Department may consider necessary to ascertain compliance with this Act; and (4) require the production of a copy of any record, book, document, account, or paper that is produced in accordance with this Act and retain it in his or her possession until the completion of all proceedings in connection with which it is produced.

(b) The Secretary may, after 10 days notice by certified mail with return receipt requested to the licensee at the address of record or to the last known address of any other person stating the contemplated action and in general the grounds therefor, fine such licensee an amount not exceeding \$10,000 per violation or revoke, suspend, refuse to renew, place on probation, or reprimand any license issued under this Act if he or she finds that:

(1) the licensee has failed to comply with any provision of this Act or any order, decision, finding, rule, regulation, or direction of the Secretary lawfully made pursuant to the authority of this Act; or

(2) any fact or condition exists which, if it had existed at the time of the original application for the license, clearly would have warranted the Secretary in refusing to issue the license.

(c) The Secretary may fine, revoke, suspend, refuse to renew, place on probation, reprimand, or take any other disciplinary action as to the particular license with respect to which grounds for the fine, revocation, suspension, refuse to renew, probation, or reprimand, or other disciplinary action occur or exist, but if the Secretary finds that grounds for revocation are of general application to all offices or to more than one office of the licensee, the Secretary shall fine, revoke, suspend, refuse to renew, place on probation, reprimand, or otherwise discipline every license to which such grounds apply.

(d) In every case in which a license is revoked, suspended, placed on probation, reprimanded, or otherwise disciplined, the Secretary shall serve the licensee with notice of his or her action, including a statement of the reasons for his or her actions, either personally or by certified mail, return receipt requested. Service by certified mail shall be deemed completed when the notice is deposited in the United States mail and sent to the address of record.

(e) An order assessing a fine, an order revoking, suspending, placing on probation, or reprimanding a license or, an order denying renewal of a license shall take effect upon service of the order unless the licensee requests, in writing, within 20 days after the date of service, a hearing. In the event a hearing is requested, an order issued under this Section shall be stayed until a final administrative order is entered.

(f) If the licensee requests a hearing, then the Secretary shall schedule a hearing within 30 days after the request for a hearing unless otherwise agreed to by the parties. The Secretary shall have the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any disciplinary action with regard to a license. The hearing officer shall have full authority to

conduct the hearing.

(g) The hearing shall be held at the time and place designated by the Secretary.

(h) The Secretary shall have the authority to prescribe rules for the administration of this Section.

(i) Fines imposed and any costs assessed shall be paid within 60 days.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/25-70)

(Section scheduled to be repealed on January 1, 2021)

Sec. 25-70. Receivership. In the event a cemetery authority license is suspended or revoked or where an unlicensed person has conducted activities requiring cemetery authority licensure under this Act, the Department, through the Attorney General, may petition the circuit courts of this State for appointment of a receiver to ~~administer the care funds of such licensee or unlicensed person or to~~ operate the cemetery.

(a) The court shall appoint a receiver if the court determines that a receivership is necessary or advisable:

(1) to ensure the orderly and proper conduct of a licensee's professional business and affairs during or in the aftermath of the administrative proceeding to revoke or suspend the cemetery authority's license;

(2) for the protection of the public's interest and rights in the business, premises, or activities of the person sought to be placed in receivership;

(3) upon a showing of actual or constructive abandonment of premises or business licensed or which was not but should have been licensed under this Act;

(4) upon a showing of serious and repeated violations of this Act demonstrating an inability or unwillingness of a licensee to comply with the requirements of this Act;

(5) to prevent loss, wasting, dissipation, theft, or conversion of assets that should be marshaled and held available for the honoring of obligations under this Act; or

(6) upon proof of other grounds that the court deems good and sufficient for instituting receivership action concerning the respondent sought to be placed in receivership.

(b) A receivership under this Section may be temporary, or for the winding up and dissolution of the business, as the Department may request and the court determines to be necessary or advisable in the circumstances. Venue of receivership proceedings may be, at the Department's election, in Cook County or the county where the subject of the receivership is located. The appointed receiver shall be the Department or such person as the Department may nominate and the court shall approve.

(c) The Department may adopt rules for the implementation of this Section.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/25-75)

(Section scheduled to be repealed on January 1, 2021)

Sec. 25-75. Cemetery Relief Fund.

(a) A special income-earning fund is hereby created in the State treasury, known as the Cemetery Relief Fund.

(b) Beginning on July 1, 2011, and occurring on an annual basis every year thereafter, three percent of the moneys in the Cemetery Oversight Licensing and Disciplinary Fund shall be deposited into the Cemetery Relief Fund.

(c) All monies deposited into the fund together with all accumulated undistributed income thereon shall be held as a special fund in the State treasury. The fund shall be used solely for the purpose of providing grants to units of local government and not-for-profit organizations, including, but not limited to, not-for-profit cemetery authorities, to clean up cemeteries that have been abandoned, neglected, or are otherwise in need of additional care.

(d) The grant program shall be administered by the Department.

(e) In the event there is a structural surplus in the Cemetery Oversight Licensing and Disciplinary Fund, the Department may expend moneys out of the Cemetery Oversight Licensing and Disciplinary Fund for the purposes described in subsection (c) of this Section.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/25-105)

(Section scheduled to be repealed on January 1, 2021)

Sec. 25-105. Violations. Each of the following acts is a Class A misdemeanor for the first offense and a Class 4 felony for each subsequent offense:

(1) the practice of or attempted practice of or holding out as available to practice as a cemetery authority, cemetery manager, or customer service employee without a license; or

(2) the obtaining of or the attempt to obtain any license or authorization under this Act by fraud or

~~misrepresentation. Any person who is found to have violated any provision of this Act or any applicant for licensure who files with the Department the fingerprints of an individual other than himself or herself is guilty of a Class A misdemeanor. Upon conviction of a second or subsequent offense the violator shall be guilty of a Class 4 felony. However, whoever intentionally fails to deposit the required amounts into a trust provided for in this Act or intentionally and improperly withdraws or uses trust funds for his or her own benefit shall be guilty of a Class 4 felony and each day such provisions are violated shall constitute a separate offense.~~

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/25-110)

(Section scheduled to be repealed on January 1, 2021)

Sec. 25-110. Civil action and civil penalties. In addition to the other penalties and remedies provided in this Act, the Department may bring a civil action in the county in which the cemetery is located against a licensee or any other person to enjoin any violation or threatened violation of this Act. In addition to any other penalty provided by law, any person who violates this Act shall forfeit and pay a civil penalty to the Department in an amount not to exceed ~~\$8,000~~ ~~\$10,000~~ for each violation as determined by the Department. The civil penalty shall be assessed by the Department in accordance with the provisions of this Act. Any civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record. All moneys collected under this Section shall be deposited into the Cemetery Oversight Licensing and Disciplinary Fund.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/25-120)

(Section scheduled to be repealed on January 1, 2021)

Sec. 25-120. Whistleblower protection.

(a) "Retaliatory action" means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms and conditions of employment of any cemetery manager, licensed customer service employee, or ~~employee cemetery worker~~ that is taken in retaliation for a cemetery manager's, customer service employee's, or ~~employee's cemetery worker's~~ involvement in protected activity, as set forth in this Section.

(b) A cemetery authority shall not take any retaliatory action against a cemetery manager, customer service employee, or ~~employee cemetery worker~~ because the cemetery manager, customer service employee, or ~~employee cemetery worker~~ does any of the following:

(1) Discloses or threatens to disclose to a supervisor or to a public body an activity,

policy, or practice of a cemetery manager, customer service employee, or the cemetery authority that the cemetery manager, customer service employee, or ~~employee cemetery worker~~ reasonably believes is in violation of a law, rule, or regulation.

(2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by a cemetery manager or cemetery authority.

(3) Assists or participates in a proceeding to enforce the provisions of this Act.

(c) A violation of this Section may be established only upon a finding that (i) the cemetery manager, customer service employee, or ~~employee cemetery worker~~ engaged in conduct described in subsection (b) of this Section and (ii) that this conduct was a contributing factor in the retaliatory action alleged by the cemetery manager, customer service employee, or ~~employee cemetery worker~~. It is not a violation, however, if it is demonstrated by clear and convincing evidence that the cemetery manager or cemetery authority would have taken the same unfavorable personnel action in the absence of that conduct.

(d) The cemetery manager, customer service employee, or ~~employee cemetery worker~~ may be awarded all remedies

necessary to make the cemetery manager, customer service employee, or ~~employee cemetery worker~~ whole and to prevent future violations of this Section. Remedies imposed by the court may include, but are not limited to, all of the following:

(1) reinstatement of the individual to either the same position held before the retaliatory action or to an equivalent position;

(2) two times the amount of back pay;

(3) interest on the back pay;

(4) the reinstatement of full fringe benefits and seniority rights; and

(5) the payment of reasonable costs and attorneys' fees.

(e) Nothing in this Section shall be deemed to diminish the rights, privileges, or remedies

of a cemetery manager, customer service employee, or ~~employee cemetery worker~~ under any other federal or State law, rule, or regulation or under any employment contract.
(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/25-125)

(Section scheduled to be repealed on January 1, 2021)

Sec. 25-125. Cemetery Oversight Board. The Cemetery Oversight Board is created and shall consist of the Secretary, who shall serve as its chairperson, and 8 members appointed by the Secretary. Appointments shall be made within 90 days after the effective date of this Act. Three members shall represent the segment of the cemetery industry that does not maintain a partial exemption or full exemption, one member shall represent the segment of the cemetery industry that maintains a partial exemption as a public cemetery, one member shall represent the segment of the cemetery industry that maintains a partial exemption as a religious cemetery, 2 members shall be consumers as defined in this Act, and one member shall represent the general public. No member shall be a licensed professional from a non-cemetery segment of the death care industry. Board members shall serve 5-year terms and until their successors are appointed and qualified. The membership of the Board should reasonably reflect representation from the geographic areas in this State. No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 10 successive years. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. Five members of the Board shall constitute a quorum. A quorum is required for Board decisions. The Secretary may remove any member of the Board for misconduct, incompetence, neglect of duty, or for reasons prescribed by law for removal of State officials. The Secretary may remove a member of the Board who does not attend 2 consecutive meetings. The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the administration or enforcement of this Act. The Secretary shall consider the recommendations of the Board in the development of proposed rules under this Act and in the approval of entities seeking to offer certification programs to cemetery manager applicants and customer service employee applicants and for establishing guidelines and examinations as may be required under this Act. Notice of any proposed rulemaking under this Act and applications submitted by entities seeking to offer certification programs shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made therein.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/75-50)

(Section scheduled to be repealed on January 1, 2021)

Sec. 75-50. Burial permits. Notwithstanding any law to the contrary, ~~a cemetery authority shall ensure that every burial permit shall contain applicable to that cemetery authority contains the decedent's parcel identification number or other information as provided by rule regarding the location of the interment, entombment, or inurnment of the deceased that would enable the Department to determine the precise location of the decedent.~~

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/75-55)

(Section scheduled to be repealed on January 1, 2021)

Sec. 75-55. Transition.

(a) (Blank). ~~Within 60 days after the effective date of this Act, the Comptroller shall provide the Department copies of records in the Comptroller's possession pertaining to the Cemetery Care Act and the Crematory Regulation Act that are necessary for the Department's immediate responsibilities under this Act. All other records pertaining to the Cemetery Care Act with the exception of records pertaining to care funds.~~

(b) (Blank).

(c) All cemeteries not maintaining a full exemption or partial exemption shall pay a one-time fee to the Department, due no later than December 15, 2010, equal to \$20 plus an additional charge of \$1 for each burial performed within the cemetery during calendar year 2009. To support the costs that may be associated with implementing and maintaining a licensure and regulatory process for the licensure and regulation of cemetery authorities, cemetery managers, customer service employees, and cemetery workers, all cemetery authorities not maintaining a full exemption or partial exemption shall pay a one-time fee of \$20 to the Department plus an additional charge of \$1 per burial unit per year within the cemetery. The Department may establish forms for the collection of the fee established under this subsection and shall deposit such fee into the Cemetery Oversight Licensing and Disciplinary Fund. The Department may begin to collect the aforementioned fee after the effective date of this Act. In addition, the Department may establish rules for the collection process, which may include, but shall not be

~~limited to, dates, forms, enforcement, or other procedures necessary for the effective collection, deposit, and overall process regarding this Section.~~

~~(d) All fees collected under this Section prior to the effective date of this amendatory Act of the 97th General Assembly shall not be refunded. Any cemetery authority that fails to pay to the Department the required fee or submits the incorrect amount shall be subject to the penalties provided for in Section 25-110 of this Act.~~

~~(e) (Blank). Except as otherwise specifically provided, all fees, fines, penalties, or other moneys received or collected pursuant to this Act shall be deposited in the Cemetery Oversight Licensing and Disciplinary Fund.~~

~~(f) (Blank).~~

~~(g) (Blank).~~

(Source: P.A. 96-863, eff. 3-1-10; 97-593, eff. 8-26-11.)

(225 ILCS 411/10-10 rep.) (225 ILCS 411/10-22 rep.) (225 ILCS 411/Art. 15 rep.) (225 ILCS 411/20-11 rep.) (225 ILCS 411/20-25 rep.) (225 ILCS 411/Art. 22 rep.) (225 ILCS 411/25-13 rep.) (225 ILCS 411/90-90 rep.) (225 ILCS 411/90-95 rep.)

Section 27. The Cemetery Oversight Act is amended by repealing Sections 10-10, 10-22, 20-11, 20-25, 25-13, 90-90, and 90-95 and Articles 15 and 22.

Section 30. The Crematory Regulation Act is amended by changing Sections 5, 7, 10, 11, 11.5, 13, 14, 20, 22, 25, 40, 55, 60, 62, 62.5, 62.10, 62.15, 62.20, 65, 80, 85, 87, 88, 89, 90, 91, 92, and 94 as follows:

(410 ILCS 18/5)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 5. Definitions. As used in this Act:

"Address of record" means the designated address recorded by the Comptroller in the applicant's or licensee's application file or license file. It is the duty of the applicant or licensee to inform the Comptroller of any change of address within 14 days, and such changes must be made either through the Comptroller's website or by contacting the Comptroller. The address of record shall be the permanent street address of the crematory.

"Alternative container" means a receptacle, other than a casket, in which human remains are transported to the crematory and placed in the cremation chamber for cremation. An alternative container shall be (i) composed of readily combustible or consumable materials suitable for cremation, (ii) able to be closed in order to provide a complete covering for the human remains, (iii) resistant to leakage or spillage, (iv) rigid enough for handling with ease, and (v) able to provide protection for the health, safety, and personal integrity of crematory personnel.

"Authorizing agent" means a person legally entitled to order the cremation and final disposition of specific human remains.

"Body parts" means limbs or other portions of the anatomy that are removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy, or medical research; or human bodies or any portion of bodies that have been donated to science for medical research purposes.

"Burial transit permit" means a permit for disposition of a dead human body as required by Illinois law.

"Casket" means a rigid container that is designed for the encasement of human remains, is usually constructed of wood, metal, or like material and ornamented and lined with fabric, and may or may not be combustible.

~~"Change of ownership" means a transfer of more than 50% of the stock or assets of a crematory authority.~~

"Comptroller" means the Comptroller of the State of Illinois.

"Cremated remains" means all human remains recovered after the completion of the cremation, which may possibly include the residue of any foreign matter including casket material, bridgework, or eyeglasses, that was cremated with the human remains.

"Cremation" means the technical process, using heat and flame, or alkaline hydrolysis that reduces human remains to bone fragments. The reduction takes place through heat and evaporation or through hydrolysis. Cremation shall include the processing, and may include the pulverization, of the bone fragments.

"Cremation chamber" means the enclosed space within which the cremation takes place.

"Cremation interment container" means a rigid outer container that, subject to a cemetery's rules and regulations, is composed of concrete, steel, fiberglass, or some similar material in which an urn is placed prior to being interred in the ground, and which is designed to withstand prolonged exposure to the

elements and to support the earth above the urn.

"Cremation room" means the room in which the cremation chamber is located.

"Crematory" means the building or portion of a building that houses the cremation room and the holding facility.

"Crematory authority" means the legal entity which is licensed by the Comptroller to operate a crematory and to perform cremations.

~~"Department" means the Illinois Department of Public Health.~~

"Final disposition" means the burial, cremation, or other disposition of a dead human body or parts of a dead human body.

"Funeral director" means a person known by the title of "funeral director", "funeral director and embalmer", or other similar words or titles, licensed by the State to practice funeral directing or funeral directing and embalming.

"Funeral establishment" means a building or separate portion of a building having a specific street address and location and devoted to activities relating to the shelter, care, custody, and preparation of a deceased human body and may contain facilities for funeral or wake services.

"Holding facility" means an area that (i) is designated for the retention of human remains prior to cremation, (ii) complies with all applicable public health law, (iii) preserves the health and safety of the crematory authority personnel, and (iv) is secure from access by anyone other than authorized persons. A holding facility may be located in a cremation room.

"Human remains" means the body of a deceased person, including any form of body prosthesis that has been permanently attached or implanted in the body.

"Licensee" means an entity licensed under this Act. An entity that holds itself as a licensee or that is accused of unlicensed practice is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Niche" means a compartment or cubicle for the memorialization and permanent placement of an urn containing cremated remains.

"Person" means any person, partnership, association, corporation, limited liability company, or other entity, and in the case of any such business organization, its officers, partners, members, or shareholders possessing 25% or more of ownership of the entity.

"Processing" means the reduction of identifiable bone fragments after the completion of the cremation process to unidentifiable bone fragments by manual or mechanical means.

"Pulverization" means the reduction of identifiable bone fragments after the completion of the cremation process to granulated particles by manual or mechanical means.

"Scattering area" means an area which may be designated by a cemetery and located on dedicated cemetery property where cremated remains, which have been removed from their container, can be mixed with, or placed on top of, the soil or ground cover.

"Temporary container" means a receptacle for cremated remains, usually composed of cardboard, plastic or similar material, that can be closed in a manner that prevents the leakage or spillage of the cremated remains or the entrance of foreign material, and is a single container of sufficient size to hold the cremated remains until an urn is acquired or the cremated remains are scattered.

"Urn" means a receptacle designed to encase the cremated remains.

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 5. Definitions. As used in this Act:

"Address of record" means the designated address recorded by the ~~Comptroller Department~~ in the applicant's or licensee's application file or license file. It is the duty of the applicant or licensee to inform the ~~Comptroller Department~~ of any change of address within 14 days, and such changes must be made either through the ~~Comptroller's Department's~~ website or by contacting the ~~Comptroller Department's~~ ~~licensee maintenance unit~~. The address of record shall be the permanent street address of the crematory.

"Alternative container" means a receptacle, other than a casket, in which human remains are transported to the crematory and placed in the cremation chamber for cremation. An alternative container shall be (i) composed of readily combustible or consumable materials suitable for cremation, (ii) able to be closed in order to provide a complete covering for the human remains, (iii) resistant to leakage or spillage, (iv) rigid enough for handling with ease, and (v) able to provide protection for the health, safety, and personal integrity of crematory personnel.

"Authorizing agent" means a person legally entitled to order the cremation and final disposition of specific human remains.

[November 29, 2011]

"Body parts" means limbs or other portions of the anatomy that are removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy, or medical research; or human bodies or any portion of bodies that have been donated to science for medical research purposes.

"Burial transit permit" means a permit for disposition of a dead human body as required by Illinois law.

"Casket" means a rigid container that is designed for the encasement of human remains, is usually constructed of wood, metal, or like material and ornamented and lined with fabric, and may or may not be combustible.

"Comptroller" means the Comptroller of the State of Illinois.

"Cremated remains" means all human remains recovered after the completion of the cremation, which may possibly include the residue of any foreign matter including casket material, bridgework, or eyeglasses, that was cremated with the human remains.

"Cremation" means the technical process, using heat and flame, or alkaline hydrolysis that reduces human remains to bone fragments. The reduction takes place through heat and evaporation or through hydrolysis. Cremation shall include the processing, and may include the pulverization, of the bone fragments.

"Cremation chamber" means the enclosed space within which the cremation takes place.

"Cremation interment container" means a rigid outer container that, subject to a cemetery's rules and regulations, is composed of concrete, steel, fiberglass, or some similar material in which an urn is placed prior to being interred in the ground, and which is designed to withstand prolonged exposure to the elements and to support the earth above the urn.

"Cremation room" means the room in which the cremation chamber is located.

"Crematory" means the building or portion of a building that houses the cremation room and the holding facility.

"Crematory authority" means the legal entity which is licensed by the ~~Comptroller Department~~ to operate a crematory and to perform cremations.

~~"Department" means the Illinois Department of Financial and Professional Regulation.~~

"Final disposition" means the burial, cremation, or other disposition of a dead human body or parts of a dead human body.

"Funeral director" means a person known by the title of "funeral director", "funeral director and embalmer", or other similar words or titles, licensed by the State to practice funeral directing or funeral directing and embalming.

"Funeral establishment" means a building or separate portion of a building having a specific street address and location and devoted to activities relating to the shelter, care, custody, and preparation of a deceased human body and may contain facilities for funeral or wake services.

"Holding facility" means an area that (i) is designated for the retention of human remains prior to cremation, (ii) complies with all applicable public health law, (iii) preserves the health and safety of the crematory authority personnel, and (iv) is secure from access by anyone other than authorized persons. A holding facility may be located in a cremation room.

"Human remains" means the body of a deceased person, including any form of body prosthesis that has been permanently attached or implanted in the body.

"Licensee" means an entity licensed under this Act. An entity that holds itself as a licensee or that is accused of unlicensed practice is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Niche" means a compartment or cubicle for the memorialization and permanent placement of an urn containing cremated remains.

"Person" means any person, partnership, association, corporation, limited liability company, or other entity, and in the case of any such business organization, its officers, partners, members, or shareholders possessing 25% or more of ownership of the entity.

"Processing" means the reduction of identifiable bone fragments after the completion of the cremation process to unidentifiable bone fragments by manual or mechanical means.

"Pulverization" means the reduction of identifiable bone fragments after the completion of the cremation process to granulated particles by manual or mechanical means.

"Scattering area" means an area which may be designated by a cemetery and located on dedicated cemetery property where cremated remains, which have been removed from their container, can be mixed with, or placed on top of, the soil or ground cover.

~~"Secretary" means the Secretary of Financial and Professional Regulation.~~

"Temporary container" means a receptacle for cremated remains, usually composed of cardboard, plastic or similar material, that can be closed in a manner that prevents the leakage or spillage of the

cremated remains or the entrance of foreign material, and is a single container of sufficient size to hold the cremated remains until an urn is acquired or the cremated remains are scattered.

"Urn" means a receptacle designed to encase the cremated remains.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/7)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on January 1, 2021)

Sec. 7. Powers and duties of the ~~Comptroller Department~~. Subject to the provisions of this Act, the ~~Comptroller Department~~ may exercise any of the following powers and duties:

(1) Authorize standards to ascertain the qualifications and fitness of applicants for licensing as licensed crematory authorities and pass upon the qualifications of applicants for licensure.

(2) Examine and audit a licensed crematory authority's records, crematory, or any other aspects of crematory operation as the ~~Comptroller Department~~ deems appropriate.

(3) Investigate any and all unlicensed activity.

(4) Conduct hearings on proceedings to refuse to issue licenses or to revoke, suspend, place on probation, reprimand, or otherwise discipline licensees and to refuse to issue licenses or to revoke, suspend, place on probation, reprimand, or otherwise discipline licensees.

(5) Formulate rules required for the administration of this Act.

(6) Maintain rosters of the names and addresses of all licensees, and all entities whose licenses have been suspended, revoked, or otherwise disciplined. These rosters shall be available upon written request and payment of the required fee ~~as established by rule~~.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/10)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10. Establishment of crematory and licensing of crematory authority.

(a) Any person doing business in this State, or any cemetery, funeral establishment, corporation, partnership, joint venture, voluntary organization or any other entity, may erect, maintain, and operate a crematory in this State and provide the necessary appliances and facilities for the cremation of human remains in accordance with this Act.

(b) A crematory shall be subject to all local, State, and federal health and environmental protection requirements and shall obtain all necessary licenses and permits from the Department of Public Health, the federal Department of Health and Human Services, and the Illinois and federal Environmental Protection Agencies, or such other appropriate local, State, or federal agencies.

(c) A crematory may be constructed on or adjacent to any cemetery, on or adjacent to any funeral establishment, or at any other location consistent with local zoning regulations.

(d) An application for licensure as a crematory authority shall be in writing on forms furnished by the Comptroller. Applications shall be accompanied by a fee of \$50 and shall contain all of the following:

(1) The full name and address, both residence and business, of the applicant if the applicant is an individual; the full name and address of every member if the applicant is a partnership; the full name and address of every member of the board of directors if the applicant is an association; and the name and address of every officer, director, and shareholder holding more than 25% of the corporate stock if the applicant is a corporation.

(2) The address and location of the crematory.

(3) A description of the type of structure and equipment to be used in the operation of the crematory, including the operating permit number issued to the cremation device by the Illinois Environmental Protection Agency.

~~(3.5) (Blank). Attestation by the owner that cremation services shall be by a person trained in accordance with the requirements of Section 22 of this Act.~~

~~(3.10) (Blank). A copy of the certification or certifications issued by the certification program to the person or persons who will operate the cremation device.~~

(4) Any further information that the Comptroller reasonably may require.

(e) Each crematory authority shall file an annual report with the Comptroller, accompanied with a \$25 fee, providing (i) an affidavit signed by the owner of the crematory authority that at the time of the report the cremation device was in proper operating condition, (ii) the total number of all cremations performed at the crematory during the past year, (iii) attestation by the licensee that all applicable permits and certifications are valid, ~~and~~ (iv) either (A) any changes required in the information provided under subsection (d) or (B) an indication that no changes have occurred, ~~and~~ (v) any other information that the Comptroller may require. The annual report shall be filed by a crematory authority on or before March

15 of each calendar year, ~~in the Office of the Comptroller. If the fiscal year of a crematory authority is other than on a calendar year basis, then the crematory authority shall file the report required by this Section within 75 days after the end of its fiscal year. The Comptroller shall, for good cause shown, grant an extension for the filing of the annual report upon the written request of the crematory authority. An extension shall not exceed 60 days. If the fiscal year of a crematory authority is other than on a calendar year basis, then the crematory authority shall file the report required by this Section within 75 days after the end of its fiscal year.~~ If a crematory authority fails to submit an annual report to the Comptroller within the time specified in this Section, the Comptroller shall impose upon the crematory authority a penalty of \$5 for each and every day the crematory authority remains delinquent in submitting the annual report. The Comptroller may abate all or part of the \$5 daily penalty for good cause shown.

(f) All records required to be maintained under this Act, including but not limited to those relating to the license and annual report of the crematory authority required to be filed under this Section, shall be subject to inspection by the Comptroller upon reasonable notice.

(g) The Comptroller may inspect crematory records at the crematory authority's place of business to review the licensee's compliance with this Act. The inspection must include verification that:

(1) the crematory authority has complied with record-keeping requirements of this Act;

(2) a crematory device operator's certification of training is conspicuously displayed at the crematory;

(3) the cremation device has a current operating permit issued by the Illinois Environmental Protection Agency and the permit is conspicuously displayed in the crematory;

(4) the crematory authority is in compliance with local zoning requirements; and

(5) the crematory authority license issued by the Comptroller is conspicuously displayed at the crematory.

(h) The Comptroller shall issue licenses under this Act to the crematories that are registered with the Comptroller as of ~~March 1, 2012~~ ~~July 1, 2003~~ without requiring the previously registered crematories to complete license applications.

(Source: P.A. 92-419, eff. 1-1-02; 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10. Establishment of crematory and licensing of crematory authority.

(a) Any person doing business in this State, or any cemetery, funeral establishment, corporation, partnership, joint venture, voluntary organization or any other entity, may erect, maintain, and operate a crematory in this State and provide the necessary appliances and facilities for the cremation of human remains in accordance with this Act.

(b) A crematory shall be subject to all local, State, and federal health and environmental protection requirements and shall obtain all necessary licenses and permits from the Department of Financial and Professional Regulation, the Department of Public Health, the federal Department of Health and Human Services, and the Illinois and federal Environmental Protection Agencies, or such other appropriate local, State, or federal agencies.

(c) A crematory may be constructed on or adjacent to any cemetery, on or adjacent to any funeral establishment, or at any other location consistent with local zoning regulations.

(d) An application for licensure as a crematory authority shall be in writing on forms furnished by the ~~Comptroller Department~~. Applications shall be accompanied by a ~~reasonable fee of \$50 determined by rule~~ and shall contain all of the following:

(1) The full name and address, both residence and business, of the applicant if the applicant is an individual; the full name and address of every member if the applicant is a partnership; the full name and address of every member of the board of directors if the applicant is an association; and the name and address of every officer, director, and shareholder holding more than 25% of the corporate stock if the applicant is a corporation.

(2) The address and location of the crematory.

(3) A description of the type of structure and equipment to be used in the operation of the crematory, including the operating permit number issued to the cremation device by the Illinois Environmental Protection Agency.

(4) Any further information that the ~~Comptroller Department~~ reasonably may require ~~as established by rule~~.

(e) Each crematory authority shall file an annual report with the ~~Comptroller Department~~, accompanied with a ~~\$25 reasonable fee determined by rule~~, providing (i) an affidavit signed by the

owner of the crematory authority that at the time of the report the cremation device was in proper operating condition, (ii) the total number of all cremations performed at the crematory during the past year, (iii) attestation by the licensee that all applicable permits and certifications are valid, (iv) either (A) any changes required in the information provided under subsection (d) or (B) an indication that no changes have occurred, and (v) any other information that the Department may require ~~as established by rule~~. The annual report shall be filed by a crematory authority on or before March 15 of each calendar year. If the fiscal year of a crematory authority is other than on a calendar year basis, then the crematory authority shall file the report required by this Section within 75 days after the end of its fiscal year. If a crematory authority fails to submit an annual report to the ~~Comptroller Department~~ within the time specified in this Section, the ~~Comptroller Department~~ shall impose upon the crematory authority a penalty of \$5 ~~as provided for by rule~~ for each and every day the crematory authority remains delinquent in submitting the annual report. The ~~Comptroller Department~~ may abate all or part of the \$5 ~~daily~~ penalty for good cause shown.

(f) All records required to be maintained under this Act, including but not limited to those relating to the license and annual report of the crematory authority required to be filed under this Section, shall be subject to inspection by the Comptroller upon reasonable notice.

(g) The ~~Comptroller Department~~ may inspect crematory records at the crematory authority's place of business to review the licensee's compliance with this Act. The inspection must include verification that:

- (1) the crematory authority has complied with record-keeping requirements of this Act;
- (2) a crematory device operator's certification of training is conspicuously displayed at the crematory;
- (3) the cremation device has a current operating permit issued by the Illinois Environmental Protection Agency and the permit is conspicuously displayed in the crematory;
- (4) the crematory authority is in compliance with local zoning requirements; and
- (5) the crematory authority license issued by the ~~Comptroller Department~~ is conspicuously displayed at the crematory.

(6) other details as determined by rule.

(h) The ~~Comptroller Department~~ shall issue licenses under this Act to the crematories that are registered with the Comptroller as of on March 1, 2012 without requiring the previously registered crematories to complete license applications.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/11)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 11. Grounds for ~~denial or discipline~~ refusal of license or suspension or revocation of license.

(a) In this Section, "applicant" means a person who has applied for a license under this Act, including those persons whose names are listed on a license application in Section 10 of this Act.

(b) The Comptroller may refuse to issue a license, place on probation, reprimand, or take other appropriate disciplinary action that the Comptroller may deem appropriate, including fines not to exceed \$5,000 for each violation, with regard to any license under this Act, or may suspend or revoke a license issued under this Act, on any of the following grounds:

(1) The applicant or licensee has made any misrepresentation or false statement or concealed any material fact in furnishing information to the Comptroller in connection with a license application or licensure under this Act.

(2) The applicant or licensee has been engaged in business practices that work a fraud.

(3) The applicant or licensee has refused to give information required under this Act to be disclosed to the Comptroller or failing, within 30 days, to provide information in response to a written request made by the Comptroller.

(4) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public. The applicant or licensee has conducted or is about to conduct cremation business in a fraudulent manner.

(5) As to any individual listed in the license application as required under Section 10, that individual has conducted or is about to conduct any cremation business on behalf of the applicant in a fraudulent manner or has been convicted of any felony or misdemeanor an essential element of which is fraud.

(6) The applicant or licensee has failed to make the annual report required by this Act or to comply with a final order, decision, or finding of the Comptroller made under this Act.

(7) The applicant or licensee, including any member, officer, or director of the

applicant or licensee if the applicant or licensee is a firm, partnership, association, or corporation and including any shareholder holding more than 25% of the corporate stock of the applicant or licensee, has violated any provision of this Act or any regulation or order made by the Comptroller under this Act.

(8) The Comptroller finds any fact or condition existing that, if it had existed at the time of the original application for a license under this Act, would have warranted the Comptroller in refusing the issuance of the license.

(9) Any violation of this Act or of the rules adopted under this Act.

(10) Incompetence.

(11) Gross malpractice.

(12) Discipline by another state, District of Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(13) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for professional services not actually or personally rendered.

(14) A finding by the Comptroller that the licensee, after having its license placed on probationary status, has violated the terms of probation.

(15) Willfully making or filing false records or reports, including, but not limited to, false records filed with State agencies or departments.

(16) Gross, willful, or continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered.

(17) Practicing under a false or, except as provided by law, an assumed name.

(18) Cheating on or attempting to subvert this Act's licensing application process.

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 11. Grounds for denial or discipline.

(a) In this Section, "applicant" means a person who has applied for a license under this Act including those persons whose names are listed on a license application in Section 10 of this Act.

(b) The ~~Comptroller Department~~ may refuse to issue a license, place on probation, reprimand, or take other disciplinary action that the ~~Comptroller Department~~ may deem appropriate, including imposing fines not to exceed ~~\$10,000~~ ~~\$5,000~~ for each violation, with regard to any license under this Act, or may suspend or revoke a license issued under this Act, on any of the following grounds:

(1) The applicant or licensee has made any misrepresentation or false statement or concealed any material fact in furnishing information to the ~~Comptroller Department~~.

(2) The applicant or licensee has been engaged in business practices that work a fraud.

(3) The applicant or licensee has refused to give information required under this Act to be disclosed to the ~~Comptroller Department~~ or failing, within 30 days, to provide information in response to a written request made by the ~~Comptroller Department~~.

(4) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(5) As to any individual listed in the license application as required under Section 10, that individual has conducted or is about to conduct any cremation business on behalf of the applicant in a fraudulent manner or has been convicted of any felony or misdemeanor an essential element of which is fraud.

(6) The applicant or licensee has failed to make the annual report required by this Act or to comply with a final order, decision, or finding of the ~~Comptroller Department~~ made under this Act.

(7) The applicant or licensee, including any member, officer, or director of the applicant or licensee if the applicant or licensee is a firm, partnership, association, or corporation and including any shareholder holding more than 25% of the corporate stock of the applicant or licensee, has violated any provision of this Act or any regulation or order made by the ~~Comptroller Department~~ under this Act.

(8) The ~~Comptroller Department~~ finds any fact or condition existing that, if it had existed at the time of the original application for a license under this Act, would have warranted the Comptroller in refusing the issuance of the license.

(9) Any violation of this Act or of the rules adopted under this Act.

(10) Incompetence.

(11) Gross malpractice.

(12) Discipline by another state, District of Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(13) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for professional services not actually or personally rendered.

(14) A finding by the ~~Comptroller Department~~ that the licensee, after having its license placed on probationary status, has violated the terms of probation.

(15) Willfully making or filing false records or reports, including, but not limited to, false records filed with State agencies or departments.

(16) Gross, willful, or continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered.

(17) Practicing under a false or, except as provided by law, an assumed name.

(18) Cheating on or attempting to subvert this Act's licensing application process.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/11.5)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 11.5. License revocation or suspension; surrender of license.

(a) ~~(Blank). Upon determining that grounds exist for the revocation or suspension of a license issued under this Act, the Comptroller, if appropriate, may revoke or suspend the license issued to the licensee.~~

(b) Upon the revocation or suspension of a license issued under this Act, the licensee must immediately surrender the license to the Comptroller. If the licensee fails to do so, the Comptroller may seize the license.

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 11.5. License revocation or suspension; surrender of license.

(a) (Blank).

(b) Upon the revocation or suspension of a license issued under this Act, the licensee must immediately surrender the license to the ~~Comptroller Department~~. If the licensee fails to do so, the ~~Comptroller Department~~ may seize the license.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/13)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 13. License; display; transfer; duration.

(a) Every license issued under this Act must state the number of the license, the business name and address of the licensee's principal place of business, and the licensee's parent company, if any. The license must be conspicuously posted in the place of business operating under the license.

~~(b) After initial licensure, if any person comes to obtain at least 51% of the ownership over the licensed crematory authority, then the crematory authority shall apply for a new license in the required time as set out by rule. No license is transferable or assignable without the express written consent of the Comptroller. A transfer of more than 50% of the ownership of any business licensed under this Act shall be deemed to be an attempted assignment of the license originally issued to the licensee for whom consent of the Comptroller is required.~~

(c) Every license issued under this Act shall remain in force until it has been surrendered, suspended, or revoked in accordance with this Act. Upon the request of an interested person or on the Comptroller's own motion, the Comptroller may issue a new license to a licensee whose license has been revoked under this Act if no factor or condition then exists which would have warranted the Comptroller in originally refusing the issuance of the license.

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 13. License; display; transfer; duration.

[November 29, 2011]

(a) Every license issued under this Act must state the number of the license, the business name and address of the licensee's principal place of business, and the licensee's parent company, if any. The license must be conspicuously posted in the place of business operating under the license.

(b) After initial licensure, if any person comes to obtain at least ~~25%~~ 51% of the ownership over the licensed crematory authority, then the crematory authority shall ~~have to~~ apply for a new license ~~and receive licensure~~ in the required time as set out by rule.

(c) Every license issued under this Act shall remain in force until it has been surrendered, suspended, or revoked in accordance with this Act. Upon the request of an interested person or on the Comptroller's Department's own motion, the ~~Comptroller Department~~ may issue a new license to a licensee whose license has been revoked under this Act if no factor or condition then exists which would have warranted the ~~Comptroller Department~~ in originally refusing the issuance of the license.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/14)

(Section scheduled to be repealed on January 1, 2021)

Sec. 14. Display of cremation device permit. A crematory authority must conspicuously display in its place of business the operating permit issued to its cremation device by the Illinois Environmental Protection Agency and the license issued by the Comptroller under this Act. All rulemaking authority in connection with ~~such~~ operating permits issued by the Illinois Environmental Protection Agency shall be vested with the Illinois Environmental Protection Agency and all rulemaking authority in connection with licenses issued by the Comptroller under this Act shall be vested with the Comptroller.

(Source: P.A. 92-675, eff. 7-1-03.)

(410 ILCS 18/20)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 20. Authorization to cremate.

(a) A crematory authority shall not cremate human remains until it has received all of the following:

(1) A cremation authorization form signed by an authorizing agent. The cremation authorization form shall be provided by the crematory authority and shall contain, at a minimum, the following information:

(A) The identity of the human remains and the time and date of death.

(B) The name of the funeral director ~~and of~~ funeral establishment, if applicable, that obtained the cremation authorization.

(C) Notification as to whether the death occurred from a disease declared by the Department of Health to be infectious, contagious, communicable, or dangerous to the public health.

(D) The name of the authorizing agent and the relationship between the authorizing agent and the decedent.

(E) A representation that the authorizing agent does in fact have the right to authorize the cremation of the decedent, and that the authorizing agent is not aware of any living person who has a superior priority right to that of the authorizing agent, as set forth in Section 15. In the event there is another living person who has a superior priority right to that of the authorizing agent, the form shall contain a representation that the authorizing agent has made all reasonable efforts to contact that person, has been unable to do so, and has no reason to believe that the person would object to the cremation of the decedent.

(F) Authorization for the crematory authority to cremate the human remains.

(G) A representation that the human remains do not contain a pacemaker or any other material or implant that may be potentially hazardous or cause damage to the cremation chamber or the person performing the cremation.

(H) The name of the person authorized to receive the cremated remains from the crematory authority.

(I) The manner in which final disposition of the cremated remains is to take place, if known. If the cremation authorization form does not specify final disposition in a grave, crypt, niche, or scattering area, then the form may indicate that the cremated remains will be held by the crematory authority for 30 days before they are released, unless they are picked up from the crematory authority prior to that time, in person, by the authorizing agent. At the end of the 30 days the crematory authority may return the cremated remains to the authorizing agent if no final disposition arrangements are made; or at the end of 60 days the crematory authority may dispose of the cremated remains in accordance with subsection (d) of Section 40.

(J) A listing of any items of value to be delivered to the crematory authority along

with the human remains, and instructions as to how the items should be handled.

(K) A specific statement as to whether the authorizing agent has made arrangements for any type of viewing of the decedent before cremation, or for a service with the decedent present before cremation in connection with the cremation, and if so, the date and time of the viewing or service and whether the crematory authority is authorized to proceed with the cremation upon receipt of the human remains.

(L) The signature of the authorizing agent, attesting to the accuracy of all representations contained on the cremation authorization form, except as set forth in paragraph (M) of this subsection.

(M) If a cremation authorization form is being executed on a pre-need basis, the cremation authorization form shall contain the disclosure required by subsection (b) of Section ~~140~~ ~~65~~.

(N) The cremation authorization form, other than pre-need cremation forms, shall also be signed by a funeral director or other representative of the funeral establishment that obtained the cremation authorization. That individual shall merely execute the cremation authorization form as a witness and shall not be responsible for any of the representations made by the authorizing agent, unless the individual has actual knowledge to the contrary. The information requested by items (A), (B), (C) and (G) of this subsection, however, shall be considered to be representations of the authorizing agent. In addition, the funeral director or funeral establishment shall warrant to the crematory that the human remains delivered to the crematory authority are the human remains identified on the cremation authorization form.

(2) A completed and executed burial transit permit indicating that the human remains are to be cremated.

(3) Any other documentation required by this State.

(b) If an authorizing agent is not available to execute a cremation authorization form in person, that person may delegate that authority to another person in writing, or by sending the crematory authority a facsimile transmission that contains the name, address, and relationship of the sender to the decedent and the name and address of the individual to whom authority is delegated. Upon receipt of the written document, or facsimile transmission, telegram, or other electronic telecommunications transmission which specifies the individual to whom authority has been delegated, the crematory authority shall allow this individual to serve as the authorizing agent and to execute the cremation authorization form. The crematory authority shall be entitled to rely upon the cremation authorization form without liability.

(c) An authorizing agent who signs a cremation authorization form shall be deemed to warrant the truthfulness of any facts set forth on the cremation authorization form, including that person's authority to order the cremation; except for the information required by items (C) and (G) of paragraph (1) of subsection (a) of this Section, unless the authorizing agent has actual knowledge to the contrary. An authorizing agent signing a cremation authorization form shall be personally and individually liable for all damages occasioned by and resulting from authorizing the cremation.

(d) A crematory authority shall have authority to cremate human remains upon the receipt of a cremation authorization form signed by an authorizing agent. There shall be no liability for a crematory authority that cremates human remains according to an authorization, or that releases or disposes of the cremated remains according to an authorization, except for a crematory authority's gross negligence, provided that the crematory authority performs its functions in compliance with this Act.

(e) After an authorizing agent has executed a cremation authorization form, the authorizing agent may revoke the authorization and instruct the crematory authority to cancel the cremation and to release or deliver the human remains to another crematory authority or funeral establishment. The instructions shall be provided to the crematory authority in writing. A crematory authority shall honor any instructions given to it by an authorizing agent under this Section if it receives the instructions prior to beginning the cremation of the human remains.

(Source: P.A. 87-1187.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 20. Authorization to cremate.

(a) A crematory authority shall not cremate human remains until it has received all of the following:

(1) A cremation authorization form signed by an authorizing agent. The cremation authorization form shall be provided by the crematory authority and shall contain, at a minimum, the following information:

(A) The identity of the human remains and the time and date of death.

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(B) The name of the funeral director and funeral establishment, if applicable, that obtained the cremation authorization.

(C) Notification as to whether the death occurred from a disease declared by the Department of Health to be infectious, contagious, communicable, or dangerous to the public health.

(D) The name of the authorizing agent and the relationship between the authorizing agent and the decedent.

(E) A representation that the authorizing agent does in fact have the right to authorize the cremation of the decedent, and that the authorizing agent is not aware of any living person who has a superior priority right to that of the authorizing agent, as set forth in Section 15. In the event there is another living person who has a superior priority right to that of the authorizing agent, the form shall contain a representation that the authorizing agent has made all reasonable efforts to contact that person, has been unable to do so, and has no reason to believe that the person would object to the cremation of the decedent.

(F) Authorization for the crematory authority to cremate the human remains.

(G) A representation that the human remains do not contain a pacemaker or any other material or implant that may be potentially hazardous or cause damage to the cremation chamber or the person performing the cremation.

(H) The name of the person authorized to receive the cremated remains from the crematory authority.

(I) The manner in which final disposition of the cremated remains is to take place, if known. If the cremation authorization form does not specify final disposition in a grave, crypt, niche, or scattering area, then the form may indicate that the cremated remains will be held by the crematory authority for 30 days before they are released, unless they are picked up from the crematory authority prior to that time, in person, by the authorizing agent. At the end of the 30 days the crematory authority may return the cremated remains to the authorizing agent if no final disposition arrangements are made; or at the end of 60 days the crematory authority may dispose of the cremated remains in accordance with subsection (d) of Section 40.

(J) A listing of any items of value to be delivered to the crematory authority along with the human remains, and instructions as to how the items should be handled.

(K) A specific statement as to whether the authorizing agent has made arrangements for any type of viewing of the decedent before cremation, or for a service with the decedent present before cremation in connection with the cremation, and if so, the date and time of the viewing or service and whether the crematory authority is authorized to proceed with the cremation upon receipt of the human remains.

(L) The signature of the authorizing agent, attesting to the accuracy of all representations contained on the cremation authorization form, except as set forth in paragraph (M) of this subsection.

(M) If a cremation authorization form is being executed on a pre-need basis, the cremation authorization form shall contain the disclosure required by subsection (b) of Section 140.

(N) The cremation authorization form, other than pre-need cremation forms, shall also be signed by a funeral director or other representative of the funeral establishment that obtained the cremation authorization. That individual shall merely execute the cremation authorization form as a witness and shall not be responsible for any of the representations made by the authorizing agent, unless the individual has actual knowledge to the contrary. The information requested by items (A), (B), (C) and (G) of this subsection, however, shall be considered to be representations of the authorizing agent. In addition, the funeral director or funeral establishment shall warrant to the crematory that the human remains delivered to the crematory authority are the human remains identified on the cremation authorization form.

(2) A completed and executed burial transit permit indicating that the human remains are to be cremated.

(3) Any other documentation required by this State.

(b) If an authorizing agent is not available to execute a cremation authorization form in person, that person may delegate that authority to another person in writing, or by sending the crematory authority a facsimile transmission that contains the name, address, and relationship of the sender to the decedent and the name and address of the individual to whom authority is delegated. Upon receipt of the written document, or facsimile transmission, telegram, or other electronic telecommunications transmission which specifies the individual to whom authority has been delegated, the crematory authority shall allow this individual to serve as the authorizing agent and to execute the cremation authorization form. The

crematory authority shall be entitled to rely upon the cremation authorization form without liability.

(c) An authorizing agent who signs a cremation authorization form shall be deemed to warrant the truthfulness of any facts set forth on the cremation authorization form, including that person's authority to order the cremation; except for the information required by items (C) and (G) of paragraph (1) of subsection (a) of this Section, unless the authorizing agent has actual knowledge to the contrary. An authorizing agent signing a cremation authorization form shall be personally and individually liable for all damages occasioned by and resulting from authorizing the cremation.

(d) A crematory authority shall have authority to cremate human remains upon the receipt of a cremation authorization form signed by an authorizing agent. There shall be no liability for a crematory authority that cremates human remains according to an authorization, or that releases or disposes of the cremated remains according to an authorization, except for a crematory authority's gross negligence, provided that the crematory authority performs its functions in compliance with this Act.

(e) After an authorizing agent has executed a cremation authorization form, the authorizing agent may revoke the authorization and instruct the crematory authority to cancel the cremation and to release or deliver the human remains to another crematory authority or funeral establishment. The instructions shall be provided to the crematory authority in writing. A crematory authority shall honor any instructions given to it by an authorizing agent under this Section if it receives the instructions prior to beginning the cremation of the human remains.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/22)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 22. Performance of cremation service; training. A person may not perform a cremation service in this State unless he or she has completed training in performing cremation services and received certification by a program recognized by the Comptroller. The crematory authority must conspicuously display the certification at the crematory authority's place of business. Any new employee shall have a reasonable time period, not to exceed one year, to attend a recognized training program. In the interim, the new employee may perform a cremation service if he or she has received training from another person who has received certification by a program recognized by the Comptroller and is under the supervision of the trained person. For purposes of this Act, the Comptroller may ~~shall~~ recognize any training program that provides training in the operation of a cremation device, in the maintenance of a clean facility, and in the proper handling of human remains. The Comptroller may ~~shall~~ recognize any course that is conducted by a death care trade association in Illinois or the United States or by a manufacturer of a cremation unit that is consistent with the standards provided in this Act or as otherwise determined by rule.

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 22. Performance of cremation service; training. A person may not perform a cremation service in this State unless he or she has completed training in performing cremation services and received certification by a program recognized by the Comptroller ~~Department~~. The crematory authority must conspicuously display the certification at the crematory authority's place of business. Any new employee shall have a reasonable time period, not to exceed one year as determined by rule, to attend a recognized training program. In the interim, the new employee may perform a cremation service if he or she has received training from another person who has received certification by a program recognized by the Comptroller ~~Department~~ and is under the supervision of the trained person. For purposes of this Act, the Comptroller ~~Department~~ may recognize any training program that provides training in the operation of a cremation device, in the maintenance of a clean facility, and in the proper handling of human remains. The Comptroller ~~Department~~ may recognize any course that is conducted by a death care trade association in Illinois or the United States or by a manufacturer of a cremation unit that is consistent with the standards provided in this Act or as otherwise determined by rule.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/25)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 25. Recordkeeping.

(a) The crematory authority shall furnish to the person who delivers human remains to the crematory authority a receipt signed at the time of delivery by both the crematory authority and the person who

delivers the human remains, showing the date and time of the delivery, the type of casket or alternative container that was delivered, the name of the person from whom the human remains were received and the name of the funeral establishment or other entity with whom the person is affiliated, the name of the person who received the human remains on behalf of the crematory authority, and the name of the decedent. The crematory shall retain a copy of this receipt in its permanent records.

(b) Upon its release of cremated remains, the crematory authority shall furnish to the person who receives the cremated remains from the crematory authority a receipt signed by both the crematory authority and the person who receives the cremated remains, showing the date and time of the release, the name of the person to whom the cremated remains were released and the name of the funeral establishment, cemetery, or other entity with whom the person is affiliated, the name of the person who released the cremated remains on behalf of the crematory authority, and the name of the decedent. The crematory shall retain a copy of this receipt in its permanent records.

(c) A crematory authority shall maintain at its place of business a permanent record of each cremation that took place at its facility which shall contain the name of the decedent, the date of the cremation, and the final disposition of the cremated remains.

(d) The crematory authority shall maintain a record of all cremated remains disposed of by the crematory authority in accordance with subsection (d) of Section 40.

(e) Upon completion of the cremation, the crematory authority shall file the burial transit permit as required by the Illinois Vital Records Act and rules adopted under that Act and the Illinois Counties Code law, and transmit a photocopy of the burial transit permit along with the cremated remains to whoever receives the cremated remains from the authorizing agent unless the cremated remains are to be interred, entombed, inurned, or placed in a scattering area, in which case the crematory authority shall retain a copy of the burial transit permit and shall send the permit, along with the cremated remains, to the cemetery, which shall file the permit with the designated agency after the interment, entombment, inurnment, or scattering has taken place.

(f) All cemeteries shall maintain a record of all cremated remains that are disposed of on their property, provided that the cremated remains were properly transferred to the cemetery and the cemetery issued a receipt acknowledging the transfer of the cremated remains.

(Source: P.A. 87-1187.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 25. Recordkeeping.

(a) The crematory authority shall furnish to the person who delivers human remains to the crematory authority a receipt signed at the time of delivery by both the crematory authority and the person who delivers the human remains, showing the date and time of the delivery, the type of casket or alternative container that was delivered, the name of the person from whom the human remains were received and the name of the funeral establishment or other entity with whom the person is affiliated, the name of the person who received the human remains on behalf of the crematory authority, and the name of the decedent. The crematory shall retain a copy of this receipt in its permanent records.

(b) Upon its release of cremated remains, the crematory authority shall furnish to the person who receives the cremated remains from the crematory authority a receipt signed by both the crematory authority and the person who receives the cremated remains, showing the date and time of the release, the name of the person to whom the cremated remains were released and the name of the funeral establishment, cemetery, or other entity with whom the person is affiliated, the name of the person who released the cremated remains on behalf of the crematory authority, and the name of the decedent. The crematory shall retain a copy of this receipt in its permanent records.

(c) A crematory authority shall maintain at its place of business a permanent record of each cremation that took place at its facility which shall contain the name of the decedent, the date of the cremation, and the final disposition of the cremated remains.

(d) The crematory authority shall maintain a record of all cremated remains disposed of by the crematory authority in accordance with subsection (d) of Section 40.

(e) Upon completion of the cremation, the crematory authority shall file the burial transit permit as required by the Illinois Vital Records Act and rules adopted under that Act and the Illinois Counties Code, and transmit a photocopy of the burial transit permit along with the cremated remains to whoever receives the cremated remains from the authorizing agent unless the cremated remains are to be interred, entombed, inurned, or placed in a scattering area, in which case the crematory authority shall retain a copy of the burial transit permit and shall send the permit, along with the cremated remains, to the cemetery, which shall file the permit with the designated agency after the interment, entombment,

inurnment, or scattering has taken place.

(f) All cemeteries shall maintain a record of all cremated remains that are disposed of on their property, provided that the cremated remains were properly transferred to the cemetery and the cemetery issued a receipt acknowledging the transfer of the cremated remains.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/40)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 40. Disposition of cremated remains.

(a) The authorizing agent shall be responsible for the final disposition of the cremated remains.

(b) Cremated remains may be disposed of by placing them in a grave, crypt, or niche, by scattering them in a scattering area as defined in this Act, or in any manner whatever on the private property of a consenting owner.

(c) Upon the completion of the cremation process, and except as provided for in item (1) ~~(1)~~ of paragraph (1) of subsection (a) of Section 20, if the crematory authority has not been instructed to arrange for the interment, entombment, inurnment, or scattering of the cremated remains, the crematory authority shall deliver the cremated remains to the individual specified on the cremation authorization form, or if no individual is specified then to the authorizing agent. The delivery may be made in person or by registered mail. Upon receipt of the cremated remains, the individual receiving them may transport them in any manner in this State without a permit, and may dispose of them in accordance with this Section. After delivery, the crematory authority shall be discharged from any legal obligation or liability concerning the cremated remains.

(d) If, after a period of 60 days from the date of the cremation, the authorizing agent or the agent's designee has not instructed the crematory authority to arrange for the final disposition of the cremated remains or claimed the cremated remains, the crematory authority may dispose of the cremated remains in any manner permitted by this Section. The crematory authority, however, shall keep a permanent record identifying the site of final disposition. The authorizing agent shall be responsible for reimbursing the crematory authority for all reasonable expenses incurred in disposing of the cremated remains. Upon disposing of the cremated remains, the crematory authority shall be discharged from any legal obligation or liability concerning the cremated remains. Any person who was in possession of cremated remains prior to the effective date of this Act may dispose of them in accordance with this Section.

(e) Except with the express written permission of the authorizing agent, no person shall:

(1) Dispose of cremated remains in a manner or in a location so that the cremated remains are commingled with those of another person. This prohibition shall not apply to the scattering of cremated remains at sea, by air, or in an area located in a dedicated cemetery and used exclusively for those purposes.

(2) Place cremated remains of more than one person in the same temporary container or urn.

(Source: P.A. 87-1187.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 40. Disposition of cremated remains.

(a) The authorizing agent shall be responsible for the final disposition of the cremated remains.

(b) Cremated remains may be disposed of by placing them in a grave, crypt, or niche, by scattering them in a scattering area as defined in this Act, or in any manner whatever on the private property of a consenting owner.

(c) Upon the completion of the cremation process, and except as provided for in item (1) of paragraph (1) of subsection (a) of Section 20, if the crematory authority has not been instructed to arrange for the interment, entombment, inurnment, or scattering of the cremated remains, the crematory authority shall deliver the cremated remains to the individual specified on the cremation authorization form, or if no individual is specified then to the authorizing agent. The delivery may be made in person or by registered mail. Upon receipt of the cremated remains, the individual receiving them may transport them in any manner in this State without a permit, and may dispose of them in accordance with this Section. After delivery, the crematory authority shall be discharged from any legal obligation or liability concerning the cremated remains.

(d) If, after a period of 60 days from the date of the cremation, the authorizing agent or the agent's designee has not instructed the crematory authority to arrange for the final disposition of the cremated remains or claimed the cremated remains, the crematory authority may dispose of the cremated remains

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in any manner permitted by this Section. The crematory authority, however, shall keep a permanent record identifying the site of final disposition. The authorizing agent shall be responsible for reimbursing the crematory authority for all reasonable expenses incurred in disposing of the cremated remains. Upon disposing of the cremated remains, the crematory authority shall be discharged from any legal obligation or liability concerning the cremated remains. Any person who was in possession of cremated remains prior to the effective date of this Act may dispose of them in accordance with this Section.

(e) Except with the express written permission of the authorizing agent, no person shall:

(1) Dispose of cremated remains in a manner or in a location so that the cremated remains are commingled with those of another person. This prohibition shall not apply to the scattering of cremated remains at sea, by air, or in an area located in a dedicated cemetery and used exclusively for those purposes.

(2) Place cremated remains of more than one person in the same temporary container or urn.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/55)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 55. Penalties.

Violations of this Act shall be punishable as follows:

(1) Performing a cremation without receipt of a cremation authorization form signed by an authorizing agent shall be a Class 4 felony.

(2) Signing a cremation authorization form with the actual knowledge that the form contains false or incorrect information shall be a Class 4 felony.

(3) A Violation of any cremation procedure set forth in Section 35 shall be a Class 4 felony.

(4) Holding oneself out to the public as a crematory authority, or the operation of a building or structure within this State as a crematory, without being licensed under this Act, shall be a Class A misdemeanor.

(4.5) Performance of a cremation service by a person who has not completed a training program as defined in Section 22 of this Act shall be a Class A misdemeanor.

(4.10) Any person who intentionally violates a provision of this Act or a final order of the Comptroller is liable for a civil penalty not to exceed \$5,000 per violation.

(4.15) Any person who knowingly acts without proper legal authority and who willfully and knowingly destroys or damages the remains of a deceased human being or who desecrates human remains is guilty of a Class 3 felony.

(5) A violation of any other provision of this Act shall be a Class B misdemeanor.

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 55. Penalties. Violations of this Act shall be punishable as follows:

(1) Performing a cremation without receipt of a cremation authorization form signed by an authorizing agent shall be a Class 4 felony.

(2) Signing a cremation authorization form with the actual knowledge that the form contains false or incorrect information shall be a Class 4 felony.

(3) A Violation of any cremation procedure set forth in Section 35 shall be a Class 4 felony.

(4) Holding oneself out to the public as a crematory authority, or the operation of a building or structure within this State as a crematory, without being licensed under this Act, shall be a Class A misdemeanor.

(4.5) Performance of a cremation service by a person who has not completed a training program as defined in Section 22 of this Act shall be a Class A misdemeanor.

(4.10) Any person who intentionally violates a provision of this Act or a final order of the ~~Comptroller Department~~ is liable for a civil penalty not to exceed ~~\$5,000~~ ~~\$10,000~~ per violation.

(4.15) Any person who knowingly acts without proper legal authority and who willfully and knowingly destroys or damages the remains of a deceased human being or who desecrates human remains is guilty of a Class 3 felony.

(5) A violation of any other provision of this Act shall be a Class B misdemeanor.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/60)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 60. Failure to file annual report. Whenever a crematory authority refuses or neglects to file its annual report in violation of Section 10 of this Act, or fails to otherwise comply with the requirements of this Act, the Comptroller shall impose a penalty as provided for by rule for each and every day the licensee remains delinquent in submitting the annual report. Such report shall be made under oath and shall be in a form determined by the Comptroller ~~may commence an administrative proceeding as authorized by this Act or may communicate the facts to the Attorney General of the State of Illinois who shall thereupon institute such proceedings against the crematory authority or its officers as the nature of the case may require.~~

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 60. Failure to file annual report. Whenever a crematory authority refuses or neglects to file its annual report in violation of Section 10 of this Act, or fails to otherwise comply with the requirements of this Act, the ~~Comptroller Department~~ shall impose a penalty as provided for by rule for each and every day the licensee remains delinquent in submitting the annual report. Such report shall be made under oath and shall be in a form determined by the ~~Comptroller Department~~.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/62)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 62. ~~Injunctive action; cease and desist order~~ Investigation of unlawful practices.

(a) If any person violates the provisions of this Act, the Comptroller, in the name of the People of the State of Illinois, through the Attorney General or the State's Attorney of the county in which the violation is alleged to have occurred, may petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) Whenever, in the opinion of the Comptroller, a person violates any provision of this Act, the Comptroller may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Comptroller and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Comptroller. Failure to answer to the satisfaction of the Comptroller shall cause an order to cease and desist to be issued.

~~If the Comptroller has good cause to believe that a person has engaged in, is engaging in, or is about to engage in any practice in violation of this Act, the Comptroller may do any one or more of the following:~~

~~(1) Require that person to file, on terms the Comptroller prescribes, a statement or report in writing, under oath or otherwise, containing all information that the Comptroller considers necessary to ascertain whether a licensee is in compliance with this Act, or whether an unlicensed person is engaging in activities for which a license is required under this Act.~~

~~(2) Examine under oath any person in connection with the books and records required to be maintained under this Act.~~

~~(3) Examine any books and records of a licensee that the Comptroller considers necessary to ascertain compliance with this Act.~~

~~(4) Require the production of a copy of any record, book, document, account, or paper that is produced in accordance with this Act and retain it in the Comptroller's possession until the completion of all proceedings in connection with which it is produced.~~

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 62. Injunctive action; cease and desist order.

(a) If any person violates the provisions of this Act, the Comptroller Secretary, in the name of the People of the State of Illinois, through the Attorney General or the State's Attorney of the county in which the violation is alleged to have occurred, may petition for an order enjoining the violation or for

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an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) Whenever, in the opinion of the ~~Comptroller Department~~, a person violates any provision of this Act, the ~~Comptroller Department~~ may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the ~~Comptroller Department~~ and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the ~~Comptroller Department~~. Failure to answer to the satisfaction of the ~~Comptroller Department~~ shall cause an order to cease and desist to be issued.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/62.5)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 62.5. Service of notice. Service by the Comptroller of any notice requiring a person to file a statement or report under this Act shall be made: (1) personally by delivery of a duly executed copy of the notice to the person to be served or, if that person is not a natural person, in the manner provided in the Civil Practice Law when a complaint is filed; or (2) by mailing by certified mail a duly executed copy of the notice to the person at his or her address of record to be served at his or her last known abode or principal place of business within this State.

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 62.5. Service of notice. Service by the ~~Comptroller Department~~ of any notice requiring a person to file a statement or report under this Act shall be made: (1) personally by delivery of a duly executed copy of the notice to the person to be served or, if that person is not a natural person, in the manner provided in the Civil Practice Law when a complaint is filed; or (2) by mailing by certified mail a duly executed copy of the notice to the person at his or her address of record.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/62.10)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 62.10. ~~Investigations; notice and hearing~~ Investigation of actions; hearing.

The Comptroller may at any time investigate the actions of any applicant or of any person, persons, or entity rendering or offering to render cremation services or any person or entity holding or claiming to hold a license as a licensed crematory. The Comptroller shall, before revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary action under Section 11 of this Act, at least 30 days before the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct the accused applicant or licensee to file a written answer to the charges with the Comptroller under oath within 20 days after the service on him or her of the notice, and (iii) inform the accused that, if he or she fails to answer, default will be taken against him or her or that his or her license may be suspended, revoked, placed on probationary status, or other disciplinary action taken with regard to the license, including limiting the scope, nature, or extent of his or her practice, as the Comptroller may consider proper.

At the time and place fixed in the notice, the Comptroller shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Comptroller shall have the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any disciplinary action with regard to a license. The hearing officer shall have full authority to conduct the hearing. The Comptroller may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, his or her license may, in the discretion of the Comptroller, be suspended, revoked, placed on probationary status, or the Comptroller may take whatever disciplinary action considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under this Act. The written notice may be served by personal delivery or by certified mail to the address specified by the accused in his or her last notification with the Comptroller.

~~(a) The Comptroller shall make an investigation upon discovering facts that, if proved, would~~

constitute grounds for refusal, suspension, or revocation of a license under this Act.

(b) Before refusing to issue, and before suspending or revoking, a license under this Act, the Comptroller shall hold a hearing to determine whether the applicant for a license or the licensee ("the respondent") is entitled to hold such a license. At least 10 days before the date set for the hearing, the Comptroller shall notify the respondent in writing that (i) on the designated date a hearing will be held to determine the respondent's eligibility for a license and (ii) the respondent may appear in person or by counsel. The written notice may be served on the respondent personally, or by registered or certified mail sent to the respondent's business address as shown in the respondent's latest notification to the Comptroller. The notice must include sufficient information to inform the respondent of the general nature of the reason for the Comptroller's action.

(c) At the hearing, both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence, and argument as may be pertinent to the charge or to any defense to the charge. The Comptroller may reasonably continue the hearing from time to time. The Comptroller may subpoena any person or persons in this State and take testimony orally, by deposition, or by exhibit, in the same manner and with the same fees and mileage as prescribed in judicial proceedings in civil cases. Any authorized agent of the Comptroller may administer oaths to witnesses at any hearing that the Comptroller is authorized to conduct.

(d) The Comptroller, at the Comptroller's expense, shall provide a certified shorthand reporter to take down the testimony and preserve a record of every proceeding at the hearing of any case involving the refusal to issue a license under this Act, the suspension or revocation of such a license, the imposition of a monetary penalty, or the referral of a case for criminal prosecution. The record of any such proceeding shall consist of the notice of hearing, the complaint, all other documents in the nature of pleadings and written motions filed in the proceeding, the transcript of testimony, and the report and orders of the Comptroller. Copies of the transcript of the record may be purchased from the certified shorthand reporter who prepared the record or from the Comptroller.

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 62.10. Investigations; notice and hearing. The Comptroller Department may at any time investigate the actions of any applicant or of any person, persons, or entity rendering or offering to render cremation services or any person or entity holding or claiming to hold a license as a licensed crematory. The Comptroller Department shall, before revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary action under Section 11 of this Act, at least 30 days before the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct the accused applicant or licensee to file a written answer to the charges with the Comptroller Department under oath within 20 days after the service on him or her of the notice, and (iii) inform the accused that, if he or she fails to answer, default will be taken against him or her or that his or her license may be suspended, revoked, placed on probationary status, or other disciplinary action taken with regard to the license, including limiting the scope, nature, or extent of his or her practice, as the Comptroller Department may consider proper.

At the time and place fixed in the notice, the Comptroller Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Comptroller Secretary shall have the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any disciplinary action with regard to a license. The hearing officer shall have full authority to conduct the hearing. The Comptroller Department may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, his or her license may, in the discretion of the Comptroller Department, be suspended, revoked, placed on probationary status, or the Comptroller Department may take whatever disciplinary action considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under this Act. The written notice may be served by personal delivery or by certified mail to the address specified by the accused in his or her last notification with the Comptroller Department.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/62.15)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 62.15. Compelling testimony Court order. Any circuit court, upon application of the Comptroller

or designated hearing officer may enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt. Upon the application of the Comptroller or of the applicant or licensee against whom proceedings under Section 62.10 are pending, any circuit court may enter an order requiring witnesses to attend and testify and requiring the production of documents, papers, files, books, and records in connection with any hearing in any proceeding under that Section. Failure to obey such a court order may result in contempt proceedings.

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 62.15. Compelling testimony. Any circuit court, upon application of the ~~Comptroller Department~~ or designated hearing officer may enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/62.20)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 62.20. Administrative review; venue; certification of record; costs ~~Judicial review.~~

(a) All final administrative decisions of the Comptroller are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(b) Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of Illinois, the venue shall be in Sangamon County.

(c) The Comptroller shall not be required to certify any record of the court, file an answer in court, or to otherwise appear in any court in a judicial review proceeding unless and until the Comptroller has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Comptroller. Failure on the part of the plaintiff to make such payment to the Comptroller is grounds for dismissal of the action.

~~(a) Any person affected by a final administrative decision of the Comptroller under this Act may have the decision reviewed judicially by the circuit court of the county where the person resides or, in the case of a corporation, where the corporation's registered office is located. If the plaintiff in the judicial review proceeding is not a resident of this State, venue shall be in Sangamon County. The provisions of the Administrative Review Law and any rules adopted under it govern all proceedings for the judicial review of final administrative decisions of the Comptroller under this Act. The term "administrative decision" is defined as in the Administrative Review Law.~~

~~(b) The Comptroller is not required to certify the record of the proceeding unless the plaintiff in the review proceeding has purchased a copy of the transcript from the certified shorthand reporter who prepared the record or from the Comptroller. Exhibits shall be certified without cost.~~

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 62.20. Administrative review; venue; certification of record; costs.

(a) All final administrative decisions of the ~~Comptroller Department~~ are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(b) Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of Illinois, the venue shall be in Sangamon County.

(c) The ~~Comptroller Department~~ shall not be required to certify any record of the court, file an answer in court, or to otherwise appear in any court in a judicial review proceeding unless and until the ~~Comptroller Department~~ has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the ~~Comptroller Department~~. Failure on the part of the plaintiff to make such payment to the ~~Comptroller Department~~ is grounds for dismissal of the action.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/65)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 65. Pre-need cremation arrangements.

(a) Any person, or anyone who has legal authority to act on behalf of a person, on a pre-need basis, may authorize his or her own cremation and the final disposition of his or her cremated remains by executing, as the authorizing agent, a cremation authorization form on a pre-need basis. A copy of this form shall be provided to the person. Any person shall have the right to transfer or cancel this authorization at any time prior to death by destroying the executed cremation authorization form and providing written notice to the crematory authority.

(b) Any cremation authorization form that is being executed by an individual as his or her own authorizing agent on a pre-need basis shall contain the following disclosure, which shall be completed by the authorizing agent:

"() I do not wish to allow any of my survivors the option of cancelling my cremation and selecting alternative arrangements, regardless of whether my survivors deem a change to be appropriate.

() I wish to allow only the survivors whom I have designated below the option of cancelling my cremation and selecting alternative arrangements, if they deem a change to be appropriate:....."

(c) Except as provided in subsection (b) of this Section, at the time of the death of a person who has executed, as the authorizing agent, a cremation authorization form on a pre-need basis, any person in possession of an executed form and any person charged with making arrangements for the final disposition of the decedent who has knowledge of the existence of an executed form, shall use their best efforts to ensure that the decedent is cremated and that the final disposition of the cremated remains is in accordance with the instructions contained on the cremation authorization form. If a crematory authority (i) is in possession of a completed cremation authorization form that was executed on a pre-need basis, (ii) is in possession of the designated human remains, and (iii) has received payment for the cremation of the human remains and the final disposition of the cremated remains or is otherwise assured of payment, then the crematory authority shall be required to cremate the human remains and dispose of the cremated remains according to the instructions contained on the cremation authorization form, and may do so without any liability.

(d) ~~(e)~~ Any pre-need contract sold by, or pre-need arrangements made with, a cemetery, funeral establishment, crematory authority, or any other party that includes a cremation shall specify the final disposition of the cremated remains, in accordance with Section 40. In the event that no different or inconsistent instructions are provided to the crematory authority by the authorizing agent at the time of death, the crematory authority shall be authorized to release or dispose of the cremated remains as indicated in the pre-need agreement. Upon compliance with the terms of the pre-need agreement, the crematory authority shall be discharged from any legal obligation concerning the cremated remains. The pre-need agreement shall be kept as a permanent record by the crematory authority.

(e) ~~(f)~~ This Section shall not apply to any cremation authorization form or pre-need contract executed prior to the effective date of this Act. Any cemetery, funeral establishment, crematory authority, or other party, however, with the written approval of the authorizing agent or person who executed the pre-need contract, may designate that the cremation authorization form or pre-need contract shall be subject to this Act.

(Source: P.A. 87-1187.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 65. Pre-need cremation arrangements.

(a) Any person, or anyone who has legal authority to act on behalf of a person, on a pre-need basis, may authorize his or her own cremation and the final disposition of his or her cremated remains by executing, as the authorizing agent, a cremation authorization form on a pre-need basis. A copy of this form shall be provided to the person. Any person shall have the right to transfer or cancel this authorization at any time prior to death by destroying the executed cremation authorization form and providing written notice to the crematory authority.

(b) Any cremation authorization form that is being executed by an individual as his or her own authorizing agent on a pre-need basis shall contain the following disclosure, which shall be completed by the authorizing agent:

"() I do not wish to allow any of my survivors the option of cancelling my cremation and

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selecting alternative arrangements, regardless of whether my survivors deem a change to be appropriate.

() I wish to allow only the survivors whom I have designated below the option of cancelling my cremation and selecting alternative arrangements, if they deem a change to be appropriate:....."

(c) Except as provided in subsection (b) of this Section, at the time of the death of a person who has executed, as the authorizing agent, a cremation authorization form on a pre-need basis, any person in possession of an executed form and any person charged with making arrangements for the final disposition of the decedent who has knowledge of the existence of an executed form, shall use their best efforts to ensure that the decedent is cremated and that the final disposition of the cremated remains is in accordance with the instructions contained on the cremation authorization form. If a crematory authority (i) is in possession of a completed cremation authorization form that was executed on a pre-need basis, (ii) is in possession of the designated human remains, and (iii) has received payment for the cremation of the human remains and the final disposition of the cremated remains or is otherwise assured of payment, then the crematory authority shall be required to cremate the human remains and dispose of the cremated remains according to the instructions contained on the cremation authorization form, and may do so without any liability.

(d) Any pre-need contract sold by, or pre-need arrangements made with, a cemetery, funeral establishment, crematory authority, or any other party that includes a cremation shall specify the final disposition of the cremated remains, in accordance with Section 40. In the event that no different or inconsistent instructions are provided to the crematory authority by the authorizing agent at the time of death, the crematory authority shall be authorized to release or dispose of the cremated remains as indicated in the pre-need agreement. Upon compliance with the terms of the pre-need agreement, the crematory authority shall be discharged from any legal obligation concerning the cremated remains. The pre-need agreement shall be kept as a permanent record by the crematory authority.

(e) This Section shall not apply to any cremation authorization form or pre-need contract executed prior to the effective date of this Act. Any cemetery, funeral establishment, crematory authority, or other party, however, with the written approval of the authorizing agent or person who executed the pre-need contract, may designate that the cremation authorization form or pre-need contract shall be subject to this Act.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/80)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

~~Sec. 80. Record of proceedings; transcript Home Rule. The Comptroller, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. Any notice of hearing, complaint, all other documents in the nature of pleadings, written motions filed in the proceedings, the transcripts of testimony, the report of the hearing officer, and orders of the Comptroller shall be in the record of the proceeding. The Comptroller shall furnish a transcript of such record to any person interested in such hearing upon payment of a reasonable fee. The regulation of crematories and crematory authorities as set forth in this Act is an exclusive power and function of the State. A home rule unit may not regulate crematories or crematory authorities. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.~~

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

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

~~Sec. 80. Record of proceedings; transcript. The Comptroller Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. Any notice of hearing, complaint, all other documents in the nature of pleadings, written motions filed in the proceedings, the transcripts of testimony, the report of the hearing officer, and orders of the Comptroller Department shall be in the record of the proceeding. The Comptroller Department shall furnish a transcript of such record to any person interested in such hearing upon payment of a reasonable fee ~~the fee required under Section 2105-115 of the Department of Professional Regulation Law.~~~~

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/85)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on January 1, 2021)

Sec. 85. Subpoenas; depositions; oaths. The Comptroller Department has the power to subpoena

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documents, books, records or other materials and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State. The Comptroller Secretary, the designated hearing officer, or any qualified person the Comptroller Department may designate has the power to administer oaths to witnesses at any hearing that the Comptroller Department is authorized to conduct, and any other oaths authorized in any Act administered by the Comptroller Department.

Every person having taken an oath or affirmation in any proceeding or matter wherein an oath is required by this Act, who shall swear willfully, corruptly and falsely in a matter material to the issue or point in question, or shall suborn any other person to swear as aforesaid, shall be guilty of perjury or subornation of perjury, as the case may be and shall be punished as provided by State law relative to perjury and subornation of perjury.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/87)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on January 1, 2021)

Sec. 87. Findings and recommendations. At the conclusion of the hearing, the hearing officer shall present to the Comptroller Secretary a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding whether or not the accused person violated this Act or its rules or failed to comply with the conditions required in this Act or its rules. The hearing officer shall specify the nature of any violations or failure to comply and shall make recommendations to the Comptroller Secretary. In making recommendations for any disciplinary actions, the hearing officer may take into consideration all facts and circumstances bearing upon the reasonableness of the conduct of the accused and the potential for future harm to the public, including but not limited to, previous discipline of the accused by the Comptroller Department, intent, degree of harm to the public and likelihood of harm in the future, any restitution made by the accused, and whether the incident or incidents contained in the complaint appear to be isolated or represent a continuing pattern of conduct. In making its recommendations for discipline, the hearing officer shall endeavor to ensure that the severity of the discipline recommended is reasonably related to the severity of the violation. The report of findings of fact, conclusions of law, and recommendation of the hearing officer shall be the basis for the Comptroller's Department's order refusing to issue, restore, place on probation, fine, suspend, revoke a license, or otherwise disciplining a licensee. If the Comptroller Secretary disagrees with the recommendations of the hearing officer, the Comptroller Secretary may issue an order in contravention of the hearing officer's recommendations. The finding is not admissible in evidence against the person in a criminal prosecution brought for a violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for a violation of this Act.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/88)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on January 1, 2021)

Sec. 88. Rehearing. At the conclusion of the hearing, a copy of the hearing officer's report shall be served upon the applicant or licensee by the Comptroller Department, either personally or as provided in this Act. Within 20 days after service, the applicant or licensee may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for rehearing. The Comptroller Department may respond to the motion for rehearing within 20 days after its service on the Comptroller Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon denial, the Comptroller Secretary may enter an order in accordance with recommendations of the hearing officer except as provided in Section 89 of this Act.

If the applicant or licensee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which a motion may be filed shall commence upon the delivery of the transcript to the applicant or licensee.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/89)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on January 1, 2021)

Sec. 89. Comptroller Secretary; rehearing. Whenever the Comptroller Secretary believes that substantial justice has not been done in the revocation, suspension, or refusal to issue or restore a license or other discipline of an applicant or licensee, he or she may order a rehearing by the same or other hearing officers.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/90)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on January 1, 2021)

Sec. 90. Order or certified copy; prima facie proof. An order or certified copy thereof, over the seal of the ~~Comptroller Department~~ and purporting to be signed by the ~~Comptroller Secretary~~, is prima facie proof that:

(a) the signature is the genuine signature of the ~~Comptroller Secretary~~;

(b) the ~~Comptroller Secretary~~ is duly appointed and qualified; and

(c) the hearing officer is qualified to act.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/91)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on January 1, 2021)

Sec. 91. Civil action and civil penalties. In addition to the other penalties and remedies provided in this Act, the ~~Comptroller Department~~ may bring a civil action in the county of residence of the licensee or any other person to enjoin any violation or threatened violation of this Act. In addition to any other penalty provided by law, any person who violates this Act shall forfeit and pay a civil penalty to the ~~Comptroller Department~~ in an amount not to exceed ~~\$5,000~~ ~~\$10,000~~ for each violation as determined by the ~~Comptroller Department~~. The civil penalty shall be assessed by the ~~Comptroller Department~~ in accordance with the provisions of this Act.

Any civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record. All moneys collected under this Section shall be deposited with the ~~Comptroller~~ into the ~~Cemetery Oversight Licensing and Disciplinary Fund~~.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/92)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on January 1, 2021)

Sec. 92. Consent order. At any point in any investigation or disciplinary proceedings as provided in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the ~~Comptroller Secretary~~.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/94)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on January 1, 2021)

Sec. 94. Summary suspension of a license. The ~~Comptroller Secretary~~ may summarily suspend a license of a licensed crematory without a hearing, simultaneously with the institution of proceedings for a hearing provided for in this Act, if the ~~Comptroller Secretary~~ finds that evidence in the ~~Comptroller's Secretary's~~ possession indicates that the licensee's continued practice would constitute an imminent danger to the public. In the event that the ~~Comptroller Secretary~~ summarily suspends the license of a licensed crematory without a hearing, a hearing must be commenced within 30 days after the suspension has occurred and concluded as expeditiously as practical. In the event of a summary suspension, the county coroner or medical examiner responsible for the area where the crematory is located shall make arrangements to dispose of any bodies in the suspended licensee's possession after consulting with the authorizing agents for those bodies.

(Source: P.A. 96-863, eff. 3-1-12.)

Section 35. The Vital Records Act is amended by changing Sections 11 and 25 as follows:

(410 ILCS 535/11) (from Ch. 111 1/2, par. 73-11)

Sec. 11. Information required on forms.

(a) The form of certificates, reports, and other returns required by this Act or by regulations adopted under this Act shall include as a minimum the items recommended by the federal agency responsible for national vital statistics, subject to approval of and modification by the Department. All forms shall be prescribed and furnished by the State Registrar of Vital Records.

(b) On and after the effective date of this amendatory Act of 1983, all forms used to collect information under this Act which request information concerning the race or ethnicity of an individual by providing spaces for the designation of that individual as "white" or "black", or the semantic equivalent thereof, shall provide an additional space for a designation as "Hispanic".

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(c) Effective November 1, 1990, the social security numbers of the mother and father shall be collected at the time of the birth of the child. These numbers shall not be recorded on the certificate of live birth. The numbers may be used only for those purposes allowed by Federal law.

(d) The social security number of a person who has died shall be entered on the death certificate; however, failure to enter the social security number of the person who has died on the death certificate does not invalidate the death certificate.

(e) If the place of disposition of a dead human body or cremated remains is in a cemetery, the burial permit shall include the place of disposition. The place of disposition shall include the lot, block, section, and plot or niche, and depth, if applicable, where the dead human body or cremated remains are located. This subsection does not apply to cremated remains scattered in a cemetery.

(Source: P.A. 96-863, eff. 3-1-10.)

(410 ILCS 535/25) (from Ch. 111 1/2, par. 73-25)

Sec. 25. In accordance with Section 24 of this Act, and the regulations adopted pursuant thereto:

(1) The State Registrar of Vital Records shall search the files of birth, death, and fetal death records, upon receipt of a written request and a fee of \$10 from any applicant entitled to such search. A search fee shall not be required for commemorative birth certificates issued by the State Registrar. If, upon search, the record requested is found, the State Registrar shall furnish the applicant one certification of such record, under the seal of such office. If the request is for a certified copy of the record an additional fee of \$5 shall be required. If the request is for a certified copy of a death certificate or a fetal death certificate, an additional fee of \$2 is required. The additional fee shall be deposited into the Death Certificate Surcharge Fund. A further fee of \$2 shall be required for each additional certification or certified copy requested. If the requested record is not found, the State Registrar shall furnish the applicant a certification attesting to that fact, if so requested by the applicant. A further fee of \$2 shall be required for each additional certification that no record has been found.

Any local registrar or county clerk shall search the files of birth, death and fetal death records, upon receipt of a written request from any applicant entitled to such search. If upon search the record requested is found, such local registrar or county clerk shall furnish the applicant one certification or certified copy of such record, under the seal of such office, upon payment of the applicable fees. If the requested record is not found, the local registrar or county clerk shall furnish the applicant a certification attesting to that fact, if so requested by the applicant and upon payment of applicable fee. The local registrar or county clerk must charge a \$2 fee for each certified copy of a death certificate. The fee is in addition to any other fees that are charged by the local registrar or county clerk. The additional fees must be transmitted to the State Registrar monthly and deposited into the Death Certificate Surcharge Fund. The local registrar or county clerk may charge fees for providing other services for which the State Registrar may charge fees under this Section.

A request to any custodian of vital records for a search of the death record indexes for genealogical research shall require a fee of \$10 per name for a 5 year search. An additional fee of \$1 for each additional year searched shall be required. If the requested record is found, one uncertified copy shall be issued without additional charge.

Any fee received by the State Registrar pursuant to this Section which is of an insufficient amount may be returned by the State Registrar upon his recording the receipt of such fee and the reason for its return. The State Registrar is authorized to maintain a 2 signature, revolving checking account with a suitable commercial bank for the purpose of depositing and withdrawing-for-return cash received and determined insufficient for the service requested.

No fee imposed under this Section may be assessed against an organization chartered by Congress that requests a certificate for the purpose of death verification.

Any custodian of vital records, whether it may be the Department of Public Health, a local registrar, or a county clerk shall charge an additional \$2 for each certified copy of a death certificate and that additional fee shall be collected on behalf of the Department of Financial and Professional Regulation for deposit into the Cemetery Oversight Licensing and Disciplinary Fund.

(2) The certification of birth may contain only the name, sex, date of birth, and place of birth, of the person to whom it relates, the name, age and birthplace of the parents, and the file number; and none of the other data on the certificate of birth except as authorized under subsection (5) of this Section.

(3) The certification of death shall contain only the name, Social Security Number, sex, date of death, and place of death of the person to whom it relates, and file number; and none of the other data on the certificate of death except as authorized under subsection (5) of this Section.

(4) Certification or a certified copy of a certificate shall be issued:

- (a) Upon the order of a court of competent jurisdiction; or
- (b) In case of a birth certificate, upon the specific written request for a

certification or certified copy by the person, if of legal age, by a parent or other legal representative of the person to whom the record of birth relates, or by a person having a genealogical interest; or

(c) Upon the specific written request for a certification or certified copy by a department of the state or a municipal corporation or the federal government; or

(d) In case of a death or fetal death certificate, upon specific written request for a certified copy by a person, or his duly authorized agent, having a genealogical, personal or property right interest in the record.

A genealogical interest shall be a proper purpose with respect to births which occurred not less than 75 years and deaths which occurred not less than 20 years prior to the date of written request. Where the purpose of the request is a genealogical interest, the custodian shall stamp the certification or copy with the words, FOR GENEALOGICAL PURPOSES ONLY.

(5) Any certification or certified copy issued pursuant to this Section shall show the date of registration; and copies issued from records marked "delayed," "amended," or "court order" shall be similarly marked and show the effective date.

(6) Any certification or certified copy of a certificate issued in accordance with this Section shall be considered as prima facie evidence of the facts therein stated, provided that the evidentiary value of a certificate or record filed more than one year after the event, or a record which has been amended, shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

(7) Any certification or certified copy issued pursuant to this Section shall be issued without charge when the record is required by the United States Veterans Administration or by any accredited veterans organization to be used in determining the eligibility of any person to participate in benefits available from such organization. Requests for such copies must be in accordance with Sections 1 and 2 of "An Act to provide for the furnishing of copies of public documents to interested parties," approved May 17, 1935, as now or hereafter amended.

(8) The National Vital Statistics Division, or any agency which may be substituted therefor, may be furnished such copies or data as it may require for national statistics; provided that the State shall be reimbursed for the cost of furnishing such data; and provided further that such data shall not be used for other than statistical purposes by the National Vital Statistics Division, or any agency which may be substituted therefor, unless so authorized by the State Registrar of Vital Records.

(9) Federal, State, local, and other public or private agencies may, upon request, be furnished copies or data for statistical purposes upon such terms or conditions as may be prescribed by the Department.

(10) The State Registrar of Vital Records, at his discretion and in the interest of promoting registration of births, may issue, without fee, to the parents or guardian of any or every child whose birth has been registered in accordance with the provisions of this Act, a special notice of registration of birth.

(11) No person shall prepare or issue any certificate which purports to be an original, certified copy, or certification of a certificate of birth, death, or fetal death, except as authorized in this Act or regulations adopted hereunder.

(12) A computer print-out of any record of birth, death or fetal record that may be certified under this Section may be used in place of such certification and such computer print-out shall have the same legal force and effect as a certified copy of the document.

(13) The State Registrar may verify from the information contained in the index maintained by the State Registrar the authenticity of information on births, deaths, marriages and dissolution of marriages provided to a federal agency or a public agency of another state by a person seeking benefits or employment from the agency, provided the agency pays a fee of \$10.

(14) The State Registrar may issue commemorative birth certificates to persons eligible to receive birth certificates under this Section upon the payment of a fee to be determined by the State Registrar.

(Source: P.A. 91-382, eff. 7-30-99; 92-141, eff. 7-24-01.)

Section 40. The Cemetery Protection Act is amended by changing Section .01 as follows:

(765 ILCS 835/.01) (from Ch. 21, par. 14.01)

Sec. .01. For the purposes of this Act, the term:

"Cemetery authority" means an individual or legal entity that owns or controls cemetery lands or property.

~~"Cemetery manager" means an individual who is engaged in, or holding himself or herself out as engaged in, those activities involved in or incidental to supervising the following: the maintenance, operation, development, or improvement of a cemetery licensed under this Act; the interment of human remains; or the care, preservation, and embellishment of cemetery property. This definition also includes, without limitation, an individual that is an independent contractor or individuals employed or~~

contracted by an independent contractor who is engaged in, or holding himself or herself out as engaged in, those activities involved in or incidental to supervising the following: the maintenance, operation, development, or improvement of a cemetery licensed under this Act; the interment of human remains; or the care, preservation, and embellishment of cemetery property.

"Community mausoleum" means a mausoleum owned and operated by a cemetery authority that contains multiple entombment rights sold to the public.

(Source: P.A. 96-863, eff. 3-1-10.)

Section 45. The Cemetery Association Act is amended by changing Section 4 as follows:

(805 ILCS 320/4) (from Ch. 21, par. 38)

(Section scheduled to be repealed on March 1, 2012)

Sec. 4. That said persons so receiving said certificate of organization of said association shall proceed to elect from their own number a board of trustees for said association, which said board shall consist of not less than six (6) nor more than ten (10) members, as said persons so receiving said certificate may determine; that said trustees when elected shall immediately organize by electing from their own membership a president, vice president and treasurer, and shall also elect a secretary, who may or may not be a member of said board of trustees, in their discretion, which said officers shall hold their respective offices for and during the period of one (1) year, and until their successors are duly elected and qualified. Said trustees when so elected shall divide themselves by lot into two classes, the first of which shall hold their offices for and during the period of three (3) years, and the second of which shall hold their offices for and during the period of six (6) years, and that thereafter the term of office of said trustees shall be six (6) years, and that upon the expiration of the term of office of any of said trustees, or in case of the resignation or death or removal from the State of Illinois of any of said trustees, or their removal from office as provided in this act, the remaining trustees, or a majority of them, shall notify the presiding officer of the County Board in which said cemetery is situated, of such vacancy or vacancies in writing and thereupon said presiding officer shall appoint some suitable person or persons to fill such vacancy or vacancies; and that thereafter the presiding officer of the county board in which said cemetery association is located shall always appoint some suitable person or persons ~~as trustees. Provided, however, that in making such appointments the said presiding officer of the County Board shall so exercise his power that at least two thirds (2-3) of said trustees shall be selected from suitable persons residing within fifteen (15) miles of said cemetery, or some part thereof, and the other appointees may be suitable persons interested in said cemetery association through family interments or otherwise who are citizens of the State of Illinois.~~

(Source: P.A. 80-585. Repealed by P.A. 96-863, eff. 3-1-12.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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

AMENDMENT NO. 2 TO SENATE BILL 1830

AMENDMENT NO. 2. Amend Senate Bill 1830 by replacing everything after the enacting clause with the following:

"Section 5. The Human Skeletal Remains Protection Act is amended by changing Section 1 as follows:

(20 ILCS 3440/1) (from Ch. 127, par. 2661)

Sec. 1. Definitions. For the purposes of this Act:

(a) "Human skeletal remains" include the bones and decomposed fleshy parts of a deceased human body.

(b) "Unregistered graves" are any graves or locations where a human body has been buried or deposited; is over 100 years old; and is not in a cemetery registered with or licensed by the State Comptroller under the Cemetery Care Act or under the authority of the Illinois Department of Financial and Professional Regulation pursuant to the Cemetery Oversight Act, whichever is applicable.

(c) "Grave artifacts" are any item of human manufacture or use that is associated with the human skeletal remains in an unregistered grave.

(d) "Grave markers" are any tomb, monument, stone, ornament, mound, or other item of human

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manufacture that is associated with an unregistered grave.

(e) "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation or a receiver, trustee, guardian or other representatives appointed by order of any court, the Federal and State governments, including State Universities created by statute or any city, town, county or other political subdivision of this State.

(f) "Disturb" includes excavating, removing, exposing, defacing, mutilating, destroying, molesting, or desecrating in any way human skeletal remains, unregistered graves, and grave markers.

(Source: P.A. 96-863, eff. 3-1-10.)

Section 10. The Missing Persons Identification Act is amended by adding Section 25 as follows:

(50 ILCS 722/25 new)

Sec. 25. Unidentified persons. The coroner or medical examiner shall obtain a DNA sample from any individual whose remains are not identifiable. The DNA sample shall be forwarded to the Department of State Police for inclusion in the State and National DNA Databases.

Prior to the burial or interment of any unknown individual's remains or any unknown individual's body part, the medical examiner or coroner in possession of the remains or body part must assign a DNA log number to the unknown individual or body part. The medical examiner or coroner shall place a tag that is stamped or inscribed with the DNA log number on the individual or body part. The DNA log number shall be stamped on the unidentified individual's toe tag, if possible.

Section 15. The Counties Code is amended by changing Section 3-3034 as follows:

(55 ILCS 5/3-3034) (from Ch. 34, par. 3-3034)

Sec. 3-3034. Disposition of body. After the inquest the coroner may deliver the body or human remains of the deceased to the family of the deceased or, if there are no family members to accept the body or the remains, then to friends of the deceased, if there be any, but if not, the coroner shall cause the body or the remains to be decently buried, cremated, or donated for medical science purposes, the expenses to be paid from the property of the deceased, if there is sufficient, if not, by the county. The coroner may not approve the cremation or donation of the body if it is necessary to preserve the body for law enforcement purposes. If the State Treasurer, pursuant to the Uniform Disposition of Unclaimed Property Act, delivers human remains to the coroner, the coroner shall cause the human remains to be disposed of as provided in this Section. If the police department of any municipality or county investigates abandoned cremated remains, determines that they are human remains, and cannot locate the owner of the remains, then the police shall deliver the remains to the coroner, and the coroner shall cause the remains to be disposed of as provided in this Section.

(Source: P.A. 96-1339, eff. 7-27-10.)

Section 25. The Cemetery Oversight Act is amended by changing Sections 5-15, 5-20, 5-25, 10-5, 10-15, 10-20, 10-21, 10-23, 10-25, 10-30, 10-40, 10-45, 10-50, 10-55, 20-5, 20-6, 20-10, 25-10, 25-14, 25-25, 25-70, 25-75, 25-105, 25-110, 25-120, 25-125, 75-50, and 75-55 and by adding Sections 10-39, 20-35, 20-40, and 25-14.5 as follows:

(225 ILCS 411/5-15)

(Section scheduled to be repealed on January 1, 2021)

Sec. 5-15. Definitions. In this Act:

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file. It is the duty of the applicant or licensee to inform the Department of any change of address within 14 days either through the Department's website or by contacting the Department's licensure maintenance unit. The address of record for a cemetery authority shall be the permanent street address of the cemetery.

"Applicant" means a person applying for licensure under this Act as a cemetery authority, cemetery manager, or customer service employee. Any applicant or any person who holds himself or herself out as an applicant is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Burial permit" means a permit provided by a licensed funeral director for the disposition of a dead human body ~~that is filed with the Illinois Department of Public Health.~~

"Care" means the maintenance of a cemetery and of the lots, graves, crypts, niches, family mausoleums, memorials, and markers therein, including: (i) the cutting and trimming of lawn, shrubs, and trees at reasonable intervals; (ii) keeping in repair the drains, water lines, roads, buildings, fences, and other structures, in keeping with a well-maintained cemetery as provided for in Section 20-5 of this Act and otherwise as required by rule; (iii) maintenance of machinery, tools, and equipment for such

care; (iv) compensation of cemetery workers, any discretionary payment of insurance premiums, and any reasonable payments for workers' pension and other benefits plans; and (v) the payment of expenses necessary for such purposes and for maintaining necessary records of lot ownership, transfers, and burials.

~~"Care funds", as distinguished from receipts from annual charges or gifts for current or annual care, means any realty or personalty impressed with a trust by the terms of any gift, grant, contribution, payment, legacy, or pursuant to contract, accepted by any cemetery authority or by any trustee, licensee, agent, or custodian for the same, under Article 15 of this Act, and any income accumulated therefrom, where legally so directed by the terms of the transaction by which the principal was established.~~

"Cemetery" means any land or structure in this State dedicated to and used, or intended to be used, for the interment, inurnment, or entombment of human remains.

~~"Cemetery association" means an association of 6 or more persons, and their successors in trust, who have received articles of organization from the Secretary of State to operate a cemetery; the articles of organization shall be in perpetuity and in trust for the use and benefit of all persons who may acquire burial lots in a cemetery.~~

"Cemetery authority" means any individual or legal entity that owns or controls cemetery lands or property.

~~"Cemetery manager" means an individual directly responsible or holding himself or herself directly responsible for the operation, maintenance, development, or improvement of a cemetery that is or shall be licensed under this Act, irrespective of whether the individual is paid by the licensed cemetery authority or a third party. This definition does not include a volunteer who receives no compensation, either directly or indirectly, for his or her work as a cemetery manager, who is engaged in, or responsible for, or holding himself or herself out as engaged in, those activities involved in or incidental to supervising the following: the maintenance, operation, development, or improvement of a cemetery licensed under this Act; the interment of human remains; or the care, preservation, and embellishment of cemetery property. This definition includes, without limitation, an employee, an individual that is an independent contractor, an individual employed or contracted by an independent contractor, a third party vendor, or an individual employed or contracted by a third party vendor who is engaged in, or holding himself or herself out as engaged in, those activities involved in or incidental to supervising the following: the maintenance, operation, development, or improvement of a cemetery licensed under this Act; the interment of human remains; or the care, preservation, and embellishment of cemetery property.~~

~~"Cemetery merchandise" means items of personal property normally sold by a cemetery authority not covered under the Illinois Funeral or Burial Funds Act, including, but not limited to: (1) memorials, (2) markers, (3) monuments, (4) foundations and installations, and (5) outer burial containers.~~

~~"Cemetery operation" means to engage in any or all of the following, whether on behalf of, or in the absence of, a cemetery authority: (i) the interment, entombment, or inurnment of human remains, (ii) the sale of interment, entombment, or inurnment rights, cemetery merchandise, or cemetery services, (iii) the maintenance of interment rights ownership records, (iv) the maintenance of or reporting of interment, entombment, or inurnment records, (v) the maintenance of cemetery property, (vi) the development or improvement of cemetery grounds, or (vii) the maintenance and execution of business documents, including State and federal government reporting and the payment of taxes, for a cemetery business entity, or attempt to engage in the interment, inurnment, or entombment of human remains or to engage in or attempt to engage in the care of a cemetery.~~

"Cemetery Oversight Database" means a database certified by the Department as effective in tracking the interment, entombment, or inurnment of human remains.

~~"Cemetery services" means those services customarily performed by cemetery personnel in connection with the interment, entombment, or inurnment of a dead human body.~~

~~"Cemetery worker" means an individual, including an independent contractor or third party vendor, who performs any work at the cemetery that is customarily performed by one or more cemetery employees, including openings and closings of vaults and graves, stone settings, inurnments, interments, entombments, administrative work, handling of any official burial records, the preparation of foundations for memorials, and routine cemetery maintenance. This definition does not include uncompensated, volunteer workers.~~

"Certificate of organization" means the document received by a cemetery association from the Secretary of State that indicates that the cemetery association shall be deemed fully organized as a body corporate under the name adopted and in its corporate name may sue and be sued.

"Comptroller" means the Comptroller of the State of Illinois.

"Confidential information" means unique identifiers, including a person's Social Security number, home address, home phone number, personal phone number, personal email address, personal financial

information, and any other information protected by law.

"Consumer" means an individual who purchases or who is considering purchasing cemetery, burial, or cremation products or services from a cemetery authority, whether for themselves or for another person, a person, or the persons given priority for the disposition of an individual's remains under the Disposition of Remains Act, who purchases or is considering purchasing cemetery, burial, or cremation products or services from a cemetery authority or crematory authority, whether for themselves or for another person.

"Customer service employee" means an individual who has direct contact with consumers to explain cemetery merchandise, services, and interment rights and to execute the sale of those items to consumers, whether at the cemetery or an off-site location, irrespective of whether compensation is paid by the cemetery authority or a third party. This definition does not include a volunteer who receives no compensation, either directly or indirectly, for his or her work as a customer service employee. and explains cemetery merchandise or services or negotiates, develops, or finalizes contracts with consumers. This definition includes, without limitation, an employee, an individual that is an independent contractor, an individual that is employed or contracted by an independent contractor, a third party vendor, or an individual that is employed or contracted by a third party vendor, who has direct contact with consumers and explains cemetery merchandise or services or negotiates, develops, or finalizes contracts with consumers. This definition does not include an employee, an individual that is an independent contractor or an individual that is employed or contracted by an independent contractor, a third party vendor, or an individual that is employed or contracted by a third party vendor, who merely provides a printed cemetery list to a consumer, processes payment from a consumer, or performs sales functions related solely to incidental merchandise like flowers, souvenirs, or other similar items.

"Department" means the Department of Financial and Professional Regulation.

"Employee" means an individual who works for a cemetery authority where the cemetery authority has the right to control what work is performed and the details of how the work is performed regardless of whether federal or State payroll taxes are withheld.

"Entombment right" means the right to place individual human remains or individual cremated human remains in a specific mausoleum crypt or lawn crypt selected by a consumer for use as a final resting place.

"Family burying ground" means a cemetery in which no lots, crypts, or niches are sold to the public and in which interments, inurnments, and entombments are restricted to the immediate family or a group of individuals related to each other by blood or marriage.

"Full exemption" means an exemption granted to a cemetery authority pursuant to subsection (a) of Section 5-20.

"Funeral director" means a funeral director as defined by the Funeral Directors and Embalmers Licensing Code.

"Grave" means a space of ground in a cemetery used or intended to be used for burial.

"Green burial or cremation disposition" means burial or cremation practices that reduce the greenhouse gas emissions, waste, and toxic chemicals ordinarily created in burial or cremation or, in the case of greenhouse gas emissions, mitigate or offset emissions. Such practices include any standards or method for burial or cremation certified by the Green Burial Council or any other organization or method that the Department may name by rule.

"Immediate family" means the designated agent of a person or the persons given priority for the disposition of a person's remains under the Disposition of Remains Act and shall include a person's spouse, parents, grandparents, children, grandchildren and siblings.

"Imputed value" means the retail price of comparable rights within the same or similar area of the cemetery.

"Independent contractor" means a person who performs work for a cemetery authority where the cemetery authority has the right to control or direct only the result of the work and not the means and methods of accomplishing the result.

"Individual" means a natural person.

"Interment right" means the right to place individual human remains or cremated human remains in a specific underground location selected by a consumer for use as a final resting place.

"Inurnment right" means the right to place individual cremated human remains in a specific niche selected by the consumer for use as a final resting place.

"Investment Company Act of 1940" means Title 15 of the United States Code, Sections 80a-1 to 80a-64, inclusive, as amended.

"Investment company" means any issuer (a) whose securities are purchasable only with care funds or trust funds, or both; (b) that is an open and diversified management company as defined in and registered

~~under the Investment Company Act of 1940; and (c) that has entered into an agreement with the Department containing such provisions as the Department by regulation requires for the proper administration of this Act.~~

"Lawn crypt" means a permanent underground crypt installed in multiple units for the entombment ~~interment~~ of human remains.

"Licensee" means a person licensed under this Act as a cemetery authority, cemetery manager, or customer service employee. Anyone who holds himself or herself out as a licensee or who is accused of unlicensed practice is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act. ~~This definition does not include a cemetery worker.~~

"Mausoleum crypt" means a grouping of spaces constructed of reinforced concrete or similar material constructed or assembled above the ground for entombing remains ~~space in a mausoleum used or intended to be used, above or underground, to entomb human remains.~~

"Niche" means a space in a columbarium or mausoleum used, or intended to be used, for inurnment of cremated human remains.

"Partial exemption" means an exemption granted to a cemetery authority pursuant to subsection (b) of Section 5-20.

"Parcel identification number" means a unique number assigned by the Cemetery Oversight Database to a grave, plot, crypt, or niche that enables the Department to ascertain the precise location of a decedent's remains interred, entombed, or inurned after the effective date of this Act.

"Person" means any individual, firm, partnership, association, corporation, limited liability company, trustee, government or political subdivision, or other entity.

"Public cemetery" means a cemetery owned, operated, controlled, or managed by the federal government, by any state, county, city, village, incorporated town, township, multi-township, public cemetery district, or other municipal corporation, political subdivision, or instrumentality thereof authorized by law to own, operate, or manage a cemetery.

"Religious burying ground" means a cemetery in which no lots, crypts, or niches are sold and in which interments, inurnments, and entombments are restricted to a group of individuals all belonging to a religious order or granted burial rights by special consideration of the religious order.

"Religious cemetery" means a cemetery owned, operated, controlled, and ~~or~~ managed by any recognized church, religious society, association, or denomination, or by any cemetery authority or any corporation administering, or through which is administered, the temporalities of any recognized church, religious society, association, or denomination.

"Secretary" means the Secretary of Financial and Professional Regulation.

"Term burial" means a right of interment sold to a consumer in which the cemetery authority retains the right to disinter and relocate the remains, subject to the provisions of subsection (d) of Section 35-15 of this Act.

"Trustee" means any person authorized to hold funds under this Act.

"Unique personal identifier" means the parcel identification number in addition to the term of burial in years; the numbered level or depth in the grave, plot, crypt, or niche; and the year of death for human remains interred, entombed, or inurned after the effective date of this Act. The unique personal identifier is assigned by the Cemetery Oversight Database.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/5-20)

(Section scheduled to be repealed on January 1, 2021)

Sec. 5-20. Exemptions.

(a) Full exemption. Except as provided in this subsection, Notwithstanding any provision of law to the contrary, this Act does not apply to (1) any cemetery authority operating as a family burying ground or religious burying ground, (2) any cemetery authority that has not engaged in an interment, inurnment, or entombment of human remains within the last 10 years and does not accept or maintain care funds, or (3) any cemetery authority that is less than 3 acres 2 acres and does not accept or maintain care funds. For purposes of determining the applicability of this subsection, the number of interments, inurnments, and entombments shall be aggregated for each calendar year. A cemetery authority claiming a full exemption shall apply for exempt status as provided for in Section 10-20 Article 10 ~~Article 10~~ of this Act. A cemetery authority claiming a full exemption shall be subject to Sections 10-40, 10-55, and 10-60 of this Act. A cemetery authority that performs activities that would disqualify it from a full exemption is required to apply for licensure within one year following the date on which its activities would disqualify it for a full exemption. A cemetery authority that previously qualified for and maintained a full exemption that fails to timely apply for licensure shall be deemed to have engaged in unlicensed practice and shall be subject to discipline in accordance with Article 25 of this Act.

(b) Partial exemption. If a cemetery authority does not qualify for a full exemption and (1) engages in 25 or fewer interments, inurnments, or entombments of human remains for each of the preceding 2 calendar years, (2) operates as a public cemetery, or (3) operates as a religious cemetery, then the cemetery authority is partially exempt from this Act but shall be required to comply with Sections 10-23, 10-40, 10-55, 10-60, subsections (a), (b), (b-5), (c), (d), and (h) of Section 20-5, Sections 20-6, 20-8, 20-10, 20-12, 20-30, 20-35, 20-40, 25-3, and 25-120, and Article 35 of this Act. ~~Notwithstanding any provision of law to the contrary, a cemetery authority that does not qualify for a full exemption that is operating as a cemetery authority (i) that engages in 25 or fewer interments, inurnments, or entombments of human remains for each of the preceding 2 calendar years and does not accept or maintain care funds, (ii) that is operating as a public cemetery, or (iii) that is operating as a religious cemetery is exempt from this Act, but is required to comply with Sections 20 5(a), 20 5(b), 20 5(b 5), 20 5(c), 20 5(d), 20 6, 20 8, 20 10, 20 11, 20 12, 20 30, 25 3, and 25 120 and Article 35 of this Act.~~ Cemetery authorities claiming a partial exemption shall apply for the partial exemption as provided in ~~Section 10-20 Article 10~~ of this Act. A cemetery authority that changes to a status that would disqualify it from a partial exemption is required to apply for licensure within one year following the date on which it changes its status. A cemetery authority that maintains a partial exemption that fails to timely apply for licensure shall be deemed to have engaged in unlicensed practice and shall be subject to discipline in accordance with Article 25 of this Act.

(c) Nothing in this Act applies to the City of Chicago in its exercise of its powers under the O'Hare Modernization Act or limits the authority of the City of Chicago to acquire property or otherwise exercise its powers under the O'Hare Modernization Act, or requires the City of Chicago, or any person acting on behalf of the City of Chicago, to comply with the licensing, regulation, investigation, or mediation requirements of this Act in exercising its powers under the O'Hare Modernization Act.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/5-25)

(Section scheduled to be repealed on January 1, 2021)

Sec. 5-25. Powers of the Department. Subject to the provisions of this Act, the Department may exercise the following powers:

(1) Authorize certification programs ~~written examinations~~ to ascertain the qualifications and fitness of applicants for licensing

as a licensed cemetery manager or as a customer service employee to ascertain whether they possess the requisite level of knowledge for such position.

(2) Examine ~~and audit~~ a licensed cemetery authority's ~~care funds~~, records from any year, ~~and records of care funds from any year~~, or any other aspects

of cemetery operation as the Department deems appropriate.

(3) Investigate any and all cemetery operations ~~cemetery related activity~~.

(4) Conduct hearings on proceedings to refuse to issue or renew licenses or to revoke, suspend, place on probation, reprimand, or otherwise discipline a license under this Act or take other non-disciplinary action.

(5) Adopt reasonable rules required for the administration of this Act.

(6) Prescribe forms to be issued for the administration and enforcement of this Act.

(7) Maintain rosters of the names and addresses of all licensees and all persons whose licenses have been suspended, revoked, denied renewal, or otherwise disciplined within the previous calendar year. These rosters shall be available upon written request and payment of the required fee as established by rule.

(8) Work with the Office of the Comptroller and the Department of Public Health, Division of Vital Records to exchange information and request additional information relating to a licensed cemetery authority;

(9) Investigate cemetery contracts, grounds, or employee records.

If the Department exercises its authority to conduct investigations under this Section, the Department shall provide the cemetery authority with information sufficient to challenge the allegation. If the complainant consents, then the Department shall provide the cemetery authority with the identity of and contact information for the complainant so as to allow the cemetery authority and the complainant to resolve the complaint directly. Except as otherwise provided in this Act, any complaint received by the Department and any information collected to investigate the complaint shall be maintained by the Department for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials or other regulatory agencies or persons that have an appropriate regulatory interest, as determined by the Secretary, or to a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, state,

county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the Department or any order issued by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-5)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-5. Restrictions and limitations. No person shall, without a valid license issued by the Department, (i) hold himself or herself out in any manner to the public as a licensed cemetery authority, licensed cemetery manager, or customer service employee or ~~or~~ ; (ii) attach the title "licensed cemetery authority", "licensed cemetery manager", or "licensed customer service employee" to his or her name . No person shall, without a valid license or exemption from licensure from the Department, ~~(iii) render or offer to render services constituting the practice of cemetery operation; or (iv) accept care funds within the meaning of this Act or otherwise hold funds for care and maintenance unless such person is holding and managing funds on behalf of a cemetery authority and is authorized to conduct a trust business under the Corporate Fiduciary Act or the federal National Bank Act.~~

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-15)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-15. Licenses for cemetery authorities, cemetery managers, and customer service employees. ~~Persons not licensed under the Cemetery Care Act or the Cemetery Association Act. A cemetery manager, a customer service employee, or a person acting as a cemetery authority who was not required to obtain licensure prior to the effective date of this Act need not comply with the licensure requirement in this Article until the Department takes action on the person's application for a license. The application for a cemetery authority license must be submitted to the Department within 6 months after the Department adopts rules under this Act the effective date of this Act. For cemetery managers already working for a cemetery authority at the time of cemetery authority application for licensure, the application for a cemetery manager license must be submitted at the same time as the original application for licensure as a cemetery authority pursuant to this Section or Section 10-10, whichever the case may be. Any applicant for licensure as a cemetery manager of a cemetery authority that is already licensed under this Act or that has a pending application for licensure under this Act must submit his or her application to the Department on or before his or her first day of work. The application for a customer service employee license must be submitted to the Department within 10 days after the cemetery authority for which he or she works becomes licensed under this Act or on or before his or her first day of work for a cemetery authority that is already licensed under this Act, whichever the case may be. If the person fails to submit the application within the required period, the person shall be considered to be engaged in unlicensed practice and shall be subject to discipline in accordance with Article 25 of this Act.~~

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-20)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-20. Application for original license or exemption.

(a) Applications for original licensure as a cemetery authority, cemetery manager, or customer service employee authorized by this Act, or application for exemption from licensure as a cemetery authority, shall be made to the Department on forms prescribed by the Department, which shall include the applicant's Social Security number or FEIN number, or both, and shall be accompanied by the required fee as set by Section 10-55 of this Act and further refined by rule. Applications for partial or full exemption from licensure as a cemetery authority shall be submitted to the Department within 6 months ~~12 months~~ after the Department adopts rules under this Act. If the person fails to submit the application for partial or full exemption within this period, the person shall be subject to discipline in accordance with Article 25 of this Act. The process for renewing a full or partial exemption shall be set by rule. If a cemetery authority seeks to practice at more than one location, it shall meet all licensure requirements at each location as required by this Act and by rule, including submission of an application and fee. ~~A person licensed as a cemetery manager or customer service employee need not submit a Worker's Statement in accordance with Section 10-22 of this Act.~~

(b) (Blank). ~~If the application for licensure as a cemetery authority does not claim a full exemption or partial exemption, then the cemetery authority license application shall be accompanied by a fidelity bond, proof of self insurance, or letter of credit in the amount required by rule. Such bond, self insurance, or letter of credit shall run to the Department for the benefit of the care funds held by~~

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such cemetery authority or by the trustee of the care funds of such cemetery authority. If care funds of a cemetery authority are held by any entity authorized to do a trust business under the Corporate Fiduciary Act or held by an investment company, then the Department shall waive the requirement of a bond, self insurance, or letter of credit as established by rule. If the Department finds at any time that the bond, self insurance or letter of credit is insecure or exhausted or otherwise doubtful, then an additional bond, form of self insurance, or letter of credit in like amount to be approved by the Department shall be filed by the cemetery authority applicant or licensee within 30 days after written demand is served upon the applicant or licensee by the Department. In addition, if the cemetery authority application does not claim a full exemption or partial exemption, then the license application shall be accompanied by proof of liability insurance, proof of self insurance, or a letter of credit in the amount required by rule. The procedure by which claims on the liability insurance, self insurance, or letter of credit are made and paid shall be determined by rule. Any bond obtained pursuant to this subsection shall be issued by a bonding company authorized to do business in this State. Any letter of credit obtained pursuant to this subsection shall be issued by a financial institution authorized to do business in this State. Maintaining the bonds, self insurance, or letters of credit required under this subsection is a continuing obligation for licensure. A bonding company may terminate a bond, a financial institution may terminate a letter of credit, or an insurance company may terminate liability insurance and avoid further liability by filing a 60 day notice of termination with the Department and at the same time sending the same notice to the cemetery authority.

(c) After initial licensure, if any person comes to obtain at least 51% of the ownership over the licensed cemetery authority, then the cemetery authority shall have to apply for a new license and receive licensure in the required time as set by rule. The current license remains in effect until the Department takes action on the application for a new license.

(d) All applications shall contain the information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for an exemption from licensure or for a license to practice as a cemetery authority, cemetery manager, or customer service employee as set by rule.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-21)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-21. Qualifications for licensure.

(a) A cemetery authority shall apply for licensure on forms prescribed by the Department and pay the required fee. An applicant is qualified for licensure as a cemetery authority if the applicant meets all of the following qualifications:

(1) The applicant ~~is of good moral character and~~ has not committed any act or offense in any jurisdiction that would

constitute the basis for discipline under this Act. When considering such license ~~In determining good moral character,~~ the Department shall take into consideration the following:

(A) the applicant's record of compliance with the Code of Professional Conduct and Ethics, and whether the applicant has been found to have engaged in any unethical or dishonest practices in the cemetery business;

(B) whether the applicant has been adjudicated, civilly or criminally, to have committed fraud or to have violated any law of any state involving unfair trade or business practices, has been convicted of a misdemeanor of which fraud is an essential element or which involves any aspect of the cemetery business, or has been convicted of any felony;

(C) whether the applicant has willfully violated any provision of this Act or a predecessor law or any regulations relating thereto;

(D) whether the applicant has been permanently or temporarily suspended, enjoined, or barred by any court of competent jurisdiction in any state from engaging in or continuing any conduct or practice involving any aspect of the cemetery or funeral business; and

(E) whether the applicant has ever had any license to practice any profession or occupation suspended, denied, fined, or otherwise acted against or disciplined by the applicable licensing authority.

If the applicant is a corporation, limited liability company, partnership, or other entity permitted by law, then the Department shall determine whether each principal, owner, member, officer, and shareholder holding 25% or more of corporate stock has met the requirements of this item (1) of subsection (a) of this Section ~~is to be of good moral character. Good moral character is a continuing requirement of licensure.~~

(2) The applicant must provide a statement of its assets and liabilities to the Department. ~~The~~

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~~applicant provides evidence satisfactory to the Department that the applicant has financial resources sufficient to comply with the maintenance and record keeping provisions in Section 20-5 of this Act. Maintaining sufficient financial resources is a continuing requirement for licensure.~~

(3) The applicant has not, within the preceding 10 years, been convicted of or entered a plea of guilty or nolo contendere to (i) a Class X felony or (ii) a felony, an essential element of which was fraud or dishonesty under the laws of this State, another state, the United States, or a foreign jurisdiction. If the applicant is a corporation, limited liability company, partnership, or other entity permitted by law, then each principal, owner, member, officer, and shareholder holding 25% or more of corporate stock has not, within the preceding 10 years, been convicted of or entered a plea of guilty or nolo contendere to (i) a Class X felony or (ii) a felony, an essential element of which was fraud or dishonesty under the laws of this State, another state, the United States, or a foreign jurisdiction.

~~(4) The applicant shall authorize the Department to conduct a criminal background check that does not involve fingerprinting. The applicant submits his or her fingerprints in accordance with subsection (c) of this Section.~~

~~(5) In the case of a person or entity applying for renewal of his, her, or its license, the~~ The applicant has complied with all other requirements of this Act and the rules adopted for the implementation of this Act.

(b) The cemetery manager and customer service employees of a licensed cemetery authority shall apply for licensure as a cemetery manager or customer service employee on forms prescribed by the Department and pay the required fee. A person is qualified for licensure as a cemetery manager or customer service employee if he or she meets all of the following requirements:

(1) Is at least 18 years of age.

~~(2) Has acted in an ethical manner as set forth in Section 10-23 of this Act. Is of good moral character. Good moral character is a continuing requirement of licensure.~~ In determining qualifications of licensure ~~good moral character~~, the Department shall take into consideration the factors outlined in item (1) of subsection (a) of this Section.

(3) Submits proof of successful completion of a high school education or its equivalent as established by rule.

~~(4) The applicant shall authorize the Department to conduct a criminal background check that does not involve fingerprinting. Submits his or her fingerprints in accordance with subsection (c) of this Section.~~

(5) Has not committed a violation of this Act or any rules adopted under this Act that, in the opinion of the Department, renders the applicant unqualified to be a cemetery manager.

~~(6) Submits proof of successful completion of a certification course recognized by the Department for a cemetery manager or customer service employee, whichever the case may be. Successfully passes the examination authorized by the Department for cemetery manager or customer service employee, whichever is applicable.~~

(7) Has not, within the preceding 10 years, been convicted of or entered a plea of guilty or nolo contendere to (i) a Class X felony or (ii) a felony, an essential element of which was fraud or dishonesty under the laws of this State, another state, the United States, or a foreign jurisdiction.

(8) ~~Can be reasonably expected to treat consumers professionally, fairly, and ethically.~~

(9) In the case of a person applying for renewal of his or her license, ~~has~~ Has complied with all other requirements of this Act and the rules adopted for implementation of this Act.

~~(c) Each applicant for a cemetery authority, cemetery manager, or customer service employee license shall authorize the Department to conduct a criminal background check that does not involve fingerprinting. The Department must, in turn, conduct the criminal background check on each applicant. The Department shall adopt rules to implement this subsection (c), but in no event shall the Department impose a fee upon the applicant for the background check. Each applicant for a cemetery authority, cemetery manager, or customer service employee license shall have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information that is prescribed by the Department of State Police. These fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases. The Department of State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department may require applicants to pay a separate fingerprinting fee, either to the Department or~~

directly to a designated fingerprint vendor. The Department, in its discretion, may allow an applicant who does not have reasonable access to a designated fingerprint vendor to provide his or her fingerprints in an alternative manner. The Department, in its discretion, may also use other procedures in performing or obtaining criminal background checks of applicants. Instead of submitting his or her fingerprints, an individual may submit proof that is satisfactory to the Department that an equivalent security clearance has been conducted. If the applicant for a cemetery authority license is a corporation, limited liability company, partnership, or other entity permitted by law, then each principal, owner, member, officer, and shareholder holding 25% or more of corporate stock shall have his or her fingerprints submitted in accordance with this subsection (e).

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-23)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-23. Code of Professional Conduct and Ethics. Licensed cemetery authorities and their licensed cemetery managers and customer service employees, and cemetery authorities maintaining a partial exemption and their cemetery managers and customer service employees shall:

- (a) Refrain from committing any action that may violate Section 25-10 of this Act;
- (b) Be aware of applicable federal and State laws and regulations, adhere to those laws and regulations, and be able to explain them to families in an understandable manner;
- (c) Treat all human remains with proper care and dignity, honoring known religious, ethnic, and personal beliefs;
- (d) Protect all confidential information;
- (e) Carry out all aspects of service in a competent and respectful manner;
- (f) Fulfill all written and verbal agreements and contracts;
- (g) Provide honest, factual, and complete information regarding all aspects of the services offered and provided;
- (h) Not engage in advertising that is false, misleading, or otherwise prohibited by law;
- (i) Not discriminate against any person because of race, creed, marital status, sex, national origin, sexual orientation, or color, except a religious cemetery may restrict its services to those of the same religious faith or creed. A cemetery authority operating any cemetery may designate parts of cemeteries or burial grounds for the specific use of persons whose religious code requires isolation;
- (j) To have clear and specific cemetery rules and regulations, subject to other applicable law, including this Act, and to apply them equally to all families served;
- (k) Report all violations of this Act and this Section to the Department. The Department shall adopt a Code of Professional Conduct and Ethics by rule. Cemetery authorities, cemetery managers, and customer service employees shall abide by the Code of Professional Conduct and Ethics.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-25)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-25. Certification Examination; failure or refusal to take the examination.

(a) The Department shall authorize certification programs for examinations of cemetery manager and customer service employee applicants at such times and places as it may determine. The certification programs must consist of education and training in cemetery ethics, cemetery law, and cemetery practices. Cemetery ethics shall include, without limitation, the Code of Professional Conduct and Ethics as set forth in Section 10-23 of this Act. Cemetery law shall include, without limitation, the Cemetery Oversight Act, the Cemetery Care Act, the Disposition of Remains Act, and the Cemetery Protection Act. Cemetery practices shall include, without limitation, treating the dead and their family members with dignity and respect. The certification program shall include an examination administered by the entity providing the certification. The examinations shall fairly test an applicant's qualifications to practice as cemetery manager or customer service employee, whatever the case may be, and knowledge of the theory and practice of cemetery operation and management or cemetery customer service, whichever is applicable. The examination shall further test the extent to which the applicant understands and appreciates that the final disposal of a deceased human body should be attended with appropriate observance and understanding, having due regard and respect for the reverent care of the human body and for those bereaved and for the overall spiritual dignity of an individual.

(a-5) An entity seeking to offer a certification program to cemetery manager applicants and customer service employee applicants must receive approval of its program from the Department in a manner and form prescribed by the Department by rule. As part of this process, the entity must submit to the Department the examination it offers or intends to offer as part of its certification program. The examinations for cemetery manager and customer service employee shall be appropriate for cemetery

professionals and shall not cover mortuary science.

(a-10) ~~A cemetery manager applicant or customer service employee applicant may choose any entity that has been approved by the Department from which to obtain certification. The examinations for cemetery manager and customer service employee applicants shall be tiered, as determined by rule, to account for the different amount of knowledge needed by such applicants depending on their job duties and the number of interments, inurnments, and entombments per year at the cemetery at which they work.~~

~~(b) Cemetery manager applicants and customer service employee applicants shall pay the fee for the certification program directly to the entity offering the program. Applicants for examinations shall pay, either to the Department or to the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date at the time and place specified after the application for examination has been received and acknowledged by the Department or the designated testing service shall result in forfeiture of the examination fee.~~

~~(c) If the cemetery manager applicant or customer service employee applicant neglects, fails, or refuses to become certified take an examination or fails to pass an examination for a license under this Act within one year after filing an application, then the application shall be denied. However, the applicant may thereafter submit a new application accompanied by the required fee. The applicant shall meet the requirements in force at the time of making the new application.~~

~~(d) A cemetery manager applicant or customer service employee applicant who has completed a certification program offered by an entity that has not received the Department's approval as required by this Section has not met the qualifications for licensure as set forth in Section 10-21 of this Act. The Department may employ consultants for the purpose of preparing and conducting examinations.~~

~~(e) The Department shall recognize any certification program that is conducted by a death care trade association in Illinois that has been in existence for more than 5 years that, in the determination of the Department, provides adequate education and training in cemetery law, cemetery ethics, and cemetery practices and administers an examination covering the same. The Department shall have the authority to adopt or recognize, in part or in whole, examinations prepared, administered, or graded by other organizations in the cemetery industry that are determined appropriate to measure the qualifications of an applicant for licensure.~~

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-30)

(Section scheduled to be repealed on January 1, 2021)

~~Sec. 10-30. Continuing education. The Department shall adopt rules for continuing education of cemetery managers and customer service employees. The continuing education programs may consist of education and training in cemetery ethics, cemetery law, and cemetery practices as defined in Section 10-25 of this Act. An entity seeking to offer a continuing education program to cemetery managers and customer service employees must receive approval of its program from the Department in a manner and form prescribed by the Department by rule. Cemetery managers shall be required to complete 6 hours of continuing education during each renewal cycle. Customer service employees shall be required to complete 3 hours of continuing education during each renewal cycle. The continuing education requirements for cemetery managers and customer service employees shall be tiered, as determined by rule, to account for the different amount of knowledge needed by such applicants depending on their job duties and the number of interments, inurnments, and entombments per year at the cemetery at which they work. The Department shall strive to keep the costs of any continuing education program imposed on a cemetery authority minimal. The requirements of this Section apply to any person seeking renewal or restoration under Section 10-40 of this Act.~~

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-39 new)

~~Sec. 10-39. Cemetery manager and customer service employee; display of certification and license; grace periods. The cemetery manager and customer service employee must conspicuously display the certification and the license after it is received at the cemetery authority's place of business. Any person applying for original licensure as a cemetery manager without the required certification from a program approved by the Department shall have a reasonable period of time, not to exceed one year from the date of his or her original application, but not any second or subsequent application, to complete the program. In the interim, the cemetery manager without certification may manage the cemetery if he or she (1) has submitted an application for licensure and (2) has received training from another person, as verified by an appropriate form approved by the Department, who has received the required certification from a program recognized by the Department. Any person applying for original licensure as a customer service employee without the required certification from a program approved by the Department shall have a~~

reasonable period of time, not to exceed one year from the date of his or her original application, but not any second or subsequent application, to complete the program. In the interim, the customer service employee without certification may engage in the work of a customer service employee if he or she (1) has submitted an application for licensure and (2) has received training from another person, as verified by an appropriate form approved by the Department, who has received certification from a program recognized by the Department.

(225 ILCS 411/10-40)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-40. Expiration and renewal of license. ~~Every cemetery authority, cemetery manager, and customer service employee license shall expire every 2 years. Every registration as a fully exempt cemetery authority or partially exempt cemetery authority shall expire every 4 years. The expiration date, renewal period, and other requirements for each license and registration shall be further refined set~~ by rule.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-45)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-45. Transfer or sale, preservation of license, liability for shortage.

~~(a) (Blank). In the case of a sale of any cemetery or any part thereof or of any related personal property by a cemetery authority to a purchaser or pursuant to foreclosure proceedings, except the sale of burial rights, services, or merchandise to a person for his or her personal or family burial or interment, the purchaser is liable for any shortages existing before or after the sale in the care funds required to be maintained in a trust pursuant to this Act and shall honor all instruments issued under Article 15 of this Act for that cemetery. Any shortages existing in the care funds constitute a prior lien in favor of the trust for the total value of the shortages and notice of such lien shall be provided in all sales instruments.~~

~~(b) In the event of a sale or transfer of all or substantially all of the assets of the cemetery authority, the sale or transfer of the controlling interest of the corporate stock of the cemetery authority, if the cemetery authority is a corporation, or the sale or transfer of the controlling interest of the partnership, if the cemetery authority is a partnership, or the sale or transfer of the controlling membership, if the cemetery authority is a limited liability company, the cemetery authority shall, at least 30 days prior to the sale or transfer, notify the Department, in writing, of the pending date of sale or transfer so as to permit the Department to audit the books and records of the cemetery authority. The audit must be commenced within 10 business days of the receipt of the notification and completed within the 30 day notification period unless the Department notifies the cemetery authority during that period that there is a basis for determining a deficiency that will require additional time to finalize. The sale or transfer may not be completed by the cemetery authority unless and until:~~

~~(1) (Blank) the Department has completed the audit of the cemetery authority's books and records;~~

~~(2) (Blank) any delinquency existing in the care funds has been paid by the cemetery authority or arrangements satisfactory to the Department have been made by the cemetery authority on the sale or transfer for the payment of any delinquency; and~~

~~(3) the Department issues a new cemetery authority license upon application of the newly controlled corporation or partnership, which license must be applied for at least 30 days prior to the anticipated date of the sale or transfer, subject to the payment of any delinquencies, if any, as stated in item (2) of this subsection (b).~~

~~(c) In the event of a sale or transfer of any cemetery land, including any portion of cemetery land in which no human remains have been interred, a licensee shall, at least 45 days prior to the sale or transfer, notify the Department, in writing, of the pending sale or transfer. With the notification, the cemetery authority shall submit information to the Department, which may include a copy of a portion of the cemetery map showing the land to be sold or transferred, to enable the Department to determine whether any human remains are interred, inurned, or entombed within the land to be sold or transferred and whether consumers have rights of interment, inurnment, or entombment within the land to be sold or transferred.~~

~~(d) For purposes of this Section, a person who acquires the cemetery through a real estate foreclosure shall be subject to the provisions of this Section pertaining to the purchaser, including licensure.~~

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-50)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-50. Dissolution. Where any licensed cemetery authority or any trustee thereof ~~seeks has~~ accepted care funds within the meaning of this Act, and dissolution is sought by such cemetery authority in any manner, by resolution of such cemetery authority, or the trustees thereof, notice shall be given to

the Department of such intention to dissolve and proper disposition shall be made of the care funds so held for the general benefit of such lot owners by or for the benefit of such cemetery authority, as provided by law, or in accordance with the trust provisions of any gift, grant, contribution, payment, legacy, or pursuant to any contract whereby such funds were created. The Department, represented by the Attorney General, may apply to the circuit court for the appointment of a receiver, trustee, successor in trust, or for directions of such court as to the proper disposition to be made of such care funds, to the end that the uses and purposes for which such trust or care funds were created may be accomplished, and for proper continued operation of the cemetery.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-55)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-55. Fees.

(a) Except as provided in ~~subsection (b)~~ of this Section, the fees for the administration and enforcement of this Act, ~~including, but not limited to, original licensure, renewal, and restoration fees,~~ shall be set by the Department by rule. The fees shall be reasonable and shall not be refundable.

(b) Cemetery manager applicants and customer service employee applicants shall pay any certification program or continuing education program fee directly to the entity offering the program.

(c) The Department may waive fees based upon hardship.

(d) Nothing shall prohibit a cemetery authority from paying, on behalf of its cemetery managers or customer service employees, their application, renewal, or restoration fees.

~~(b) Applicants for examination shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination.~~

~~(e)~~ (e) All fees and other moneys collected under this Act shall be deposited in the Cemetery Oversight Licensing and Disciplinary Fund.

(f) The fee for application as a cemetery authority seeking a full exemption is \$0.

(g) The fee to renew registration as a fully exempt cemetery authority is \$0. As provided in Section 10-40 of this Act and as further refined by rule, each registration as a fully exempt cemetery authority shall expire every 4 years.

(h) The fee for application as a cemetery authority seeking a partial exemption is \$150.

(i) The fee to renew registration as a partially exempt cemetery authority is \$150. As provided in Section 10-40 of this Act and as further refined by rule, each registration as a partially exempt cemetery authority shall expire every 4 years.

(j) The fee for original licensure, renewal, and restoration as a cemetery authority not seeking a full or partial exemption is \$75. As provided in Section 10-40 of this Act and as further refined by rule, each cemetery authority license shall expire every 2 years.

(k) The fee for original licensure, renewal, and restoration as a cemetery manager is \$25. As provided in Section 10-40 of this Act and as further refined by rule, each cemetery manager license shall expire every 2 years.

(l) The fee for original licensure, renewal, and restoration as a customer service employee is \$25. As provided in Section 10-40 of this Act and as further refined by rule, each customer service employee license shall expire every 2 years.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/20-5)

(Section scheduled to be repealed on January 1, 2021)

Sec. 20-5. Maintenance and records.

(a) A cemetery authority shall provide reasonable maintenance of the cemetery property and of all lots, graves, crypts, and columbariums in the cemetery based on the type and size of the cemetery, topographic limitations, and contractual commitments with consumers. Subject to the provisions of this subsection (a), reasonable maintenance includes:

(1) the laying of seed, sod, or other suitable ground cover as soon as practical

following an interment given the weather conditions, climate, and season and the interment's proximity to ongoing burial activity;

(2) the cutting of lawn throughout the cemetery at reasonable intervals to prevent an overgrowth of grass and weeds given the weather conditions, climate, and season;

(3) the trimming of shrubs to prevent excessive overgrowth;

(4) the trimming of trees to remove dead limbs;

(5) maintaining, repairing, or removing, if necessary, drains, water lines, roads, buildings, fences, and other structures keeping in repair the drains, water lines, roads, buildings, fences, and other structures; and

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(6) keeping the cemetery premises free of trash and debris.

In determining whether a cemetery authority provides reasonable maintenance of the cemetery property, the Department shall consider:

(1) the cemetery authority's contractual obligations for care and maintenance;

(2) the size of the cemetery;

(3) the extent and use of the cemetery authority's financial resources;

(4) the standard of maintenance of one or more similarly situated cemeteries; in determining whether a cemetery is similarly situated the Department shall consider the cemetery's size, location, topography, and financial resources, and whether the cemetery is a fraternal cemetery, a religious cemetery, a public cemetery, a cemetery owned and operated by a cemetery association, or a licensed cemetery.

Reasonable maintenance by the cemetery authority shall not preclude the exercise of lawful rights by the owner of an interment, inurnment, or entombment right, or by the decedent's immediate family or other heirs, in accordance with reasonable rules and regulations of the cemetery or other agreement of the cemetery authority.

In the case of a cemetery dedicated as a nature preserve under the Illinois Natural Areas Preservation Act, reasonable maintenance by the cemetery authority shall be in accordance with the rules and master plan governing the dedicated nature preserve.

~~The Department shall adopt rules to provide greater detail as to what constitutes the reasonable maintenance required under this Section. The rules shall differentiate between cemeteries based on, among other things, the size and financial strength of the cemeteries. The rules shall also provide a reasonable opportunity for a cemetery authority accused of violating the provisions of this Section to cure any such violation in a timely manner given the weather conditions, climate, and season before the Department initiates formal proceedings.~~

A cemetery authority accused of violating the reasonable maintenance standard set forth in this Section shall have a reasonable opportunity to cure the violation. The cemetery authority shall have 10 business days after receipt of notice to cure the violation. If a cemetery authority cannot cure the violation within 10 business days, then the cemetery authority may request a time extension in order to cure the violation. The request for an extension shall be made in writing to the Department and must be postmarked within 10 business days after receipt of the notice of the alleged violation. The request shall outline all reasons for the extension and an estimated date by which the cure will be accomplished. Acceptable reasons include, without limitation, delays caused by weather conditions, season or climate, equipment failures, or acquisitions of materials or supplies being addressed by the authority in a timely manner, and unexpected temporary absences of personnel. The Department may approve or deny the extension. If the extension is denied, then the cemetery authority must cure the violation within 10 business days after the date of receipt of the Department's extension denial. If the extension is granted, then the cemetery authority must cure the violation within the extended period of time. A cemetery authority that does not cure the violation within the appropriate period of time shall be subject to discipline in accordance with Article 25 of this Act.

(b) A cemetery authority, before commencing cemetery operations or within 6 months after the effective date of this Act, shall cause an overall map of its cemetery property, delineating all lots or plots, blocks, sections, avenues, walks, alleys, and paths and their respective designations, to be filed at its on-site office, or if it does not maintain an on-site office, at its principal place of business. The cemetery authority shall update its map and index described in subsection (b-5) within a reasonable time after any expansion or alteration of the cemetery property. A cemetery manager's certificate acknowledging, accepting, and adopting the map shall also be included with the map. The Department may order that the cemetery authority obtain a cemetery plat and that it be filed at its on-site office, or if it does not maintain an on-site office, at its principal place of business ~~if only in the following circumstances: (1) the cemetery authority is expanding or altering the cemetery grounds; or (2) a human body that should have been interred, entombed, or inurned at the cemetery after the effective date of this amendatory Act of the 97th General Assembly is missing, displaced, or dismembered and (2) the cemetery map contains serious discrepancies.~~

In exercising this discretion, the Department shall consider whether the cemetery authority would experience an undue hardship as a result of obtaining the plat. The cemetery plat, as with all plats prepared under this Act, shall comply with the Illinois Professional Land Surveyor Act of 1989 and shall delineate, describe, and set forth all lots or plots, blocks, sections, avenues, walks, alleys, and paths and their respective designations. A cemetery manager's certificate acknowledging, accepting, and adopting the plat shall also be included with the plat.

(b-5) A cemetery authority shall maintain an index that associates the identity of deceased persons

interred, entombed, or inurned after the effective date of this Act with their respective place of interment, entombment, or inurnment.

(c) The cemetery authority shall open the cemetery map or plat to public inspection. The cemetery authority shall make available a copy of the overall cemetery map or plat upon written request and shall, if practical, provide a copy of a segment of the cemetery plat where interment rights are located upon the payment of reasonable photocopy fees. Any unsold lots, plots, or parts thereof, in which there are not human remains, may be resurveyed and altered in shape or size and properly designated on the cemetery map or plat. However, sold lots, plots, or parts thereof in which there are human remains may not be renumbered or renamed. Nothing contained in this subsection, however, shall prevent the cemetery authority from enlarging an interment right by selling to its owner the excess space next to the interment right and permitting interments therein, provided reasonable access to the interment right and to adjoining interment rights is not thereby eliminated.

(d) A cemetery authority shall keep a record of every interment, entombment, and inurnment completed after the effective date of this Act. The record shall include the deceased's name, age, date of burial, and the specific location of the interred, entombed, or inurned human remains. The specific location shall correspond to the map or plat maintained in accordance with subsection (b) of this Section and parcel identification number identifying where the human remains are interred, entombed, or inurned. The record shall also include the unique personal identifier as may be further defined by rule, which is the parcel identification number in addition to the term of burial in years; the numbered level or depth in the grave, plot, crypt, or niche; and the year of death.

(e) (Blank).

(f) A cemetery authority shall make available for inspection and, upon reasonable request and the payment of a reasonable copying fee, provide a copy of its rules and regulations. A cemetery authority shall make available for viewing and provide a copy of its current prices of interment, inurnment, or entombment rights.

(g) A cemetery authority shall provide access to the cemetery under the cemetery authority's reasonable rules and regulations.

(h) A cemetery authority shall be responsible for the proper opening and closing of all graves, crypts, or niches for human remains in any cemetery property it owns.

~~(i) A Any corporate or other business organization trustee of the care funds of every licensed cemetery authority shall be located in or a resident of this State. The licensed cemetery authority and the trustee of care funds shall keep in this State and use in its business such books, accounts, and records as will enable the Department to determine whether such licensee or trustee is complying with the provisions of this Act and with the rules, regulations, and directions made by the Department under this Act. The licensed cemetery authority shall keep the books, accounts, and records in electronic or written format at the location identified in the license issued by the Department or as otherwise agreed by the Department in writing. The books, accounts, and records shall be accessible for review upon demand of the Department.~~

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/20-6)

(Section scheduled to be repealed on January 1, 2021)

Sec. 20-6. Cemetery Oversight Database.

(a) Within 10 business days after an interment, entombment, or inurnment of human remains, the cemetery manager shall cause a record of the interment, entombment, or inurnment to be entered into the Cemetery Oversight Database. The requirement of this subsection (a) also applies in any instance in which human remains are relocated.

(b) Within 9 months after the effective date of this Act, the Department shall certify a database as the Cemetery Oversight Database. Upon certifying the database, the Department shall:

- (1) provide reasonable notice to cemetery authorities identifying the database; and
- (2) immediately upon certification, require each cemetery authority to use the Cemetery Oversight Database as a means of complying with subsection (a).

(c) In certifying the Cemetery Oversight Database, the Department shall ensure that the database:

- (1) provides real-time access through an Internet connection or, if real-time access through an Internet connection becomes unavailable due to technical problems with the Cemetery Oversight Database incurred by the database provider or if obtaining use of an Internet connection would be an undue hardship on the cemetery authority, through alternative mechanisms, including, but not limited to, telephone;

- (2) is accessible to the Department and to cemetery managers in order to ensure compliance with this Act and in order to provide any other information that the Department deems

necessary;

(3) requires cemetery authorities to input whatever information required by the Department;

(4) maintains a real-time copy of the required reporting information that is available to the Department at all times and is the property of the Department; and

(5) contains safeguards to ensure that all information contained in the Cemetery Oversight Database is secure.

(d) A cemetery authority may rely on the information contained in the Cemetery Oversight Database as accurate and is not subject to any administrative penalty or liability as a result of relying on inaccurate information contained in the database.

(e) The Cemetery Oversight Database provider shall indemnify cemetery authorities against all claims and actions arising from illegal, willful, or wanton acts on the part of the Database provider. The Cemetery Oversight Database provider shall at all times maintain an electronic backup copy of the information it receives pursuant to subsection (a).

(f) In the event the provider of the database imposes a fee for entries into the database, the fee shall be paid directly by the Department to the provider, and the fee may not be imposed upon cemetery authorities making entries into the database. However, the provider need not refund any entry fees paid by cemetery authorities prior to the effective date of this amendatory Act of the 97th General Assembly.
(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/20-10)

(Section scheduled to be repealed on January 1, 2021)

Sec. 20-10. Contract. At the time cemetery arrangements are made and prior to rendering the cemetery services, a cemetery authority shall create a written contract to be provided to the consumer, signed by both parties, that shall contain: (i) ~~contact information, as set out in Section 20-11,~~ and the date on which the arrangements were made; (ii) the price of the service selected and the services and merchandise included for that price; (iii) the supplemental items of service and merchandise requested and the price of each item; (iv) the terms or method of payment agreed upon; and (v) a statement as to any monetary advances made on behalf of the family. The cemetery authority shall maintain a copy of such written contract in its permanent records.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/20-35 new)

Sec. 20-35. Stacking; burial or interment of an unknown individual or unknown body part.

(a) The stacking of caskets underground of any individual is limited to no more than 3 caskets in one grave space with the exception of an arrangement made pursuant to a lawful contract with a consumer that complies with the requirements of Section 20-10 of this Act.

(b) Burials and interments of unknown individuals or unknown body parts must be entered into the Cemetery Oversight Database as provided in Section 20-6 of this Act.

(225 ILCS 411/20-40 new)

Sec. 20-40. Burial of multiple persons. A cemetery authority shall not knowingly bury human remains from multiple persons, known or unknown, in the same casket or grave space with the exception of (1) human remains that are placed in individual containers, (2) a mass casualty event, either natural or man-made, or (3) an arrangement made pursuant to a lawful contract with a consumer that complies with the requirements of Section 20-10 of this Act.

(225 ILCS 411/25-10)

(Section scheduled to be repealed on January 1, 2021)

Sec. 25-10. Grounds for disciplinary action.

(a) The Department may refuse to issue or renew a license or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department may deem appropriate, including imposing fines not to exceed ~~\$10,000~~ \$8,000 for each violation, with regard to any license under this Act, for any one or combination of the following:

(1) Material misstatement in furnishing information to the Department.

(2) Violations of this Act, except for Section 20-8, or of the rules adopted under this Act.

(3) Conviction of, or entry of a plea of guilty or nolo contendere to, any crime within the last 10 years that is a Class X felony or higher or is a felony involving fraud and dishonesty under the laws of the United States or any state or territory thereof.

(4) Making any misrepresentation for the purpose of obtaining licensure or violating any provision of this Act or the rules adopted under this Act.

(5) Professional incompetence.

- (6) Gross malpractice.
 - (7) Aiding or assisting another person in violating any provision of this Act or rules adopted under this Act.
 - (8) Failing, within 10 business days, to provide information in response to a written request made by the Department.
 - (9) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.
 - (10) Inability to practice with reasonable judgment, skill, or safety as a result of habitual or excessive use of alcohol, narcotics, stimulants, or any other chemical agent or drug.
 - (11) Discipline by another agency, state, District of Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.
 - (12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for professional services not actually or personally rendered.
 - (13) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.
 - (14) Willfully making or filing false records or reports in his or her practice, including, but not limited to, false records filed with any governmental agency or department.
 - (15) Inability to practice the profession with reasonable judgment, skill, or safety.
 - (16) Failure to ~~file an annual report or to maintain in effect the required bond or to comply with an order, decision, or finding of the Department made~~ pursuant to this Act.
 - (17) Directly or indirectly receiving compensation for any professional services not actually performed.
 - (18) Practicing under a false or, except as provided by law, an assumed name.
 - (19) Fraud or misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of a license under this Act.
 - (20) Cheating on or attempting to subvert the licensing examination administered under this Act.
 - (21) Unjustified failure to honor its contracts.
 - (22) Negligent supervision of a cemetery manager, customer service employee, ~~employee cemetery worker~~, or independent contractor.
 - (23) A pattern of practice or other behavior which demonstrates incapacity or incompetence to practice under this Act.
 - (24) Allowing an individual who is not, but is required to be, licensed under this Act to perform work for the cemetery authority.
 - (25) ~~(Blank). Allowing an individual who has not, but is required to, submit a Worker's Statement in accordance with Section 10-22 of this Act to perform work at the cemetery.~~
- (b) No action may be taken under this Act against a person licensed under this Act unless the action is commenced within 5 years after the occurrence of the alleged violations, except for a violation of item (3) of subsection (a) of this Section. If a person licensed under this Act violates item (3) of subsection (a) of this Section, then the action may commence within 10 years after the occurrence of the alleged violation. A continuing violation shall be deemed to have occurred on the date when the circumstances last existed that give rise to the alleged violation.
- (Source: P.A. 96-863, eff. 3-1-10.)
 (225 ILCS 411/25-14)
 (Section scheduled to be repealed on January 1, 2021)
 Sec. 25-14. Mandatory reports.
- (a) If a cemetery authority receives a consumer complaint that is not resolved to the satisfaction of the consumer within 60 days of the complaint, the cemetery authority shall advise the consumer of the right to seek investigation by the Department and may direct the consumer to the sign posted in its office as required by Section 20-30 of this Act, shall report the consumer complaint to the Department within the next 30 days. Cemetery authorities shall report to the Department within 30 days after the settlement of any liability insurance claim or cause of action, or final judgment in any cause of action, that alleges negligence, fraud, theft, misrepresentation, misappropriation, or breach of contract.
- (b) The State's Attorney of each county shall report to the Department all instances in which an individual licensed as a cemetery manager or customer service employee, or any individual listed on a

licensed cemetery authority's application under this Act, is convicted or otherwise found guilty of the commission of any felony. The report shall be submitted to the Department within 60 days after conviction or finding of guilty.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/25-14.5 new)

Sec. 25-14.5. Comptroller report. The Comptroller shall annually provide a report to the Department with the total amount of trust funds reported by a cemetery authority licensed under the Cemetery Care Act, the Illinois Pre-Need Cemetery Sales Act, or the Illinois Funeral or Burial Funds Act and provide other information about a cemetery authority upon the request of the Department. Additionally, the Comptroller shall report to the Department any adverse action taken against a cemetery authority under the Cemetery Care Act, the Illinois Pre-Need Cemetery Sales Act, or the Illinois Funeral or Burial Funds Act.

(225 ILCS 411/25-25)

(Section scheduled to be repealed on January 1, 2021)

Sec. 25-25. Investigations, notice, hearings.

(a) The Department may at any time investigate the actions of any applicant or of any person or persons rendering or offering to render services as a cemetery authority, cemetery manager, or customer service employee of or any person holding or claiming to hold a license as a licensed cemetery authority, cemetery manager, or customer service employee. If it appears to the Department that a person has engaged in, is engaging in, or is about to engage in any practice declared to be unlawful by this Act, then the Department may: (1) require that person to file on such terms as the Department prescribes a statement or report in writing, under oath or otherwise, containing all information the Department may consider necessary to ascertain whether a licensee is in compliance with this Act, or whether an unlicensed person is engaging in activities for which a license is required; (2) examine under oath any individual in connection with the books and records pertaining to or having an impact upon the operation of a cemetery ~~or trust funds required to be maintained pursuant to this Act~~; (3) examine any books and records of the licensee, ~~trustee, or investment advisor~~ that the Department may consider necessary to ascertain compliance with this Act; and (4) require the production of a copy of any record, book, document, account, or paper that is produced in accordance with this Act and retain it in his or her possession until the completion of all proceedings in connection with which it is produced.

(b) The Secretary may, after 10 days notice by certified mail with return receipt requested to the licensee at the address of record or to the last known address of any other person stating the contemplated action and in general the grounds therefor, fine such licensee an amount not exceeding \$10,000 per violation or revoke, suspend, refuse to renew, place on probation, or reprimand any license issued under this Act if he or she finds that:

(1) the licensee has failed to comply with any provision of this Act or any order, decision, finding, rule, regulation, or direction of the Secretary lawfully made pursuant to the authority of this Act; or

(2) any fact or condition exists which, if it had existed at the time of the original application for the license, clearly would have warranted the Secretary in refusing to issue the license.

(c) The Secretary may fine, revoke, suspend, refuse to renew, place on probation, reprimand, or take any other disciplinary action as to the particular license with respect to which grounds for the fine, revocation, suspension, refuse to renew, probation, or reprimand, or other disciplinary action occur or exist, but if the Secretary finds that grounds for revocation are of general application to all offices or to more than one office of the licensee, the Secretary shall fine, revoke, suspend, refuse to renew, place on probation, reprimand, or otherwise discipline every license to which such grounds apply.

(d) In every case in which a license is revoked, suspended, placed on probation, reprimanded, or otherwise disciplined, the Secretary shall serve the licensee with notice of his or her action, including a statement of the reasons for his or her actions, either personally or by certified mail, return receipt requested. Service by certified mail shall be deemed completed when the notice is deposited in the United States mail and sent to the address of record.

(e) An order assessing a fine, an order revoking, suspending, placing on probation, or reprimanding a license or, an order denying renewal of a license shall take effect upon service of the order unless the licensee requests, in writing, within 20 days after the date of service, a hearing. In the event a hearing is requested, an order issued under this Section shall be stayed until a final administrative order is entered.

(f) If the licensee requests a hearing, then the Secretary shall schedule a hearing within 30 days after the request for a hearing unless otherwise agreed to by the parties. The Secretary shall have the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any disciplinary action with regard to a license. The hearing officer shall have full authority to

conduct the hearing.

(g) The hearing shall be held at the time and place designated by the Secretary.

(h) The Secretary shall have the authority to prescribe rules for the administration of this Section.

(i) Fines imposed and any costs assessed shall be paid within 60 days.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/25-70)

(Section scheduled to be repealed on January 1, 2021)

Sec. 25-70. Receivership. In the event a cemetery authority license is suspended or revoked or where an unlicensed person has conducted activities requiring cemetery authority licensure under this Act, the Department, through the Attorney General, may petition the circuit courts of this State for appointment of a receiver to ~~administer the care funds of such licensee or unlicensed person or to~~ operate the cemetery.

(a) The court shall appoint a receiver if the court determines that a receivership is necessary or advisable:

(1) to ensure the orderly and proper conduct of a licensee's professional business and affairs during or in the aftermath of the administrative proceeding to revoke or suspend the cemetery authority's license;

(2) for the protection of the public's interest and rights in the business, premises, or activities of the person sought to be placed in receivership;

(3) upon a showing of actual or constructive abandonment of premises or business licensed or which was not but should have been licensed under this Act;

(4) upon a showing of serious and repeated violations of this Act demonstrating an inability or unwillingness of a licensee to comply with the requirements of this Act;

(5) to prevent loss, wasting, dissipation, theft, or conversion of assets that should be marshaled and held available for the honoring of obligations under this Act; or

(6) upon proof of other grounds that the court deems good and sufficient for instituting receivership action concerning the respondent sought to be placed in receivership.

(b) A receivership under this Section may be temporary, or for the winding up and dissolution of the business, as the Department may request and the court determines to be necessary or advisable in the circumstances. Venue of receivership proceedings may be, at the Department's election, in Cook County or the county where the subject of the receivership is located. The appointed receiver shall be the Department or such person as the Department may nominate and the court shall approve.

(c) The Department may adopt rules for the implementation of this Section.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/25-75)

(Section scheduled to be repealed on January 1, 2021)

Sec. 25-75. Cemetery Relief Fund.

(a) A special income-earning fund is hereby created in the State treasury, known as the Cemetery Relief Fund.

(b) Beginning on July 1, 2011, and occurring on an annual basis every year thereafter, three percent of the moneys in the Cemetery Oversight Licensing and Disciplinary Fund shall be deposited into the Cemetery Relief Fund.

(c) All monies deposited into the fund together with all accumulated undistributed income thereon shall be held as a special fund in the State treasury. The fund shall be used solely for the purpose of providing grants to units of local government and not-for-profit organizations, including, but not limited to, not-for-profit cemetery authorities, to clean up cemeteries that have been abandoned, neglected, or are otherwise in need of additional care.

(d) The grant program shall be administered by the Department.

(e) In the event there is a structural surplus in the Cemetery Oversight Licensing and Disciplinary Fund, the Department may expend moneys out of the Cemetery Oversight Licensing and Disciplinary Fund for the purposes described in subsection (c) of this Section.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/25-105)

(Section scheduled to be repealed on January 1, 2021)

Sec. 25-105. Violations. Each of the following acts is a Class A misdemeanor for the first offense and a Class 4 felony for each subsequent offense:

(1) the practice of or attempted practice of or holding out as available to practice as a cemetery authority, cemetery manager, or customer service employee without a license; or

(2) the obtaining of or the attempt to obtain any license or authorization under this Act by fraud or

~~misrepresentation. Any person who is found to have violated any provision of this Act or any applicant for licensure who files with the Department the fingerprints of an individual other than himself or herself is guilty of a Class A misdemeanor. Upon conviction of a second or subsequent offense the violator shall be guilty of a Class 4 felony. However, whoever intentionally fails to deposit the required amounts into a trust provided for in this Act or intentionally and improperly withdraws or uses trust funds for his or her own benefit shall be guilty of a Class 4 felony and each day such provisions are violated shall constitute a separate offense.~~

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/25-110)

(Section scheduled to be repealed on January 1, 2021)

Sec. 25-110. Civil action and civil penalties. In addition to the other penalties and remedies provided in this Act, the Department may bring a civil action in the county in which the cemetery is located against a licensee or any other person to enjoin any violation or threatened violation of this Act. In addition to any other penalty provided by law, any person who violates this Act shall forfeit and pay a civil penalty to the Department in an amount not to exceed ~~\$8,000~~ \$10,000 for each violation as determined by the Department. The civil penalty shall be assessed by the Department in accordance with the provisions of this Act. Any civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record. All moneys collected under this Section shall be deposited into the Cemetery Oversight Licensing and Disciplinary Fund.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/25-120)

(Section scheduled to be repealed on January 1, 2021)

Sec. 25-120. Whistleblower protection.

(a) "Retaliatory action" means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms and conditions of employment of any cemetery manager, licensed customer service employee, or ~~employee cemetery worker~~ that is taken in retaliation for a cemetery manager's, customer service employee's, or ~~employee's cemetery worker's~~ involvement in protected activity, as set forth in this Section.

(b) A cemetery authority shall not take any retaliatory action against a cemetery manager, customer service employee, or ~~employee cemetery worker~~ because the cemetery manager, customer service employee, or ~~employee cemetery worker~~ does any of the following:

(1) Discloses or threatens to disclose to a supervisor or to a public body an activity,

policy, or practice of a cemetery manager, customer service employee, or the cemetery authority that the cemetery manager, customer service employee, or ~~employee cemetery worker~~ reasonably believes is in violation of a law, rule, or regulation.

(2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by a cemetery manager or cemetery authority.

(3) Assists or participates in a proceeding to enforce the provisions of this Act.

(c) A violation of this Section may be established only upon a finding that (i) the cemetery manager, customer service employee, or ~~employee cemetery worker~~ engaged in conduct described in subsection (b) of this Section and (ii) that this conduct was a contributing factor in the retaliatory action alleged by the cemetery manager, customer service employee, or ~~employee cemetery worker~~. It is not a violation, however, if it is demonstrated by clear and convincing evidence that the cemetery manager or cemetery authority would have taken the same unfavorable personnel action in the absence of that conduct.

(d) The cemetery manager, customer service employee, or ~~employee cemetery worker~~ may be awarded all remedies

necessary to make the cemetery manager, customer service employee, or ~~employee cemetery worker~~ whole and to prevent future violations of this Section. Remedies imposed by the court may include, but are not limited to, all of the following:

(1) reinstatement of the individual to either the same position held before the retaliatory action or to an equivalent position;

(2) two times the amount of back pay;

(3) interest on the back pay;

(4) the reinstatement of full fringe benefits and seniority rights; and

(5) the payment of reasonable costs and attorneys' fees.

(e) Nothing in this Section shall be deemed to diminish the rights, privileges, or remedies

of a cemetery manager, customer service employee, or ~~employee cemetery worker~~ under any other federal or State law, rule, or regulation or under any employment contract.
(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/25-125)

(Section scheduled to be repealed on January 1, 2021)

Sec. 25-125. Cemetery Oversight Board. The Cemetery Oversight Board is created and shall consist of the Secretary, who shall serve as its chairperson, and 8 members appointed by the Secretary. Appointments shall be made within 90 days after the effective date of this Act. Three members shall represent the segment of the cemetery industry that does not maintain a partial exemption or full exemption, one member shall represent the segment of the cemetery industry that maintains a partial exemption as a public cemetery, one member shall represent the segment of the cemetery industry that maintains a partial exemption as a religious cemetery, 2 members shall be consumers as defined in this Act, and one member shall represent the general public. No member shall be a licensed professional from a non-cemetery segment of the death care industry. Board members shall serve 5-year terms and until their successors are appointed and qualified. The membership of the Board should reasonably reflect representation from the geographic areas in this State. No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 10 successive years. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. Five members of the Board shall constitute a quorum. A quorum is required for Board decisions. The Secretary may remove any member of the Board for misconduct, incompetence, neglect of duty, or for reasons prescribed by law for removal of State officials. The Secretary may remove a member of the Board who does not attend 2 consecutive meetings. The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the administration or enforcement of this Act. The Secretary shall consider the recommendations of the Board in the development of proposed rules under this Act and in the approval of entities seeking to offer certification programs to cemetery manager applicants and customer service employee applicants and for establishing guidelines and examinations as may be required under this Act. Notice of any proposed rulemaking under this Act and applications submitted by entities seeking to offer certification programs shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made therein.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/75-50)

(Section scheduled to be repealed on January 1, 2021)

Sec. 75-50. Burial permits. Notwithstanding any law to the contrary, ~~a cemetery authority shall ensure that every burial permit shall contain applicable to that cemetery authority contains the decedent's parcel identification number or other information as provided by rule regarding the location of the interment, entombment, or inurnment of the deceased that would enable the Department to determine the precise location of the decedent.~~

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/75-55)

(Section scheduled to be repealed on January 1, 2021)

Sec. 75-55. Transition.

(a) ~~(Blank). Within 60 days after the effective date of this Act, the Comptroller shall provide the Department copies of records in the Comptroller's possession pertaining to the Cemetery Care Act and the Crematory Regulation Act that are necessary for the Department's immediate responsibilities under this Act. All other records pertaining to the Cemetery Care Act with the exception of records pertaining to care funds.~~

(b) ~~(Blank).~~

(c) All cemeteries not maintaining a full exemption or partial exemption shall pay a one-time fee to the Department, due no later than December 15, 2010, equal to \$20 plus an additional charge of \$1 for each burial performed within the cemetery during calendar year 2009. To support the costs that may be associated with implementing and maintaining a licensure and regulatory process for the licensure and regulation of cemetery authorities, cemetery managers, customer service employees, and cemetery workers, all cemetery authorities not maintaining a full exemption or partial exemption shall pay a one-time fee of \$20 to the Department plus an additional charge of \$1 per burial unit per year within the cemetery. The Department may establish forms for the collection of the fee established under this subsection and shall deposit such fee into the Cemetery Oversight Licensing and Disciplinary Fund. The Department may begin to collect the aforementioned fee after the effective date of this Act. In addition, the Department may establish rules for the collection process, which may include, but shall not be

~~limited to, dates, forms, enforcement, or other procedures necessary for the effective collection, deposit, and overall process regarding this Section.~~

~~(d) All fees collected under this Section prior to the effective date of this amendatory Act of the 97th General Assembly shall not be refunded. Any cemetery authority that fails to pay to the Department the required fee or submits the incorrect amount shall be subject to the penalties provided for in Section 25-110 of this Act.~~

~~(e) (Blank). Except as otherwise specifically provided, all fees, fines, penalties, or other moneys received or collected pursuant to this Act shall be deposited in the Cemetery Oversight Licensing and Disciplinary Fund.~~

~~(f) (Blank).~~

~~(g) (Blank).~~

(Source: P.A. 96-863, eff. 3-1-10; 97-593, eff. 8-26-11.)

(225 ILCS 411/10-10 rep.) (225 ILCS 411/10-22 rep.) (225 ILCS 411/Art. 15 rep.) (225 ILCS 411/20-11 rep.) (225 ILCS 411/20-25 rep.) (225 ILCS 411/Art. 22 rep.) (225 ILCS 411/25-13 rep.) (225 ILCS 411/90-90 rep.) (225 ILCS 411/90-95 rep.)

Section 27. The Cemetery Oversight Act is amended by repealing Sections 10-10, 10-22, 20-11, 20-25, 25-13, 90-90, and 90-95 and Articles 15 and 22.

Section 30. The Crematory Regulation Act is amended by changing Sections 5, 7, 10, 11, 11.5, 13, 14, 20, 22, 25, 40, 55, 60, 62, 62.5, 62.10, 62.15, 62.20, 65, 80, 85, 87, 88, 89, 90, 91, 92, and 94 as follows:
(410 ILCS 18/5)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 5. Definitions. As used in this Act:

"Address of record" means the designated address recorded by the Comptroller in the applicant's or licensee's application file or license file. It is the duty of the applicant or licensee to inform the Comptroller of any change of address within 14 days, and such changes must be made either through the Comptroller's website or by contacting the Comptroller. The address of record shall be the permanent street address of the crematory.

"Alternative container" means a receptacle, other than a casket, in which human remains are transported to the crematory and placed in the cremation chamber for cremation. An alternative container shall be (i) composed of readily combustible or consumable materials suitable for cremation, (ii) able to be closed in order to provide a complete covering for the human remains, (iii) resistant to leakage or spillage, (iv) rigid enough for handling with ease, and (v) able to provide protection for the health, safety, and personal integrity of crematory personnel.

"Authorizing agent" means a person legally entitled to order the cremation and final disposition of specific human remains.

"Body parts" means limbs or other portions of the anatomy that are removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy, or medical research; or human bodies or any portion of bodies that have been donated to science for medical research purposes.

"Burial transit permit" means a permit for disposition of a dead human body as required by Illinois law.

"Casket" means a rigid container that is designed for the encasement of human remains, is usually constructed of wood, metal, or like material and ornamented and lined with fabric, and may or may not be combustible.

~~"Change of ownership" means a transfer of more than 50% of the stock or assets of a crematory authority.~~

"Comptroller" means the Comptroller of the State of Illinois.

"Cremated remains" means all human remains recovered after the completion of the cremation, which may possibly include the residue of any foreign matter including casket material, bridgework, or eyeglasses, that was cremated with the human remains.

"Cremation" means the technical process, using heat and flame, or alkaline hydrolysis that reduces human remains to bone fragments. The reduction takes place through heat and evaporation or through hydrolysis. Cremation shall include the processing, and may include the pulverization, of the bone fragments.

"Cremation chamber" means the enclosed space within which the cremation takes place.

"Cremation interment container" means a rigid outer container that, subject to a cemetery's rules and regulations, is composed of concrete, steel, fiberglass, or some similar material in which an urn is placed prior to being interred in the ground, and which is designed to withstand prolonged exposure to the

elements and to support the earth above the urn.

"Cremation room" means the room in which the cremation chamber is located.

"Crematory" means the building or portion of a building that houses the cremation room and the holding facility.

"Crematory authority" means the legal entity which is licensed by the Comptroller to operate a crematory and to perform cremations.

~~"Department" means the Illinois Department of Public Health.~~

"Final disposition" means the burial, cremation, or other disposition of a dead human body or parts of a dead human body.

"Funeral director" means a person known by the title of "funeral director", "funeral director and embalmer", or other similar words or titles, licensed by the State to practice funeral directing or funeral directing and embalming.

"Funeral establishment" means a building or separate portion of a building having a specific street address and location and devoted to activities relating to the shelter, care, custody, and preparation of a deceased human body and may contain facilities for funeral or wake services.

"Holding facility" means an area that (i) is designated for the retention of human remains prior to cremation, (ii) complies with all applicable public health law, (iii) preserves the health and safety of the crematory authority personnel, and (iv) is secure from access by anyone other than authorized persons. A holding facility may be located in a cremation room.

"Human remains" means the body of a deceased person, including any form of body prosthesis that has been permanently attached or implanted in the body.

"Licensee" means an entity licensed under this Act. An entity that holds itself as a licensee or that is accused of unlicensed practice is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Niche" means a compartment or cubicle for the memorialization and permanent placement of an urn containing cremated remains.

"Person" means any person, partnership, association, corporation, limited liability company, or other entity, and in the case of any such business organization, its officers, partners, members, or shareholders possessing 25% or more of ownership of the entity.

"Processing" means the reduction of identifiable bone fragments after the completion of the cremation process to unidentifiable bone fragments by manual or mechanical means.

"Pulverization" means the reduction of identifiable bone fragments after the completion of the cremation process to granulated particles by manual or mechanical means.

"Scattering area" means an area which may be designated by a cemetery and located on dedicated cemetery property where cremated remains, which have been removed from their container, can be mixed with, or placed on top of, the soil or ground cover.

"Temporary container" means a receptacle for cremated remains, usually composed of cardboard, plastic or similar material, that can be closed in a manner that prevents the leakage or spillage of the cremated remains or the entrance of foreign material, and is a single container of sufficient size to hold the cremated remains until an urn is acquired or the cremated remains are scattered.

"Urn" means a receptacle designed to encase the cremated remains.

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 5. Definitions. As used in this Act:

"Address of record" means the designated address recorded by the ~~Comptroller Department~~ in the applicant's or licensee's application file or license file. It is the duty of the applicant or licensee to inform the ~~Comptroller Department~~ of any change of address within 14 days, and such changes must be made either through the ~~Comptroller's Department's~~ website or by contacting the ~~Comptroller Department's~~ ~~licensee maintenance unit~~. The address of record shall be the permanent street address of the crematory.

"Alternative container" means a receptacle, other than a casket, in which human remains are transported to the crematory and placed in the cremation chamber for cremation. An alternative container shall be (i) composed of readily combustible or consumable materials suitable for cremation, (ii) able to be closed in order to provide a complete covering for the human remains, (iii) resistant to leakage or spillage, (iv) rigid enough for handling with ease, and (v) able to provide protection for the health, safety, and personal integrity of crematory personnel.

"Authorizing agent" means a person legally entitled to order the cremation and final disposition of specific human remains.

[November 29, 2011]

"Body parts" means limbs or other portions of the anatomy that are removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy, or medical research; or human bodies or any portion of bodies that have been donated to science for medical research purposes.

"Burial transit permit" means a permit for disposition of a dead human body as required by Illinois law.

"Casket" means a rigid container that is designed for the encasement of human remains, is usually constructed of wood, metal, or like material and ornamented and lined with fabric, and may or may not be combustible.

"Comptroller" means the Comptroller of the State of Illinois.

"Cremated remains" means all human remains recovered after the completion of the cremation, which may possibly include the residue of any foreign matter including casket material, bridgework, or eyeglasses, that was cremated with the human remains.

"Cremation" means the technical process, using heat and flame, or alkaline hydrolysis that reduces human remains to bone fragments. The reduction takes place through heat and evaporation or through hydrolysis. Cremation shall include the processing, and may include the pulverization, of the bone fragments.

"Cremation chamber" means the enclosed space within which the cremation takes place.

"Cremation interment container" means a rigid outer container that, subject to a cemetery's rules and regulations, is composed of concrete, steel, fiberglass, or some similar material in which an urn is placed prior to being interred in the ground, and which is designed to withstand prolonged exposure to the elements and to support the earth above the urn.

"Cremation room" means the room in which the cremation chamber is located.

"Crematory" means the building or portion of a building that houses the cremation room and the holding facility.

"Crematory authority" means the legal entity which is licensed by the ~~Comptroller Department~~ to operate a crematory and to perform cremations.

~~"Department" means the Illinois Department of Financial and Professional Regulation.~~

"Final disposition" means the burial, cremation, or other disposition of a dead human body or parts of a dead human body.

"Funeral director" means a person known by the title of "funeral director", "funeral director and embalmer", or other similar words or titles, licensed by the State to practice funeral directing or funeral directing and embalming.

"Funeral establishment" means a building or separate portion of a building having a specific street address and location and devoted to activities relating to the shelter, care, custody, and preparation of a deceased human body and may contain facilities for funeral or wake services.

"Holding facility" means an area that (i) is designated for the retention of human remains prior to cremation, (ii) complies with all applicable public health law, (iii) preserves the health and safety of the crematory authority personnel, and (iv) is secure from access by anyone other than authorized persons. A holding facility may be located in a cremation room.

"Human remains" means the body of a deceased person, including any form of body prosthesis that has been permanently attached or implanted in the body.

"Licensee" means an entity licensed under this Act. An entity that holds itself as a licensee or that is accused of unlicensed practice is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Niche" means a compartment or cubicle for the memorialization and permanent placement of an urn containing cremated remains.

"Person" means any person, partnership, association, corporation, limited liability company, or other entity, and in the case of any such business organization, its officers, partners, members, or shareholders possessing 25% or more of ownership of the entity.

"Processing" means the reduction of identifiable bone fragments after the completion of the cremation process to unidentifiable bone fragments by manual or mechanical means.

"Pulverization" means the reduction of identifiable bone fragments after the completion of the cremation process to granulated particles by manual or mechanical means.

"Scattering area" means an area which may be designated by a cemetery and located on dedicated cemetery property where cremated remains, which have been removed from their container, can be mixed with, or placed on top of, the soil or ground cover.

~~"Secretary" means the Secretary of Financial and Professional Regulation.~~

"Temporary container" means a receptacle for cremated remains, usually composed of cardboard, plastic or similar material, that can be closed in a manner that prevents the leakage or spillage of the

cremated remains or the entrance of foreign material, and is a single container of sufficient size to hold the cremated remains until an urn is acquired or the cremated remains are scattered.

"Urn" means a receptacle designed to encase the cremated remains.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/7)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on January 1, 2021)

Sec. 7. Powers and duties of the ~~Comptroller Department~~. Subject to the provisions of this Act, the ~~Comptroller Department~~ may exercise any of the following powers and duties:

(1) Authorize standards to ascertain the qualifications and fitness of applicants for licensing as licensed crematory authorities and pass upon the qualifications of applicants for licensure.

(2) Examine and audit a licensed crematory authority's records, crematory, or any other aspects of crematory operation as the ~~Comptroller Department~~ deems appropriate.

(3) Investigate any and all unlicensed activity.

(4) Conduct hearings on proceedings to refuse to issue licenses or to revoke, suspend, place on probation, reprimand, or otherwise discipline licensees and to refuse to issue licenses or to revoke, suspend, place on probation, reprimand, or otherwise discipline licensees.

(5) Formulate rules required for the administration of this Act.

(6) Maintain rosters of the names and addresses of all licensees, and all entities whose licenses have been suspended, revoked, or otherwise disciplined. These rosters shall be available upon written request and payment of the required fee ~~as established by rule~~.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/10)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10. Establishment of crematory and licensing of crematory authority.

(a) Any person doing business in this State, or any cemetery, funeral establishment, corporation, partnership, joint venture, voluntary organization or any other entity, may erect, maintain, and operate a crematory in this State and provide the necessary appliances and facilities for the cremation of human remains in accordance with this Act.

(b) A crematory shall be subject to all local, State, and federal health and environmental protection requirements and shall obtain all necessary licenses and permits from the Department of Public Health, the federal Department of Health and Human Services, and the Illinois and federal Environmental Protection Agencies, or such other appropriate local, State, or federal agencies.

(c) A crematory may be constructed on or adjacent to any cemetery, on or adjacent to any funeral establishment, or at any other location consistent with local zoning regulations.

(d) An application for licensure as a crematory authority shall be in writing on forms furnished by the Comptroller. Applications shall be accompanied by a fee of \$50 and shall contain all of the following:

(1) The full name and address, both residence and business, of the applicant if the applicant is an individual; the full name and address of every member if the applicant is a partnership; the full name and address of every member of the board of directors if the applicant is an association; and the name and address of every officer, director, and shareholder holding more than 25% of the corporate stock if the applicant is a corporation.

(2) The address and location of the crematory.

(3) A description of the type of structure and equipment to be used in the operation of the crematory, including the operating permit number issued to the cremation device by the Illinois Environmental Protection Agency.

(3.5) ~~(Blank). Attestation by the owner that cremation services shall be by a person trained in accordance with the requirements of Section 22 of this Act.~~

(3.10) ~~(Blank). A copy of the certification or certifications issued by the certification program to the person or persons who will operate the cremation device.~~

(4) Any further information that the Comptroller reasonably may require.

(e) Each crematory authority shall file an annual report with the Comptroller, accompanied with a \$25 fee, providing (i) an affidavit signed by the owner of the crematory authority that at the time of the report the cremation device was in proper operating condition, (ii) the total number of all cremations performed at the crematory during the past year, (iii) attestation by the licensee that all applicable permits and certifications are valid, ~~and~~ (iv) either (A) any changes required in the information provided under subsection (d) or (B) an indication that no changes have occurred, ~~and~~ (v) any other information that the Comptroller may require. The annual report shall be filed by a crematory authority on or before March

15 of each calendar year ~~in the Office of the Comptroller. If the fiscal year of a crematory authority is other than on a calendar year basis, then the crematory authority shall file the report required by this Section within 75 days after the end of its fiscal year. The Comptroller shall, for good cause shown, grant an extension for the filing of the annual report upon the written request of the crematory authority. An extension shall not exceed 60 days. If the fiscal year of a crematory authority is other than on a calendar year basis, then the crematory authority shall file the report required by this Section within 75 days after the end of its fiscal year.~~ If a crematory authority fails to submit an annual report to the Comptroller within the time specified in this Section, the Comptroller shall impose upon the crematory authority a penalty of \$5 for each and every day the crematory authority remains delinquent in submitting the annual report. The Comptroller may abate all or part of the \$5 daily penalty for good cause shown.

(f) All records required to be maintained under this Act, including but not limited to those relating to the license and annual report of the crematory authority required to be filed under this Section, shall be subject to inspection by the Comptroller upon reasonable notice.

(g) The Comptroller may inspect crematory records at the crematory authority's place of business to review the licensee's compliance with this Act. The inspection must include verification that:

(1) the crematory authority has complied with record-keeping requirements of this Act;

(2) a crematory device operator's certification of training is conspicuously displayed at the crematory;

(3) the cremation device has a current operating permit issued by the Illinois Environmental Protection Agency and the permit is conspicuously displayed in the crematory;

(4) the crematory authority is in compliance with local zoning requirements; and

(5) the crematory authority license issued by the Comptroller is conspicuously displayed at the crematory.

(h) The Comptroller shall issue licenses under this Act to the crematories that are registered with the Comptroller as of ~~March 1, 2012~~ ~~July 1, 2003~~ without requiring the previously registered crematories to complete license applications.

(Source: P.A. 92-419, eff. 1-1-02; 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10. Establishment of crematory and licensing of crematory authority.

(a) Any person doing business in this State, or any cemetery, funeral establishment, corporation, partnership, joint venture, voluntary organization or any other entity, may erect, maintain, and operate a crematory in this State and provide the necessary appliances and facilities for the cremation of human remains in accordance with this Act.

(b) A crematory shall be subject to all local, State, and federal health and environmental protection requirements and shall obtain all necessary licenses and permits from the Department of Financial and Professional Regulation, the Department of Public Health, the federal Department of Health and Human Services, and the Illinois and federal Environmental Protection Agencies, or such other appropriate local, State, or federal agencies.

(c) A crematory may be constructed on or adjacent to any cemetery, on or adjacent to any funeral establishment, or at any other location consistent with local zoning regulations.

(d) An application for licensure as a crematory authority shall be in writing on forms furnished by the ~~Comptroller Department~~. Applications shall be accompanied by a ~~reasonable fee of \$50 determined by rule~~ and shall contain all of the following:

(1) The full name and address, both residence and business, of the applicant if the applicant is an individual; the full name and address of every member if the applicant is a partnership; the full name and address of every member of the board of directors if the applicant is an association; and the name and address of every officer, director, and shareholder holding more than 25% of the corporate stock if the applicant is a corporation.

(2) The address and location of the crematory.

(3) A description of the type of structure and equipment to be used in the operation of the crematory, including the operating permit number issued to the cremation device by the Illinois Environmental Protection Agency.

(4) Any further information that the ~~Comptroller Department~~ reasonably may require ~~as established by rule~~.

(e) Each crematory authority shall file an annual report with the ~~Comptroller Department~~, accompanied with a ~~\$25 reasonable fee determined by rule~~, providing (i) an affidavit signed by the

owner of the crematory authority that at the time of the report the cremation device was in proper operating condition, (ii) the total number of all cremations performed at the crematory during the past year, (iii) attestation by the licensee that all applicable permits and certifications are valid, (iv) either (A) any changes required in the information provided under subsection (d) or (B) an indication that no changes have occurred, and (v) any other information that the Department may require ~~as established by rule~~. The annual report shall be filed by a crematory authority on or before March 15 of each calendar year. If the fiscal year of a crematory authority is other than on a calendar year basis, then the crematory authority shall file the report required by this Section within 75 days after the end of its fiscal year. If a crematory authority fails to submit an annual report to the ~~Comptroller Department~~ within the time specified in this Section, the ~~Comptroller Department~~ shall impose upon the crematory authority a penalty of \$5 ~~as provided for by rule~~ for each and every day the crematory authority remains delinquent in submitting the annual report. The ~~Comptroller Department~~ may abate all or part of the \$5 ~~daily~~ penalty for good cause shown.

(f) All records required to be maintained under this Act, including but not limited to those relating to the license and annual report of the crematory authority required to be filed under this Section, shall be subject to inspection by the Comptroller upon reasonable notice.

(g) The ~~Comptroller Department~~ may inspect crematory records at the crematory authority's place of business to review the licensee's compliance with this Act. The inspection must include verification that:

(1) the crematory authority has complied with record-keeping requirements of this Act;

(2) a crematory device operator's certification of training is conspicuously displayed at the crematory;

(3) the cremation device has a current operating permit issued by the Illinois Environmental Protection Agency and the permit is conspicuously displayed in the crematory;

(4) the crematory authority is in compliance with local zoning requirements; and

(5) the crematory authority license issued by the ~~Comptroller Department~~ is conspicuously displayed at the crematory.

(6) other details as determined by rule.

(h) The ~~Comptroller Department~~ shall issue licenses under this Act to the crematories that are registered with the Comptroller as of on March 1, 2012 without requiring the previously registered crematories to complete license applications.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/11)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 11. Grounds for ~~denial or discipline~~ refusal of license or suspension or revocation of license.

(a) In this Section, "applicant" means a person who has applied for a license under this Act, including those persons whose names are listed on a license application in Section 10 of this Act.

(b) The Comptroller may refuse to issue a license, place on probation, reprimand, or take other appropriate disciplinary action that the Comptroller may deem appropriate, including fines not to exceed \$5,000 for each violation, with regard to any license under this Act, or may suspend or revoke a license issued under this Act, on any of the following grounds:

(1) The applicant or licensee has made any misrepresentation or false statement or concealed any material fact in furnishing information to the Comptroller in connection with a license application or licensure under this Act.

(2) The applicant or licensee has been engaged in business practices that work a fraud.

(3) The applicant or licensee has refused to give information required under this Act to be disclosed to the Comptroller or failing, within 30 days, to provide information in response to a written request made by the Comptroller.

(4) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public. The applicant or licensee has conducted or is about to conduct cremation business in a fraudulent manner.

(5) As to any individual listed in the license application as required under Section 10, that individual has conducted or is about to conduct any cremation business on behalf of the applicant in a fraudulent manner or has been convicted of any felony or misdemeanor an essential element of which is fraud.

(6) The applicant or licensee has failed to make the annual report required by this Act or to comply with a final order, decision, or finding of the Comptroller made under this Act.

(7) The applicant or licensee, including any member, officer, or director of the

applicant or licensee if the applicant or licensee is a firm, partnership, association, or corporation and including any shareholder holding more than 25% of the corporate stock of the applicant or licensee, has violated any provision of this Act or any regulation or order made by the Comptroller under this Act.

(8) The Comptroller finds any fact or condition existing that, if it had existed at the time of the original application for a license under this Act, would have warranted the Comptroller in refusing the issuance of the license.

(9) Any violation of this Act or of the rules adopted under this Act.

(10) Incompetence.

(11) Gross malpractice.

(12) Discipline by another state, District of Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(13) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for professional services not actually or personally rendered.

(14) A finding by the Comptroller that the licensee, after having its license placed on probationary status, has violated the terms of probation.

(15) Willfully making or filing false records or reports, including, but not limited to, false records filed with State agencies or departments.

(16) Gross, willful, or continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered.

(17) Practicing under a false or, except as provided by law, an assumed name.

(18) Cheating on or attempting to subvert this Act's licensing application process.

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 11. Grounds for denial or discipline.

(a) In this Section, "applicant" means a person who has applied for a license under this Act including those persons whose names are listed on a license application in Section 10 of this Act.

(b) The ~~Comptroller Department~~ may refuse to issue a license, place on probation, reprimand, or take other disciplinary action that the ~~Comptroller Department~~ may deem appropriate, including imposing fines not to exceed ~~\$5,000~~ ~~\$10,000~~ for each violation, with regard to any license under this Act, or may suspend or revoke a license issued under this Act, on any of the following grounds:

(1) The applicant or licensee has made any misrepresentation or false statement or concealed any material fact in furnishing information to the ~~Comptroller Department~~.

(2) The applicant or licensee has been engaged in business practices that work a fraud.

(3) The applicant or licensee has refused to give information required under this Act to be disclosed to the ~~Comptroller Department~~ or failing, within 30 days, to provide information in response to a written request made by the ~~Comptroller Department~~.

(4) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(5) As to any individual listed in the license application as required under Section 10, that individual has conducted or is about to conduct any cremation business on behalf of the applicant in a fraudulent manner or has been convicted of any felony or misdemeanor an essential element of which is fraud.

(6) The applicant or licensee has failed to make the annual report required by this Act or to comply with a final order, decision, or finding of the ~~Comptroller Department~~ made under this Act.

(7) The applicant or licensee, including any member, officer, or director of the applicant or licensee if the applicant or licensee is a firm, partnership, association, or corporation and including any shareholder holding more than 25% of the corporate stock of the applicant or licensee, has violated any provision of this Act or any regulation or order made by the ~~Comptroller Department~~ under this Act.

(8) The ~~Comptroller Department~~ finds any fact or condition existing that, if it had existed at the time of the original application for a license under this Act, would have warranted the Comptroller in refusing the issuance of the license.

(9) Any violation of this Act or of the rules adopted under this Act.

(10) Incompetence.

(11) Gross malpractice.

(12) Discipline by another state, District of Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(13) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for professional services not actually or personally rendered.

(14) A finding by the ~~Comptroller Department~~ that the licensee, after having its license placed on probationary status, has violated the terms of probation.

(15) Willfully making or filing false records or reports, including, but not limited to, false records filed with State agencies or departments.

(16) Gross, willful, or continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered.

(17) Practicing under a false or, except as provided by law, an assumed name.

(18) Cheating on or attempting to subvert this Act's licensing application process.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/11.5)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 11.5. License revocation or suspension; surrender of license.

(a) ~~(Blank). Upon determining that grounds exist for the revocation or suspension of a license issued under this Act, the Comptroller, if appropriate, may revoke or suspend the license issued to the licensee.~~

(b) Upon the revocation or suspension of a license issued under this Act, the licensee must immediately surrender the license to the Comptroller. If the licensee fails to do so, the Comptroller may seize the license.

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 11.5. License revocation or suspension; surrender of license.

(a) (Blank).

(b) Upon the revocation or suspension of a license issued under this Act, the licensee must immediately surrender the license to the ~~Comptroller Department~~. If the licensee fails to do so, the ~~Comptroller Department~~ may seize the license.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/13)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 13. License; display; transfer; duration.

(a) Every license issued under this Act must state the number of the license, the business name and address of the licensee's principal place of business, and the licensee's parent company, if any. The license must be conspicuously posted in the place of business operating under the license.

~~(b) After initial licensure, if any person comes to obtain at least 51% of the ownership over the licensed crematory authority, then the crematory authority shall apply for a new license in the required time as set out by rule. No license is transferable or assignable without the express written consent of the Comptroller. A transfer of more than 50% of the ownership of any business licensed under this Act shall be deemed to be an attempted assignment of the license originally issued to the licensee for whom consent of the Comptroller is required.~~

(c) Every license issued under this Act shall remain in force until it has been surrendered, suspended, or revoked in accordance with this Act. Upon the request of an interested person or on the Comptroller's own motion, the Comptroller may issue a new license to a licensee whose license has been revoked under this Act if no factor or condition then exists which would have warranted the Comptroller in originally refusing the issuance of the license.

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 13. License; display; transfer; duration.

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(a) Every license issued under this Act must state the number of the license, the business name and address of the licensee's principal place of business, and the licensee's parent company, if any. The license must be conspicuously posted in the place of business operating under the license.

(b) After initial licensure, if any person comes to obtain at least ~~25%~~ 51% of the ownership over the licensed crematory authority, then the crematory authority shall ~~have to~~ apply for a new license ~~and receive licensure~~ in the required time as set out by rule.

(c) Every license issued under this Act shall remain in force until it has been surrendered, suspended, or revoked in accordance with this Act. Upon the request of an interested person or on the Comptroller's Department's own motion, the ~~Comptroller Department~~ may issue a new license to a licensee whose license has been revoked under this Act if no factor or condition then exists which would have warranted the ~~Comptroller Department~~ in originally refusing the issuance of the license.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/14)

(Section scheduled to be repealed on January 1, 2021)

Sec. 14. Display of cremation device permit. A crematory authority must conspicuously display in its place of business the operating permit issued to its cremation device by the Illinois Environmental Protection Agency and the license issued by the Comptroller under this Act. All rulemaking authority in connection with ~~such~~ operating permits issued by the Illinois Environmental Protection Agency shall be vested with the Illinois Environmental Protection Agency and all rulemaking authority in connection with licenses issued by the Comptroller under this Act shall be vested with the Comptroller.

(Source: P.A. 92-675, eff. 7-1-03.)

(410 ILCS 18/20)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 20. Authorization to cremate.

(a) A crematory authority shall not cremate human remains until it has received all of the following:

(1) A cremation authorization form signed by an authorizing agent. The cremation authorization form shall be provided by the crematory authority and shall contain, at a minimum, the following information:

(A) The identity of the human remains and the time and date of death.

(B) The name of the funeral director ~~and of~~ funeral establishment, if applicable, that obtained the cremation authorization.

(C) Notification as to whether the death occurred from a disease declared by the Department of Health to be infectious, contagious, communicable, or dangerous to the public health.

(D) The name of the authorizing agent and the relationship between the authorizing agent and the decedent.

(E) A representation that the authorizing agent does in fact have the right to authorize the cremation of the decedent, and that the authorizing agent is not aware of any living person who has a superior priority right to that of the authorizing agent, as set forth in Section 15. In the event there is another living person who has a superior priority right to that of the authorizing agent, the form shall contain a representation that the authorizing agent has made all reasonable efforts to contact that person, has been unable to do so, and has no reason to believe that the person would object to the cremation of the decedent.

(F) Authorization for the crematory authority to cremate the human remains.

(G) A representation that the human remains do not contain a pacemaker or any other material or implant that may be potentially hazardous or cause damage to the cremation chamber or the person performing the cremation.

(H) The name of the person authorized to receive the cremated remains from the crematory authority.

(I) The manner in which final disposition of the cremated remains is to take place, if known. If the cremation authorization form does not specify final disposition in a grave, crypt, niche, or scattering area, then the form may indicate that the cremated remains will be held by the crematory authority for 30 days before they are released, unless they are picked up from the crematory authority prior to that time, in person, by the authorizing agent. At the end of the 30 days the crematory authority may return the cremated remains to the authorizing agent if no final disposition arrangements are made; or at the end of 60 days the crematory authority may dispose of the cremated remains in accordance with subsection (d) of Section 40.

(J) A listing of any items of value to be delivered to the crematory authority along

with the human remains, and instructions as to how the items should be handled.

(K) A specific statement as to whether the authorizing agent has made arrangements for any type of viewing of the decedent before cremation, or for a service with the decedent present before cremation in connection with the cremation, and if so, the date and time of the viewing or service and whether the crematory authority is authorized to proceed with the cremation upon receipt of the human remains.

(L) The signature of the authorizing agent, attesting to the accuracy of all representations contained on the cremation authorization form, except as set forth in paragraph (M) of this subsection.

(M) If a cremation authorization form is being executed on a pre-need basis, the cremation authorization form shall contain the disclosure required by subsection (b) of Section ~~140~~ ~~65~~.

(N) The cremation authorization form, other than pre-need cremation forms, shall also be signed by a funeral director or other representative of the funeral establishment that obtained the cremation authorization. That individual shall merely execute the cremation authorization form as a witness and shall not be responsible for any of the representations made by the authorizing agent, unless the individual has actual knowledge to the contrary. The information requested by items (A), (B), (C) and (G) of this subsection, however, shall be considered to be representations of the authorizing agent. In addition, the funeral director or funeral establishment shall warrant to the crematory that the human remains delivered to the crematory authority are the human remains identified on the cremation authorization form.

(2) A completed and executed burial transit permit indicating that the human remains are to be cremated.

(3) Any other documentation required by this State.

(b) If an authorizing agent is not available to execute a cremation authorization form in person, that person may delegate that authority to another person in writing, or by sending the crematory authority a facsimile transmission that contains the name, address, and relationship of the sender to the decedent and the name and address of the individual to whom authority is delegated. Upon receipt of the written document, or facsimile transmission, telegram, or other electronic telecommunications transmission which specifies the individual to whom authority has been delegated, the crematory authority shall allow this individual to serve as the authorizing agent and to execute the cremation authorization form. The crematory authority shall be entitled to rely upon the cremation authorization form without liability.

(c) An authorizing agent who signs a cremation authorization form shall be deemed to warrant the truthfulness of any facts set forth on the cremation authorization form, including that person's authority to order the cremation; except for the information required by items (C) and (G) of paragraph (1) of subsection (a) of this Section, unless the authorizing agent has actual knowledge to the contrary. An authorizing agent signing a cremation authorization form shall be personally and individually liable for all damages occasioned by and resulting from authorizing the cremation.

(d) A crematory authority shall have authority to cremate human remains upon the receipt of a cremation authorization form signed by an authorizing agent. There shall be no liability for a crematory authority that cremates human remains according to an authorization, or that releases or disposes of the cremated remains according to an authorization, except for a crematory authority's gross negligence, provided that the crematory authority performs its functions in compliance with this Act.

(e) After an authorizing agent has executed a cremation authorization form, the authorizing agent may revoke the authorization and instruct the crematory authority to cancel the cremation and to release or deliver the human remains to another crematory authority or funeral establishment. The instructions shall be provided to the crematory authority in writing. A crematory authority shall honor any instructions given to it by an authorizing agent under this Section if it receives the instructions prior to beginning the cremation of the human remains.

(Source: P.A. 87-1187.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 20. Authorization to cremate.

(a) A crematory authority shall not cremate human remains until it has received all of the following:

(1) A cremation authorization form signed by an authorizing agent. The cremation authorization form shall be provided by the crematory authority and shall contain, at a minimum, the following information:

(A) The identity of the human remains and the time and date of death.

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(B) The name of the funeral director and funeral establishment, if applicable, that obtained the cremation authorization.

(C) Notification as to whether the death occurred from a disease declared by the Department of Health to be infectious, contagious, communicable, or dangerous to the public health.

(D) The name of the authorizing agent and the relationship between the authorizing agent and the decedent.

(E) A representation that the authorizing agent does in fact have the right to authorize the cremation of the decedent, and that the authorizing agent is not aware of any living person who has a superior priority right to that of the authorizing agent, as set forth in Section 15. In the event there is another living person who has a superior priority right to that of the authorizing agent, the form shall contain a representation that the authorizing agent has made all reasonable efforts to contact that person, has been unable to do so, and has no reason to believe that the person would object to the cremation of the decedent.

(F) Authorization for the crematory authority to cremate the human remains.

(G) A representation that the human remains do not contain a pacemaker or any other material or implant that may be potentially hazardous or cause damage to the cremation chamber or the person performing the cremation.

(H) The name of the person authorized to receive the cremated remains from the crematory authority.

(I) The manner in which final disposition of the cremated remains is to take place, if known. If the cremation authorization form does not specify final disposition in a grave, crypt, niche, or scattering area, then the form may indicate that the cremated remains will be held by the crematory authority for 30 days before they are released, unless they are picked up from the crematory authority prior to that time, in person, by the authorizing agent. At the end of the 30 days the crematory authority may return the cremated remains to the authorizing agent if no final disposition arrangements are made; or at the end of 60 days the crematory authority may dispose of the cremated remains in accordance with subsection (d) of Section 40.

(J) A listing of any items of value to be delivered to the crematory authority along with the human remains, and instructions as to how the items should be handled.

(K) A specific statement as to whether the authorizing agent has made arrangements for any type of viewing of the decedent before cremation, or for a service with the decedent present before cremation in connection with the cremation, and if so, the date and time of the viewing or service and whether the crematory authority is authorized to proceed with the cremation upon receipt of the human remains.

(L) The signature of the authorizing agent, attesting to the accuracy of all representations contained on the cremation authorization form, except as set forth in paragraph (M) of this subsection.

(M) If a cremation authorization form is being executed on a pre-need basis, the cremation authorization form shall contain the disclosure required by subsection (b) of Section 140.

(N) The cremation authorization form, other than pre-need cremation forms, shall also be signed by a funeral director or other representative of the funeral establishment that obtained the cremation authorization. That individual shall merely execute the cremation authorization form as a witness and shall not be responsible for any of the representations made by the authorizing agent, unless the individual has actual knowledge to the contrary. The information requested by items (A), (B), (C) and (G) of this subsection, however, shall be considered to be representations of the authorizing agent. In addition, the funeral director or funeral establishment shall warrant to the crematory that the human remains delivered to the crematory authority are the human remains identified on the cremation authorization form.

(2) A completed and executed burial transit permit indicating that the human remains are to be cremated.

(3) Any other documentation required by this State.

(b) If an authorizing agent is not available to execute a cremation authorization form in person, that person may delegate that authority to another person in writing, or by sending the crematory authority a facsimile transmission that contains the name, address, and relationship of the sender to the decedent and the name and address of the individual to whom authority is delegated. Upon receipt of the written document, or facsimile transmission, telegram, or other electronic telecommunications transmission which specifies the individual to whom authority has been delegated, the crematory authority shall allow this individual to serve as the authorizing agent and to execute the cremation authorization form. The

crematory authority shall be entitled to rely upon the cremation authorization form without liability.

(c) An authorizing agent who signs a cremation authorization form shall be deemed to warrant the truthfulness of any facts set forth on the cremation authorization form, including that person's authority to order the cremation; except for the information required by items (C) and (G) of paragraph (1) of subsection (a) of this Section, unless the authorizing agent has actual knowledge to the contrary. An authorizing agent signing a cremation authorization form shall be personally and individually liable for all damages occasioned by and resulting from authorizing the cremation.

(d) A crematory authority shall have authority to cremate human remains upon the receipt of a cremation authorization form signed by an authorizing agent. There shall be no liability for a crematory authority that cremates human remains according to an authorization, or that releases or disposes of the cremated remains according to an authorization, except for a crematory authority's gross negligence, provided that the crematory authority performs its functions in compliance with this Act.

(e) After an authorizing agent has executed a cremation authorization form, the authorizing agent may revoke the authorization and instruct the crematory authority to cancel the cremation and to release or deliver the human remains to another crematory authority or funeral establishment. The instructions shall be provided to the crematory authority in writing. A crematory authority shall honor any instructions given to it by an authorizing agent under this Section if it receives the instructions prior to beginning the cremation of the human remains.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/22)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 22. Performance of cremation service; training. A person may not perform a cremation service in this State unless he or she has completed training in performing cremation services and received certification by a program recognized by the Comptroller. The crematory authority must conspicuously display the certification at the crematory authority's place of business. Any new employee shall have a reasonable time period, not to exceed one year, to attend a recognized training program. In the interim, the new employee may perform a cremation service if he or she has received training from another person who has received certification by a program recognized by the Comptroller and is under the supervision of the trained person. For purposes of this Act, the Comptroller may ~~shall~~ recognize any training program that provides training in the operation of a cremation device, in the maintenance of a clean facility, and in the proper handling of human remains. The Comptroller may ~~shall~~ recognize any course that is conducted by a death care trade association in Illinois or the United States or by a manufacturer of a cremation unit that is consistent with the standards provided in this Act or as otherwise determined by rule.

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 22. Performance of cremation service; training. A person may not perform a cremation service in this State unless he or she has completed training in performing cremation services and received certification by a program recognized by the Comptroller ~~Department~~. The crematory authority must conspicuously display the certification at the crematory authority's place of business. Any new employee shall have a reasonable time period, not to exceed one year as determined by rule, to attend a recognized training program. In the interim, the new employee may perform a cremation service if he or she has received training from another person who has received certification by a program recognized by the Comptroller ~~Department~~ and is under the supervision of the trained person. For purposes of this Act, the Comptroller ~~Department~~ may recognize any training program that provides training in the operation of a cremation device, in the maintenance of a clean facility, and in the proper handling of human remains. The Comptroller ~~Department~~ may recognize any course that is conducted by a death care trade association in Illinois or the United States or by a manufacturer of a cremation unit that is consistent with the standards provided in this Act or as otherwise determined by rule.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/25)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 25. Recordkeeping.

(a) The crematory authority shall furnish to the person who delivers human remains to the crematory authority a receipt signed at the time of delivery by both the crematory authority and the person who

delivers the human remains, showing the date and time of the delivery, the type of casket or alternative container that was delivered, the name of the person from whom the human remains were received and the name of the funeral establishment or other entity with whom the person is affiliated, the name of the person who received the human remains on behalf of the crematory authority, and the name of the decedent. The crematory shall retain a copy of this receipt in its permanent records.

(b) Upon its release of cremated remains, the crematory authority shall furnish to the person who receives the cremated remains from the crematory authority a receipt signed by both the crematory authority and the person who receives the cremated remains, showing the date and time of the release, the name of the person to whom the cremated remains were released and the name of the funeral establishment, cemetery, or other entity with whom the person is affiliated, the name of the person who released the cremated remains on behalf of the crematory authority, and the name of the decedent. The crematory shall retain a copy of this receipt in its permanent records.

(c) A crematory authority shall maintain at its place of business a permanent record of each cremation that took place at its facility which shall contain the name of the decedent, the date of the cremation, and the final disposition of the cremated remains.

(d) The crematory authority shall maintain a record of all cremated remains disposed of by the crematory authority in accordance with subsection (d) of Section 40.

(e) Upon completion of the cremation, the crematory authority shall file the burial transit permit as required by the Illinois Vital Records Act and rules adopted under that Act and the Illinois Counties Code law, and transmit a photocopy of the burial transit permit along with the cremated remains to whoever receives the cremated remains from the authorizing agent unless the cremated remains are to be interred, entombed, inurned, or placed in a scattering area, in which case the crematory authority shall retain a copy of the burial transit permit and shall send the permit, along with the cremated remains, to the cemetery, which shall file the permit with the designated agency after the interment, entombment, inurnment, or scattering has taken place.

(f) All cemeteries shall maintain a record of all cremated remains that are disposed of on their property, provided that the cremated remains were properly transferred to the cemetery and the cemetery issued a receipt acknowledging the transfer of the cremated remains.

(Source: P.A. 87-1187.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 25. Recordkeeping.

(a) The crematory authority shall furnish to the person who delivers human remains to the crematory authority a receipt signed at the time of delivery by both the crematory authority and the person who delivers the human remains, showing the date and time of the delivery, the type of casket or alternative container that was delivered, the name of the person from whom the human remains were received and the name of the funeral establishment or other entity with whom the person is affiliated, the name of the person who received the human remains on behalf of the crematory authority, and the name of the decedent. The crematory shall retain a copy of this receipt in its permanent records.

(b) Upon its release of cremated remains, the crematory authority shall furnish to the person who receives the cremated remains from the crematory authority a receipt signed by both the crematory authority and the person who receives the cremated remains, showing the date and time of the release, the name of the person to whom the cremated remains were released and the name of the funeral establishment, cemetery, or other entity with whom the person is affiliated, the name of the person who released the cremated remains on behalf of the crematory authority, and the name of the decedent. The crematory shall retain a copy of this receipt in its permanent records.

(c) A crematory authority shall maintain at its place of business a permanent record of each cremation that took place at its facility which shall contain the name of the decedent, the date of the cremation, and the final disposition of the cremated remains.

(d) The crematory authority shall maintain a record of all cremated remains disposed of by the crematory authority in accordance with subsection (d) of Section 40.

(e) Upon completion of the cremation, the crematory authority shall file the burial transit permit as required by the Illinois Vital Records Act and rules adopted under that Act and the Illinois Counties Code, and transmit a photocopy of the burial transit permit along with the cremated remains to whoever receives the cremated remains from the authorizing agent unless the cremated remains are to be interred, entombed, inurned, or placed in a scattering area, in which case the crematory authority shall retain a copy of the burial transit permit and shall send the permit, along with the cremated remains, to the cemetery, which shall file the permit with the designated agency after the interment, entombment,

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inurnment, or scattering has taken place.

(f) All cemeteries shall maintain a record of all cremated remains that are disposed of on their property, provided that the cremated remains were properly transferred to the cemetery and the cemetery issued a receipt acknowledging the transfer of the cremated remains.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/40)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 40. Disposition of cremated remains.

(a) The authorizing agent shall be responsible for the final disposition of the cremated remains.

(b) Cremated remains may be disposed of by placing them in a grave, crypt, or niche, by scattering them in a scattering area as defined in this Act, or in any manner whatever on the private property of a consenting owner.

(c) Upon the completion of the cremation process, and except as provided for in item (1) ~~(1)~~ of paragraph (1) of subsection (a) of Section 20, if the crematory authority has not been instructed to arrange for the interment, entombment, inurnment, or scattering of the cremated remains, the crematory authority shall deliver the cremated remains to the individual specified on the cremation authorization form, or if no individual is specified then to the authorizing agent. The delivery may be made in person or by registered mail. Upon receipt of the cremated remains, the individual receiving them may transport them in any manner in this State without a permit, and may dispose of them in accordance with this Section. After delivery, the crematory authority shall be discharged from any legal obligation or liability concerning the cremated remains.

(d) If, after a period of 60 days from the date of the cremation, the authorizing agent or the agent's designee has not instructed the crematory authority to arrange for the final disposition of the cremated remains or claimed the cremated remains, the crematory authority may dispose of the cremated remains in any manner permitted by this Section. The crematory authority, however, shall keep a permanent record identifying the site of final disposition. The authorizing agent shall be responsible for reimbursing the crematory authority for all reasonable expenses incurred in disposing of the cremated remains. Upon disposing of the cremated remains, the crematory authority shall be discharged from any legal obligation or liability concerning the cremated remains. Any person who was in possession of cremated remains prior to the effective date of this Act may dispose of them in accordance with this Section.

(e) Except with the express written permission of the authorizing agent, no person shall:

(1) Dispose of cremated remains in a manner or in a location so that the cremated remains are commingled with those of another person. This prohibition shall not apply to the scattering of cremated remains at sea, by air, or in an area located in a dedicated cemetery and used exclusively for those purposes.

(2) Place cremated remains of more than one person in the same temporary container or urn.

(Source: P.A. 87-1187.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 40. Disposition of cremated remains.

(a) The authorizing agent shall be responsible for the final disposition of the cremated remains.

(b) Cremated remains may be disposed of by placing them in a grave, crypt, or niche, by scattering them in a scattering area as defined in this Act, or in any manner whatever on the private property of a consenting owner.

(c) Upon the completion of the cremation process, and except as provided for in item (1) of paragraph (1) of subsection (a) of Section 20, if the crematory authority has not been instructed to arrange for the interment, entombment, inurnment, or scattering of the cremated remains, the crematory authority shall deliver the cremated remains to the individual specified on the cremation authorization form, or if no individual is specified then to the authorizing agent. The delivery may be made in person or by registered mail. Upon receipt of the cremated remains, the individual receiving them may transport them in any manner in this State without a permit, and may dispose of them in accordance with this Section. After delivery, the crematory authority shall be discharged from any legal obligation or liability concerning the cremated remains.

(d) If, after a period of 60 days from the date of the cremation, the authorizing agent or the agent's designee has not instructed the crematory authority to arrange for the final disposition of the cremated remains or claimed the cremated remains, the crematory authority may dispose of the cremated remains

in any manner permitted by this Section. The crematory authority, however, shall keep a permanent record identifying the site of final disposition. The authorizing agent shall be responsible for reimbursing the crematory authority for all reasonable expenses incurred in disposing of the cremated remains. Upon disposing of the cremated remains, the crematory authority shall be discharged from any legal obligation or liability concerning the cremated remains. Any person who was in possession of cremated remains prior to the effective date of this Act may dispose of them in accordance with this Section.

(e) Except with the express written permission of the authorizing agent, no person shall:

(1) Dispose of cremated remains in a manner or in a location so that the cremated remains are commingled with those of another person. This prohibition shall not apply to the scattering of cremated remains at sea, by air, or in an area located in a dedicated cemetery and used exclusively for those purposes.

(2) Place cremated remains of more than one person in the same temporary container or urn.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/55)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 55. Penalties.

Violations of this Act shall be punishable as follows:

(1) Performing a cremation without receipt of a cremation authorization form signed by an authorizing agent shall be a Class 4 felony.

(2) Signing a cremation authorization form with the actual knowledge that the form contains false or incorrect information shall be a Class 4 felony.

(3) A Violation of any cremation procedure set forth in Section 35 shall be a Class 4 felony.

(4) Holding oneself out to the public as a crematory authority, or the operation of a building or structure within this State as a crematory, without being licensed under this Act, shall be a Class A misdemeanor.

(4.5) Performance of a cremation service by a person who has not completed a training program as defined in Section 22 of this Act shall be a Class A misdemeanor.

(4.10) Any person who intentionally violates a provision of this Act or a final order of the Comptroller is liable for a civil penalty not to exceed \$5,000 per violation.

(4.15) Any person who knowingly acts without proper legal authority and who willfully and knowingly destroys or damages the remains of a deceased human being or who desecrates human remains is guilty of a Class 3 felony.

(5) A violation of any other provision of this Act shall be a Class B misdemeanor.

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 55. Penalties. Violations of this Act shall be punishable as follows:

(1) Performing a cremation without receipt of a cremation authorization form signed by an authorizing agent shall be a Class 4 felony.

(2) Signing a cremation authorization form with the actual knowledge that the form contains false or incorrect information shall be a Class 4 felony.

(3) A Violation of any cremation procedure set forth in Section 35 shall be a Class 4 felony.

(4) Holding oneself out to the public as a crematory authority, or the operation of a building or structure within this State as a crematory, without being licensed under this Act, shall be a Class A misdemeanor.

(4.5) Performance of a cremation service by a person who has not completed a training program as defined in Section 22 of this Act shall be a Class A misdemeanor.

(4.10) Any person who intentionally violates a provision of this Act or a final order of the ~~Comptroller Department~~ is liable for a civil penalty not to exceed ~~\$5,000~~ ~~\$10,000~~ per violation.

(4.15) Any person who knowingly acts without proper legal authority and who willfully and knowingly destroys or damages the remains of a deceased human being or who desecrates human remains is guilty of a Class 3 felony.

(5) A violation of any other provision of this Act shall be a Class B misdemeanor.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/60)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 60. Failure to file annual report. Whenever a crematory authority refuses or neglects to file its annual report in violation of Section 10 of this Act, or fails to otherwise comply with the requirements of this Act, the Comptroller shall impose a penalty as provided for by rule for each and every day the licensee remains delinquent in submitting the annual report. Such report shall be made under oath and shall be in a form determined by the Comptroller ~~may commence an administrative proceeding as authorized by this Act or may communicate the facts to the Attorney General of the State of Illinois who shall thereupon institute such proceedings against the crematory authority or its officers as the nature of the case may require.~~

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 60. Failure to file annual report. Whenever a crematory authority refuses or neglects to file its annual report in violation of Section 10 of this Act, or fails to otherwise comply with the requirements of this Act, the ~~Comptroller Department~~ shall impose a penalty as provided for by rule for each and every day the licensee remains delinquent in submitting the annual report. Such report shall be made under oath and shall be in a form determined by the ~~Comptroller Department~~.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/62)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 62. ~~Injunctive action; cease and desist order~~ Investigation of unlawful practices.

(a) If any person violates the provisions of this Act, the Comptroller, in the name of the People of the State of Illinois, through the Attorney General or the State's Attorney of the county in which the violation is alleged to have occurred, may petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) Whenever, in the opinion of the Comptroller, a person violates any provision of this Act, the Comptroller may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Comptroller and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Comptroller. Failure to answer to the satisfaction of the Comptroller shall cause an order to cease and desist to be issued.

~~If the Comptroller has good cause to believe that a person has engaged in, is engaging in, or is about to engage in any practice in violation of this Act, the Comptroller may do any one or more of the following:~~

(1) ~~Require that person to file, on terms the Comptroller prescribes, a statement or report in writing, under oath or otherwise, containing all information that the Comptroller considers necessary to ascertain whether a licensee is in compliance with this Act, or whether an unlicensed person is engaging in activities for which a license is required under this Act.~~

(2) ~~Examine under oath any person in connection with the books and records required to be maintained under this Act.~~

(3) ~~Examine any books and records of a licensee that the Comptroller considers necessary to ascertain compliance with this Act.~~

(4) ~~Require the production of a copy of any record, book, document, account, or paper that is produced in accordance with this Act and retain it in the Comptroller's possession until the completion of all proceedings in connection with which it is produced.~~

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 62. Injunctive action; cease and desist order.

(a) If any person violates the provisions of this Act, the ~~Comptroller~~ Secretary, in the name of the People of the State of Illinois, through the Attorney General or the State's Attorney of the county in which the violation is alleged to have occurred, may petition for an order enjoining the violation or for

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an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) Whenever, in the opinion of the ~~Comptroller Department~~, a person violates any provision of this Act, the ~~Comptroller Department~~ may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the ~~Comptroller Department~~ and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the ~~Comptroller Department~~. Failure to answer to the satisfaction of the ~~Comptroller Department~~ shall cause an order to cease and desist to be issued.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/62.5)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 62.5. Service of notice. Service by the Comptroller of any notice requiring a person to file a statement or report under this Act shall be made: (1) personally by delivery of a duly executed copy of the notice to the person to be served or, if that person is not a natural person, in the manner provided in the Civil Practice Law when a complaint is filed; or (2) by mailing by certified mail a duly executed copy of the notice to the person at his or her address of record to be served at his or her last known abode or principal place of business within this State.

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 62.5. Service of notice. Service by the ~~Comptroller Department~~ of any notice requiring a person to file a statement or report under this Act shall be made: (1) personally by delivery of a duly executed copy of the notice to the person to be served or, if that person is not a natural person, in the manner provided in the Civil Practice Law when a complaint is filed; or (2) by mailing by certified mail a duly executed copy of the notice to the person at his or her address of record.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/62.10)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 62.10. ~~Investigations; notice and hearing~~ Investigation of actions; hearing.

The Comptroller may at any time investigate the actions of any applicant or of any person, persons, or entity rendering or offering to render cremation services or any person or entity holding or claiming to hold a license as a licensed crematory. The Comptroller shall, before revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary action under Section 11 of this Act, at least 30 days before the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct the accused applicant or licensee to file a written answer to the charges with the Comptroller under oath within 20 days after the service on him or her of the notice, and (iii) inform the accused that, if he or she fails to answer, default will be taken against him or her or that his or her license may be suspended, revoked, placed on probationary status, or other disciplinary action taken with regard to the license, including limiting the scope, nature, or extent of his or her practice, as the Comptroller may consider proper.

At the time and place fixed in the notice, the Comptroller shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Comptroller shall have the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any disciplinary action with regard to a license. The hearing officer shall have full authority to conduct the hearing. The Comptroller may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, his or her license may, in the discretion of the Comptroller, be suspended, revoked, placed on probationary status, or the Comptroller may take whatever disciplinary action considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under this Act. The written notice may be served by personal delivery or by certified mail to the address specified by the accused in his or her last notification with the Comptroller.

~~(a) The Comptroller shall make an investigation upon discovering facts that, if proved, would~~

constitute grounds for refusal, suspension, or revocation of a license under this Act.

(b) Before refusing to issue, and before suspending or revoking, a license under this Act, the Comptroller shall hold a hearing to determine whether the applicant for a license or the licensee ("the respondent") is entitled to hold such a license. At least 10 days before the date set for the hearing, the Comptroller shall notify the respondent in writing that (i) on the designated date a hearing will be held to determine the respondent's eligibility for a license and (ii) the respondent may appear in person or by counsel. The written notice may be served on the respondent personally, or by registered or certified mail sent to the respondent's business address as shown in the respondent's latest notification to the Comptroller. The notice must include sufficient information to inform the respondent of the general nature of the reason for the Comptroller's action.

(c) At the hearing, both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence, and argument as may be pertinent to the charge or to any defense to the charge. The Comptroller may reasonably continue the hearing from time to time. The Comptroller may subpoena any person or persons in this State and take testimony orally, by deposition, or by exhibit, in the same manner and with the same fees and mileage as prescribed in judicial proceedings in civil cases. Any authorized agent of the Comptroller may administer oaths to witnesses at any hearing that the Comptroller is authorized to conduct.

(d) The Comptroller, at the Comptroller's expense, shall provide a certified shorthand reporter to take down the testimony and preserve a record of every proceeding at the hearing of any case involving the refusal to issue a license under this Act, the suspension or revocation of such a license, the imposition of a monetary penalty, or the referral of a case for criminal prosecution. The record of any such proceeding shall consist of the notice of hearing, the complaint, all other documents in the nature of pleadings and written motions filed in the proceeding, the transcript of testimony, and the report and orders of the Comptroller. Copies of the transcript of the record may be purchased from the certified shorthand reporter who prepared the record or from the Comptroller.

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 62.10. Investigations; notice and hearing. The Comptroller Department may at any time investigate the actions of any applicant or of any person, persons, or entity rendering or offering to render cremation services or any person or entity holding or claiming to hold a license as a licensed crematory. The Comptroller Department shall, before revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary action under Section 11 of this Act, at least 30 days before the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct the accused applicant or licensee to file a written answer to the charges with the Comptroller Department under oath within 20 days after the service on him or her of the notice, and (iii) inform the accused that, if he or she fails to answer, default will be taken against him or her or that his or her license may be suspended, revoked, placed on probationary status, or other disciplinary action taken with regard to the license, including limiting the scope, nature, or extent of his or her practice, as the Comptroller Department may consider proper.

At the time and place fixed in the notice, the Comptroller Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Comptroller Secretary shall have the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any disciplinary action with regard to a license. The hearing officer shall have full authority to conduct the hearing. The Comptroller Department may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, his or her license may, in the discretion of the Comptroller Department, be suspended, revoked, placed on probationary status, or the Comptroller Department may take whatever disciplinary action considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under this Act. The written notice may be served by personal delivery or by certified mail to the address specified by the accused in his or her last notification with the Comptroller Department.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/62.15)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 62.15. Compelling testimony Court order. Any circuit court, upon application of the Comptroller

or designated hearing officer may enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt. Upon the application of the Comptroller or of the applicant or licensee against whom proceedings under Section 62.10 are pending, any circuit court may enter an order requiring witnesses to attend and testify and requiring the production of documents, papers, files, books, and records in connection with any hearing in any proceeding under that Section. Failure to obey such a court order may result in contempt proceedings.

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 62.15. Compelling testimony. Any circuit court, upon application of the ~~Comptroller Department~~ or designated hearing officer may enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/62.20)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 62.20. Administrative review; venue; certification of record; costs ~~Judicial review.~~

(a) All final administrative decisions of the Comptroller are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(b) Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of Illinois, the venue shall be in Sangamon County.

(c) The Comptroller shall not be required to certify any record of the court, file an answer in court, or to otherwise appear in any court in a judicial review proceeding unless and until the Comptroller has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Comptroller. Failure on the part of the plaintiff to make such payment to the Comptroller is grounds for dismissal of the action.

~~(a) Any person affected by a final administrative decision of the Comptroller under this Act may have the decision reviewed judicially by the circuit court of the county where the person resides or, in the case of a corporation, where the corporation's registered office is located. If the plaintiff in the judicial review proceeding is not a resident of this State, venue shall be in Sangamon County. The provisions of the Administrative Review Law and any rules adopted under it govern all proceedings for the judicial review of final administrative decisions of the Comptroller under this Act. The term "administrative decision" is defined as in the Administrative Review Law.~~

~~(b) The Comptroller is not required to certify the record of the proceeding unless the plaintiff in the review proceeding has purchased a copy of the transcript from the certified shorthand reporter who prepared the record or from the Comptroller. Exhibits shall be certified without cost.~~

(Source: P.A. 92-675, eff. 7-1-03.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 62.20. Administrative review; venue; certification of record; costs.

(a) All final administrative decisions of the ~~Comptroller Department~~ are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(b) Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of Illinois, the venue shall be in Sangamon County.

(c) The ~~Comptroller Department~~ shall not be required to certify any record of the court, file an answer in court, or to otherwise appear in any court in a judicial review proceeding unless and until the ~~Comptroller Department~~ has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the ~~Comptroller Department~~. Failure on the part of the plaintiff to make such payment to the ~~Comptroller Department~~ is grounds for dismissal of the action.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/65)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 65. Pre-need cremation arrangements.

(a) Any person, or anyone who has legal authority to act on behalf of a person, on a pre-need basis, may authorize his or her own cremation and the final disposition of his or her cremated remains by executing, as the authorizing agent, a cremation authorization form on a pre-need basis. A copy of this form shall be provided to the person. Any person shall have the right to transfer or cancel this authorization at any time prior to death by destroying the executed cremation authorization form and providing written notice to the crematory authority.

(b) Any cremation authorization form that is being executed by an individual as his or her own authorizing agent on a pre-need basis shall contain the following disclosure, which shall be completed by the authorizing agent:

"() I do not wish to allow any of my survivors the option of cancelling my cremation and selecting alternative arrangements, regardless of whether my survivors deem a change to be appropriate.

() I wish to allow only the survivors whom I have designated below the option of cancelling my cremation and selecting alternative arrangements, if they deem a change to be appropriate:....."

(c) Except as provided in subsection (b) of this Section, at the time of the death of a person who has executed, as the authorizing agent, a cremation authorization form on a pre-need basis, any person in possession of an executed form and any person charged with making arrangements for the final disposition of the decedent who has knowledge of the existence of an executed form, shall use their best efforts to ensure that the decedent is cremated and that the final disposition of the cremated remains is in accordance with the instructions contained on the cremation authorization form. If a crematory authority (i) is in possession of a completed cremation authorization form that was executed on a pre-need basis, (ii) is in possession of the designated human remains, and (iii) has received payment for the cremation of the human remains and the final disposition of the cremated remains or is otherwise assured of payment, then the crematory authority shall be required to cremate the human remains and dispose of the cremated remains according to the instructions contained on the cremation authorization form, and may do so without any liability.

(d) ~~(e)~~ Any pre-need contract sold by, or pre-need arrangements made with, a cemetery, funeral establishment, crematory authority, or any other party that includes a cremation shall specify the final disposition of the cremated remains, in accordance with Section 40. In the event that no different or inconsistent instructions are provided to the crematory authority by the authorizing agent at the time of death, the crematory authority shall be authorized to release or dispose of the cremated remains as indicated in the pre-need agreement. Upon compliance with the terms of the pre-need agreement, the crematory authority shall be discharged from any legal obligation concerning the cremated remains. The pre-need agreement shall be kept as a permanent record by the crematory authority.

(e) ~~(f)~~ This Section shall not apply to any cremation authorization form or pre-need contract executed prior to the effective date of this Act. Any cemetery, funeral establishment, crematory authority, or other party, however, with the written approval of the authorizing agent or person who executed the pre-need contract, may designate that the cremation authorization form or pre-need contract shall be subject to this Act.

(Source: P.A. 87-1187.)

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

Sec. 65. Pre-need cremation arrangements.

(a) Any person, or anyone who has legal authority to act on behalf of a person, on a pre-need basis, may authorize his or her own cremation and the final disposition of his or her cremated remains by executing, as the authorizing agent, a cremation authorization form on a pre-need basis. A copy of this form shall be provided to the person. Any person shall have the right to transfer or cancel this authorization at any time prior to death by destroying the executed cremation authorization form and providing written notice to the crematory authority.

(b) Any cremation authorization form that is being executed by an individual as his or her own authorizing agent on a pre-need basis shall contain the following disclosure, which shall be completed by the authorizing agent:

"() I do not wish to allow any of my survivors the option of cancelling my cremation and

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selecting alternative arrangements, regardless of whether my survivors deem a change to be appropriate.

() I wish to allow only the survivors whom I have designated below the option of cancelling my cremation and selecting alternative arrangements, if they deem a change to be appropriate:....."

(c) Except as provided in subsection (b) of this Section, at the time of the death of a person who has executed, as the authorizing agent, a cremation authorization form on a pre-need basis, any person in possession of an executed form and any person charged with making arrangements for the final disposition of the decedent who has knowledge of the existence of an executed form, shall use their best efforts to ensure that the decedent is cremated and that the final disposition of the cremated remains is in accordance with the instructions contained on the cremation authorization form. If a crematory authority (i) is in possession of a completed cremation authorization form that was executed on a pre-need basis, (ii) is in possession of the designated human remains, and (iii) has received payment for the cremation of the human remains and the final disposition of the cremated remains or is otherwise assured of payment, then the crematory authority shall be required to cremate the human remains and dispose of the cremated remains according to the instructions contained on the cremation authorization form, and may do so without any liability.

(d) Any pre-need contract sold by, or pre-need arrangements made with, a cemetery, funeral establishment, crematory authority, or any other party that includes a cremation shall specify the final disposition of the cremated remains, in accordance with Section 40. In the event that no different or inconsistent instructions are provided to the crematory authority by the authorizing agent at the time of death, the crematory authority shall be authorized to release or dispose of the cremated remains as indicated in the pre-need agreement. Upon compliance with the terms of the pre-need agreement, the crematory authority shall be discharged from any legal obligation concerning the cremated remains. The pre-need agreement shall be kept as a permanent record by the crematory authority.

(e) This Section shall not apply to any cremation authorization form or pre-need contract executed prior to the effective date of this Act. Any cemetery, funeral establishment, crematory authority, or other party, however, with the written approval of the authorizing agent or person who executed the pre-need contract, may designate that the cremation authorization form or pre-need contract shall be subject to this Act.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/80)

(Text of Section before amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

~~Sec. 80. Record of proceedings; transcript Home Rule. The Comptroller, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. Any notice of hearing, complaint, all other documents in the nature of pleadings, written motions filed in the proceedings, the transcripts of testimony, the report of the hearing officer, and orders of the Comptroller shall be in the record of the proceeding. The Comptroller shall furnish a transcript of such record to any person interested in such hearing upon payment of a reasonable fee. The regulation of crematories and crematory authorities as set forth in this Act is an exclusive power and function of the State. A home rule unit may not regulate crematories or crematory authorities. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.~~

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

(Text of Section after amendment by P.A. 96-863)

(Section scheduled to be repealed on January 1, 2021)

~~Sec. 80. Record of proceedings; transcript. The Comptroller Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. Any notice of hearing, complaint, all other documents in the nature of pleadings, written motions filed in the proceedings, the transcripts of testimony, the report of the hearing officer, and orders of the Comptroller Department shall be in the record of the proceeding. The Comptroller Department shall furnish a transcript of such record to any person interested in such hearing upon payment of a reasonable fee ~~the fee required under Section 2105-115 of the Department of Professional Regulation Law.~~~~

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/85)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on January 1, 2021)

Sec. 85. Subpoenas; depositions; oaths. The Comptroller Department has the power to subpoena

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documents, books, records or other materials and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State. The Comptroller Secretary, the designated hearing officer, or any qualified person the Comptroller Department may designate has the power to administer oaths to witnesses at any hearing that the Comptroller Department is authorized to conduct, and any other oaths authorized in any Act administered by the Comptroller Department.

Every person having taken an oath or affirmation in any proceeding or matter wherein an oath is required by this Act, who shall swear willfully, corruptly and falsely in a matter material to the issue or point in question, or shall suborn any other person to swear as aforesaid, shall be guilty of perjury or subornation of perjury, as the case may be and shall be punished as provided by State law relative to perjury and subornation of perjury.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/87)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on January 1, 2021)

Sec. 87. Findings and recommendations. At the conclusion of the hearing, the hearing officer shall present to the Comptroller Secretary a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding whether or not the accused person violated this Act or its rules or failed to comply with the conditions required in this Act or its rules. The hearing officer shall specify the nature of any violations or failure to comply and shall make recommendations to the Comptroller Secretary. In making recommendations for any disciplinary actions, the hearing officer may take into consideration all facts and circumstances bearing upon the reasonableness of the conduct of the accused and the potential for future harm to the public, including but not limited to, previous discipline of the accused by the Comptroller Department, intent, degree of harm to the public and likelihood of harm in the future, any restitution made by the accused, and whether the incident or incidents contained in the complaint appear to be isolated or represent a continuing pattern of conduct. In making its recommendations for discipline, the hearing officer shall endeavor to ensure that the severity of the discipline recommended is reasonably related to the severity of the violation. The report of findings of fact, conclusions of law, and recommendation of the hearing officer shall be the basis for the Comptroller's Department's order refusing to issue, restore, place on probation, fine, suspend, revoke a license, or otherwise disciplining a licensee. If the Comptroller Secretary disagrees with the recommendations of the hearing officer, the Comptroller Secretary may issue an order in contravention of the hearing officer's recommendations. The finding is not admissible in evidence against the person in a criminal prosecution brought for a violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for a violation of this Act.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/88)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on January 1, 2021)

Sec. 88. Rehearing. At the conclusion of the hearing, a copy of the hearing officer's report shall be served upon the applicant or licensee by the Comptroller Department, either personally or as provided in this Act. Within 20 days after service, the applicant or licensee may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for rehearing. The Comptroller Department may respond to the motion for rehearing within 20 days after its service on the Comptroller Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon denial, the Comptroller Secretary may enter an order in accordance with recommendations of the hearing officer except as provided in Section 89 of this Act.

If the applicant or licensee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which a motion may be filed shall commence upon the delivery of the transcript to the applicant or licensee.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/89)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on January 1, 2021)

Sec. 89. Comptroller Secretary; rehearing. Whenever the Comptroller Secretary believes that substantial justice has not been done in the revocation, suspension, or refusal to issue or restore a license or other discipline of an applicant or licensee, he or she may order a rehearing by the same or other hearing officers.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/90)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on January 1, 2021)

Sec. 90. Order or certified copy; prima facie proof. An order or certified copy thereof, over the seal of the ~~Comptroller Department~~ and purporting to be signed by the ~~Comptroller Secretary~~, is prima facie proof that:

(a) the signature is the genuine signature of the ~~Comptroller Secretary~~;

(b) the ~~Comptroller Secretary~~ is duly appointed and qualified; and

(c) the hearing officer is qualified to act.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/91)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on January 1, 2021)

Sec. 91. Civil action and civil penalties. In addition to the other penalties and remedies provided in this Act, the ~~Comptroller Department~~ may bring a civil action in the county of residence of the licensee or any other person to enjoin any violation or threatened violation of this Act. In addition to any other penalty provided by law, any person who violates this Act shall forfeit and pay a civil penalty to the ~~Comptroller Department~~ in an amount not to exceed ~~\$5,000~~ ~~\$10,000~~ for each violation as determined by the ~~Comptroller Department~~. The civil penalty shall be assessed by the ~~Comptroller Department~~ in accordance with the provisions of this Act.

Any civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record. All moneys collected under this Section shall be deposited with the ~~Comptroller~~ into the ~~Cemetery Oversight Licensing and Disciplinary Fund~~.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/92)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on January 1, 2021)

Sec. 92. Consent order. At any point in any investigation or disciplinary proceedings as provided in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the ~~Comptroller Secretary~~.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/94)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on January 1, 2021)

Sec. 94. Summary suspension of a license. The ~~Comptroller Secretary~~ may summarily suspend a license of a licensed crematory without a hearing, simultaneously with the institution of proceedings for a hearing provided for in this Act, if the ~~Comptroller Secretary~~ finds that evidence in the ~~Comptroller's Secretary's~~ possession indicates that the licensee's continued practice would constitute an imminent danger to the public. In the event that the ~~Comptroller Secretary~~ summarily suspends the license of a licensed crematory without a hearing, a hearing must be commenced within 30 days after the suspension has occurred and concluded as expeditiously as practical. In the event of a summary suspension, the county coroner or medical examiner responsible for the area where the crematory is located shall make arrangements to dispose of any bodies in the suspended licensee's possession after consulting with the authorizing agents for those bodies.

(Source: P.A. 96-863, eff. 3-1-12.)

Section 35. The Vital Records Act is amended by changing Sections 11 and 25 as follows:

(410 ILCS 535/11) (from Ch. 111 1/2, par. 73-11)

Sec. 11. Information required on forms.

(a) The form of certificates, reports, and other returns required by this Act or by regulations adopted under this Act shall include as a minimum the items recommended by the federal agency responsible for national vital statistics, subject to approval of and modification by the Department. All forms shall be prescribed and furnished by the State Registrar of Vital Records.

(b) On and after the effective date of this amendatory Act of 1983, all forms used to collect information under this Act which request information concerning the race or ethnicity of an individual by providing spaces for the designation of that individual as "white" or "black", or the semantic equivalent thereof, shall provide an additional space for a designation as "Hispanic".

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(c) Effective November 1, 1990, the social security numbers of the mother and father shall be collected at the time of the birth of the child. These numbers shall not be recorded on the certificate of live birth. The numbers may be used only for those purposes allowed by Federal law.

(d) The social security number of a person who has died shall be entered on the death certificate; however, failure to enter the social security number of the person who has died on the death certificate does not invalidate the death certificate.

(e) If the place of disposition of a dead human body or cremated remains is in a cemetery, the burial permit shall include the place of disposition. The place of disposition shall include the lot, block, section, and plot or niche, and depth, if applicable, where the dead human body or cremated remains are located. This subsection does not apply to cremated remains scattered in a cemetery.

(Source: P.A. 96-863, eff. 3-1-10.)

(410 ILCS 535/25) (from Ch. 111 1/2, par. 73-25)

Sec. 25. In accordance with Section 24 of this Act, and the regulations adopted pursuant thereto:

(1) The State Registrar of Vital Records shall search the files of birth, death, and fetal death records, upon receipt of a written request and a fee of \$10 from any applicant entitled to such search. A search fee shall not be required for commemorative birth certificates issued by the State Registrar. If, upon search, the record requested is found, the State Registrar shall furnish the applicant one certification of such record, under the seal of such office. If the request is for a certified copy of the record an additional fee of \$5 shall be required. If the request is for a certified copy of a death certificate or a fetal death certificate, an additional fee of \$2 is required. The additional fee shall be deposited into the Death Certificate Surcharge Fund. A further fee of \$2 shall be required for each additional certification or certified copy requested. If the requested record is not found, the State Registrar shall furnish the applicant a certification attesting to that fact, if so requested by the applicant. A further fee of \$2 shall be required for each additional certification that no record has been found.

Any local registrar or county clerk shall search the files of birth, death and fetal death records, upon receipt of a written request from any applicant entitled to such search. If upon search the record requested is found, such local registrar or county clerk shall furnish the applicant one certification or certified copy of such record, under the seal of such office, upon payment of the applicable fees. If the requested record is not found, the local registrar or county clerk shall furnish the applicant a certification attesting to that fact, if so requested by the applicant and upon payment of applicable fee. The local registrar or county clerk must charge a \$2 fee for each certified copy of a death certificate. The fee is in addition to any other fees that are charged by the local registrar or county clerk. The additional fees must be transmitted to the State Registrar monthly and deposited into the Death Certificate Surcharge Fund. The local registrar or county clerk may charge fees for providing other services for which the State Registrar may charge fees under this Section.

A request to any custodian of vital records for a search of the death record indexes for genealogical research shall require a fee of \$10 per name for a 5 year search. An additional fee of \$1 for each additional year searched shall be required. If the requested record is found, one uncertified copy shall be issued without additional charge.

Any fee received by the State Registrar pursuant to this Section which is of an insufficient amount may be returned by the State Registrar upon his recording the receipt of such fee and the reason for its return. The State Registrar is authorized to maintain a 2 signature, revolving checking account with a suitable commercial bank for the purpose of depositing and withdrawing-for-return cash received and determined insufficient for the service requested.

No fee imposed under this Section may be assessed against an organization chartered by Congress that requests a certificate for the purpose of death verification.

Any custodian of vital records, whether it may be the Department of Public Health, a local registrar, or a county clerk shall charge an additional \$2 for each certified copy of a death certificate and that additional fee shall be collected on behalf of the Department of Financial and Professional Regulation for deposit into the Cemetery Oversight Licensing and Disciplinary Fund.

(2) The certification of birth may contain only the name, sex, date of birth, and place of birth, of the person to whom it relates, the name, age and birthplace of the parents, and the file number; and none of the other data on the certificate of birth except as authorized under subsection (5) of this Section.

(3) The certification of death shall contain only the name, Social Security Number, sex, date of death, and place of death of the person to whom it relates, and file number; and none of the other data on the certificate of death except as authorized under subsection (5) of this Section.

(4) Certification or a certified copy of a certificate shall be issued:

- (a) Upon the order of a court of competent jurisdiction; or
- (b) In case of a birth certificate, upon the specific written request for a

certification or certified copy by the person, if of legal age, by a parent or other legal representative of the person to whom the record of birth relates, or by a person having a genealogical interest; or

(c) Upon the specific written request for a certification or certified copy by a department of the state or a municipal corporation or the federal government; or

(d) In case of a death or fetal death certificate, upon specific written request for a certified copy by a person, or his duly authorized agent, having a genealogical, personal or property right interest in the record.

A genealogical interest shall be a proper purpose with respect to births which occurred not less than 75 years and deaths which occurred not less than 20 years prior to the date of written request. Where the purpose of the request is a genealogical interest, the custodian shall stamp the certification or copy with the words, FOR GENEALOGICAL PURPOSES ONLY.

(5) Any certification or certified copy issued pursuant to this Section shall show the date of registration; and copies issued from records marked "delayed," "amended," or "court order" shall be similarly marked and show the effective date.

(6) Any certification or certified copy of a certificate issued in accordance with this Section shall be considered as prima facie evidence of the facts therein stated, provided that the evidentiary value of a certificate or record filed more than one year after the event, or a record which has been amended, shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

(7) Any certification or certified copy issued pursuant to this Section shall be issued without charge when the record is required by the United States Veterans Administration or by any accredited veterans organization to be used in determining the eligibility of any person to participate in benefits available from such organization. Requests for such copies must be in accordance with Sections 1 and 2 of "An Act to provide for the furnishing of copies of public documents to interested parties," approved May 17, 1935, as now or hereafter amended.

(8) The National Vital Statistics Division, or any agency which may be substituted therefor, may be furnished such copies or data as it may require for national statistics; provided that the State shall be reimbursed for the cost of furnishing such data; and provided further that such data shall not be used for other than statistical purposes by the National Vital Statistics Division, or any agency which may be substituted therefor, unless so authorized by the State Registrar of Vital Records.

(9) Federal, State, local, and other public or private agencies may, upon request, be furnished copies or data for statistical purposes upon such terms or conditions as may be prescribed by the Department.

(10) The State Registrar of Vital Records, at his discretion and in the interest of promoting registration of births, may issue, without fee, to the parents or guardian of any or every child whose birth has been registered in accordance with the provisions of this Act, a special notice of registration of birth.

(11) No person shall prepare or issue any certificate which purports to be an original, certified copy, or certification of a certificate of birth, death, or fetal death, except as authorized in this Act or regulations adopted hereunder.

(12) A computer print-out of any record of birth, death or fetal record that may be certified under this Section may be used in place of such certification and such computer print-out shall have the same legal force and effect as a certified copy of the document.

(13) The State Registrar may verify from the information contained in the index maintained by the State Registrar the authenticity of information on births, deaths, marriages and dissolution of marriages provided to a federal agency or a public agency of another state by a person seeking benefits or employment from the agency, provided the agency pays a fee of \$10.

(14) The State Registrar may issue commemorative birth certificates to persons eligible to receive birth certificates under this Section upon the payment of a fee to be determined by the State Registrar.

(Source: P.A. 91-382, eff. 7-30-99; 92-141, eff. 7-24-01.)

Section 40. The Cemetery Protection Act is amended by changing Section .01 as follows:

(765 ILCS 835/.01) (from Ch. 21, par. 14.01)

Sec. .01. For the purposes of this Act, the term:

"Cemetery authority" means an individual or legal entity that owns or controls cemetery lands or property.

~~"Cemetery manager" means an individual who is engaged in, or holding himself or herself out as engaged in, those activities involved in or incidental to supervising the following: the maintenance, operation, development, or improvement of a cemetery licensed under this Act; the interment of human remains; or the care, preservation, and embellishment of cemetery property. This definition also includes, without limitation, an individual that is an independent contractor or individuals employed or~~

contracted by an independent contractor who is engaged in, or holding himself or herself out as engaged in, those activities involved in or incidental to supervising the following: the maintenance, operation, development, or improvement of a cemetery licensed under this Act; the interment of human remains; or the care, preservation, and embellishment of cemetery property.

"Community mausoleum" means a mausoleum owned and operated by a cemetery authority that contains multiple entombment rights sold to the public.

(Source: P.A. 96-863, eff. 3-1-10.)

Section 45. The Cemetery Association Act is amended by changing Section 4 as follows:

(805 ILCS 320/4) (from Ch. 21, par. 38)

(Section scheduled to be repealed on March 1, 2012)

Sec. 4. That said persons so receiving said certificate of organization of said association shall proceed to elect from their own number a board of trustees for said association, which said board shall consist of not less than six (6) nor more than ten (10) members, as said persons so receiving said certificate may determine; that said trustees when elected shall immediately organize by electing from their own membership a president, vice president and treasurer, and shall also elect a secretary, who may or may not be a member of said board of trustees, in their discretion, which said officers shall hold their respective offices for and during the period of one (1) year, and until their successors are duly elected and qualified. Said trustees when so elected shall divide themselves by lot into two classes, the first of which shall hold their offices for and during the period of three (3) years, and the second of which shall hold their offices for and during the period of six (6) years, and that thereafter the term of office of said trustees shall be six (6) years, and that upon the expiration of the term of office of any of said trustees, or in case of the resignation or death or removal from the State of Illinois of any of said trustees, or their removal from office as provided in this act, the remaining trustees, or a majority of them, shall notify the presiding officer of the County Board in which said cemetery is situated, of such vacancy or vacancies in writing and thereupon said presiding officer shall appoint some suitable person or persons to fill such vacancy or vacancies; and that thereafter the presiding officer of the county board in which said cemetery association is located shall always appoint some suitable person or persons ~~as trustees. Provided, however, that in making such appointments the said presiding officer of the County Board shall so exercise his power that at least two thirds (2-3) of said trustees shall be selected from suitable persons residing within fifteen (15) miles of said cemetery, or some part thereof, and the other appointees may be suitable persons interested in said cemetery association through family interments or otherwise who are citizens of the State of Illinois.~~

(Source: P.A. 80-585. Repealed by P.A. 96-863, eff. 3-1-12.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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

Under the rules, the foregoing **Senate Bill No. 1830**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 274

A bill for AN ACT concerning State government.

Passed the House, November 29, 2011.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by

Mr. Mapes, Clerk:

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

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SENATE BILL NO. 348

A bill for AN ACT concerning finance.
Passed the House, November 29, 2011.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by
Mr. Mapes, Clerk:

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

SENATE BILL NO. 773

A bill for AN ACT concerning public aid.
Passed the House, November 29, 2011.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by
Mr. Mapes, Clerk:

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

SENATE BILL NO. 2502

A bill for AN ACT concerning public aid.
Passed the House, November 29, 2011.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by
Mr. Mapes, Clerk:

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

HOUSE BILL 3813

A bill for AN ACT concerning public employee benefits.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 3813

Senate Amendment No. 2 to HOUSE BILL NO. 3813

Concurred in by the House, November 29, 2011.

TIMOTHY D. MAPES, Clerk of the House

JOINT ACTION MOTIONS FILED

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

Motion to Concur in House Amendments 1 and 2 to Senate Bill 1609

Motion to Concur in House Amendments 1 and 2 to Senate Bill 1762

Motion to Concur in House Amendments 1 and 2 to Senate Bill 1830

INTRODUCTION OF BILLS

SENATE BILL NO. 2533. Introduced by Senator J. Jones, a bill for AN ACT concerning State government.

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

SENATE BILL NO. 2534. Introduced by Senator Wilhelmi, a bill for AN ACT concerning civil law.

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

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON
SECRETARY'S DESK**

On motion of Senator Garrett, **Senate Bill No. 40**, with House Amendments numbered 1, 2, 3 and 4 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 48; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lightford	Sandoval
Bivins	Harmon	Luechtefeld	Schmidt
Bomke	Holmes	Maloney	Schoenberg
Brady	Hunter	Martinez	Silverstein
Clayborne	Hutchinson	McCarter	Steans
Collins, J.	Jacobs	Mulroe	Sullivan
Crotty	Johnson, C.	Muñoz	Trotter
Delgado	Johnson, T.	Murphy	Wilhelmi
Dillard	Jones, E.	Noland	Mr. President
Duffy	Jones, J.	Radogno	
Forby	Koehler	Raoul	
Frerichs	Kotowski	Righter	
Garrett	LaHood	Sandack	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1, 2, 3 and 4 to **Senate Bill No. 40**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Maloney, **Senate Bill No. 1226**, with House Amendments numbered 2 and 3 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 55; NAYS None.

The following voted in the affirmative:

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

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Frerichs

LaHood

Pankau

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 2 and 3 to **Senate Bill No. 1226**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Radogno, **Senate Bill No. 1377**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 54; NAYS None.

The following voted in the affirmative:

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

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1377**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sandoval, **Senate Bill No. 1865**, with House Amendments numbered 1 and 4 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 32; NAYS 21.

The following voted in the affirmative:

Brady	Hunter	Martinez	Silverstein
Clayborne	Jacobs	Mulroe	Steans
Collins, J.	Jones, E.	Muñoz	Trotter
Crotty	Koehler	Murphy	Wilhelmi
Delgado	Kotowski	Noland	Mr. President
Dillard	Landek	Radogno	
Garrett	Lightford	Raoul	
Haine	Link	Sandoval	
Harmon	Maloney	Schoenberg	

The following voted in the negative:

Althoff	Forby	Lauzen	Sandack
Bivins	Frerichs	Luechtefeld	Schmidt
Bomke	Johnson, C.	Millner	Syverson
Collins, A.	Johnson, T.	Pankau	
Cultra	Jones, J.	Rezin	
Duffy	LaHood	Righter	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 4 to **Senate Bill No. 1865**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Dillard, **Senate Bill No. 1992**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 54; NAYS None.

The following voted in the affirmative:

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

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 1992**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sandoval, **Senate Bill No. 92**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 31; NAYS 21.

The following voted in the affirmative:

Clayborne	Harmon	Lightford	Schoenberg
Collins, A.	Holmes	Link	Silverstein
Collins, J.	Hunter	Maloney	Steans
Crotty	Hutchinson	Martinez	Sullivan
Delgado	Jones, E.	Mulroe	Trotter
Forby	Koehler	Noland	Wilhelmi
Garrett	Kotowski	Radogno	Mr. President

the Department or (ii) revocations of licenses issued by the Department of Revenue.

(b) Beginning July 1, 2013, an Independent Tax Tribunal Board shall assume, exercise, and administer all rights, powers, duties, and responsibilities pertaining to (i) any protests of notices of tax liability or deficiencies for all taxes administered by the Department of Revenue or (ii) revocations of licenses issued by the Department of Revenue. The Independent Tax Tribunal Board shall be created by law and no State agency shall assume the functions of the Board.

Article 10. Live Theater Production Tax Credit Act

Section 10-1. Short title. This Article may be cited as the Live Theater Production Tax Credit Act. References in this Article to "this Act" mean this Article.

Section 10-5. Purpose. The Illinois economy depends heavily on the commercial for-profit live theater industry and the pre-Broadway and long-run shows that are presented in Illinois. As a result of intense competition from other prominent theater cities in the United States and abroad in attracting pre-Broadway and long-run shows, Illinois must move aggressively with new business development investment tools so that Illinois is more competitive in site location decision making for show producers. In an increasingly global economy, Illinois' long term development will benefit from the rational, strategic use of State resources in support of pre-Broadway live theater and long run show development and growth. It is the purpose of this Act to preserve and expand the existing work force used in live theater and enhance the marketing of the presentation of live theater in Illinois. It shall be the policy of this State to promote and encourage the training and hiring of Illinois residents who represent the diversity of the Illinois population through the creation and implementation of training, education, and recruitment programs organized in cooperation with Illinois colleges and universities, labor organizations, and the commercial for-profit live theater industry.

Section 10-10. Definitions. As used in this Act:

"Accredited theater production" means a for-profit live stage presentation in a qualified production facility, as defined in this Section, that is either (i) a pre-Broadway production or (ii) a long-run production for which the aggregate Illinois labor and marketing expenditures exceed \$100,000.

"Pre-Broadway production" means a live stage production that, in its original or adaptive version, is performed in a qualified production facility having a presentation scheduled for Broadway's Theater District in New York City within 12 months after its Illinois presentation.

"Long-run production" means a live stage production that is performed in a qualified production facility for longer than 8 weeks, with at least 6 performances per week, and includes a production that spans the end of one tax year and the commencement of a new tax year that, in combination, meets the criteria set forth in this definition making it a long-run production eligible for a theater tax credit award in each tax year or portion thereof.

"Accredited theater production certificate" means a certificate issued by the Department certifying that the production is an accredited theater production that meets the guidelines of this Act.

"Applicant" means a taxpayer that is a theater producer, owner, licensee, operator, or presenter that is presenting or has presented a live stage presentation located within the State of Illinois who:

(1) owns or licenses the theatrical rights of the stage presentation for the Illinois production period; or

(2) has contracted or will contract directly with the owner or licensee of the theatrical rights or a person acting on behalf of the owner or licensee to provide live performances of the production.

An applicant that directly or indirectly owns, controls, or operates multiple qualified production facilities shall be presumed to be and considered for the purposes of this Act to be a single applicant; provided, however, that as to each of the applicant's qualified production facilities, the applicant shall be eligible to separately and contemporaneously (i) apply for and obtain accredited theater production certificates, (ii) stage accredited theater productions, and (iii) apply for and receive a tax credit award certificate for each of applicant's accredited theater productions performed at each of the applicant's qualified production facilities.

"Department" means the Department of Commerce and Economic Opportunity.

"Director" means the Director of the Department.

"Illinois labor expenditure" means gross salary or wages including, but not limited to, taxes, benefits, and any other consideration incurred or paid to non-talent employees of the applicant for services rendered to and on behalf of the accredited theater production. To qualify as an Illinois labor

expenditure, the expenditure must be:

- (1) incurred or paid by the applicant on or after the effective date of the Act for services related to any portion of an accredited theater production from its pre-production stages, including, but not limited to, the writing of the script, casting, hiring of service providers, purchases from vendors, marketing, advertising, public relations, load in, rehearsals, performances, other accredited theater production related activities, and load out;
- (2) directly attributable to the accredited theater production;
- (3) limited to the first \$100,000 of wages incurred or paid to each employee of an accredited theater production in each tax year;
- (4) included in the federal income tax basis of the property;
- (5) paid in the tax year for which the applicant is claiming the tax credit award, or no later than 60 days after the end of the tax year;
- (6) paid to persons residing in Illinois at the time payments were made; and
- (7) reasonable in the circumstances.

"Illinois production spending" means any and all expenses directly or indirectly incurred relating to an accredited theater production presented in any qualified production facility of the applicant, including, but not limited to, expenditures for:

- (1) national marketing, public relations, and the creation and placement of print, electronic, television, billboard, and other forms of advertising; and
- (2) the construction and fabrication of scenic materials and elements; provided, however, that the maximum amount of expenditures attributable to the construction and fabrication of scenic materials and elements eligible for a tax credit award shall not exceed \$500,000 per applicant per production in any single tax year.

"Qualified production facility" means a facility located in the State in which live theatrical productions are, or are intended to be, exclusively presented that contains at least one stage, a seating capacity of 1,200 or more seats, and dressing rooms, storage areas, and other ancillary amenities necessary for the accredited theater production.

"Tax credit award" means the issuance to a taxpayer by the Department of a tax credit award in conformance with Sections 10-40 and 10-45 of this Act.

"Tax year" means a calendar year for the period January 1 to and including December 31.

Section 10-15. Powers of the Department. The Department, in addition to those powers granted under the Civil Administrative Code of Illinois, is granted and has all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including, but not limited to, the power and authority to:

- (1) adopt rules deemed necessary and appropriate for the administration of the Tax Credit Award program; establish forms for applications, notifications, contracts, or any other agreements; and accept applications at any time during the year;
- (2) assist applicants pursuant to the provisions of this Act to promote, foster, and support live theater development and production and its related job creation or retention within the State;
- (3) gather information and conduct inquiries, in the manner and by the methods set forth in this Act, required for the Department to comply with Section 10-40 and, without limitation, obtain information with respect to applicants for the purpose of making any designations or certifications necessary or desirable to assist the Department with any recommendation or guidance in the furtherance of the purposes of this Act and relating to applicants' participation in training, education, and recruitment programs that are organized in cooperation with Illinois colleges and universities or labor organizations designed to promote and encourage the training and hiring of Illinois residents who represent the diversity of the Illinois population;
- (4) provide for sufficient personnel to permit administrative, staffing, operating, and related support required to adequately discharge its duties and responsibilities described in this Act from funds as may be appropriated by the General Assembly for the administration of this Act; and
- (5) require that the applicant at all times keep proper books and records of accounts relating to the tax credit award, in accordance with generally accepted accounting principles consistently applied, and make, upon reasonable written request by the Department, those books and records available for reasonable Department inspection and audit during the applicant's normal business hours. Any documents or data made available to or received from the applicant by any agent, employee, officer, or service provider to the Department shall be deemed confidential and shall not constitute public records to the extent that the documents or data consist of commercial or financial

information regarding the operation by the applicant of any theater or any accredited theater production, or any recipient of any tax credit award under this Act.

Section 10-20. Tax credit award. Subject to the conditions set forth in this Act, an applicant is entitled to a tax credit award as approved by the Department for qualifying Illinois labor expenditures and Illinois production spending for each tax year in which the applicant is awarded an accredited theater production certificate issued by the Department. The amount of tax credits awarded pursuant to this Act shall not exceed \$2,000,000 in any fiscal year. Credits shall be awarded on a first-come, first-served basis. Notwithstanding the foregoing, if the amount of credits applied for in any fiscal year exceeds the amount authorized to be awarded under this Section, the excess credit amount shall be awarded in the next fiscal year in which credits remain available for award and shall be treated as having been applied for on the first day of that fiscal year.

Section 10-25. Application for certification of accredited theater production. Any applicant proposing an accredited theater production located or planned to be located in Illinois may request an accredited theater production certificate by application to the Department.

Section 10-30. Review of application for accredited theater production certificate.

(a) The Department shall issue an accredited theater production certificate to an applicant if it finds that by a preponderance the following conditions exist:

(1) the applicant intends to make the expenditure in the State required for certification of the accredited theater production;

(2) the applicant's accredited theater production is economically sound and will benefit the people of the State of Illinois by increasing opportunities for employment and will strengthen the economy of Illinois;

(3) the following requirements related to the implementation of a diversity plan have been met: (i) the applicant has filed with the Department a diversity plan outlining specific goals for hiring Illinois labor expenditure eligible minority persons and females, as defined in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, and for using vendors receiving certification under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act; (ii) the Department has approved the plan as meeting the requirements established by the Department and verified that the applicant has met or made good faith efforts in achieving those goals; and (iii) the Department has adopted any rules that are necessary to ensure compliance with the provisions set forth in this paragraph and necessary to require that the applicant's plan reflects the diversity of the population of this State;

(4) the applicant's accredited theater production application indicates whether the applicant intends to participate in training, education, and recruitment programs that are organized in cooperation with Illinois colleges and universities, labor organizations, and the holders of accredited theater production certificates and are designed to promote and encourage the training and hiring of Illinois residents who represent the diversity of Illinois;

(5) if not for the tax credit award, the applicant's accredited theater production would not occur in Illinois, which may be demonstrated by any means, including, but not limited to, evidence that: (i) the applicant, presenter, owner, or licensee of the production rights has other state or international location options at which to present the production and could reasonably and efficiently locate outside of the State, (ii) at least one other state or nation could be considered for the production, (iii) the receipt of the tax award credit is a major factor in the decision of the applicant, presenter, production owner or licensee as to where the production will be presented and that without the tax credit award the applicant likely would not create or retain jobs in Illinois, or (iv) receipt of the tax credit award is essential to the applicant's decision to create or retain new jobs in the State; and

(6) the tax credit award will result in an overall positive impact to the State, as determined by the Department using the best available data.

(b) If any of the provisions in this Section conflict with any existing collective bargaining agreements, the terms and conditions of those collective bargaining agreements shall control.

(c) The Department shall act expeditiously regarding approval of applications for accredited theater production certificates so as to accommodate the pre-production work, booking, commencement of ticket sales, determination of performance dates, load in, and other matters relating to the live theater productions for which approval is sought.

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Section 10-35. Training programs for skills in critical demand. To accomplish the purposes of this Act, the Department may use the training programs provided under Section 605-800 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois.

Section 10-40. Issuance of Tax Credit Award Certificate.

(a) In order to qualify for a tax credit award under this Act, an applicant must file an application for each accredited theater production at each of the applicant's qualified production facilities, on forms prescribed by the Department, providing information necessary to calculate the tax credit award and any additional information as reasonably required by the Department.

(b) Upon satisfactory review of the application, the Department shall issue a tax credit award certificate stating the amount of the tax credit award to which the applicant is entitled for that tax year and shall contemporaneously notify the applicant and Illinois Department of Revenue in accordance with Section 222 of the Illinois Income Tax Act.

Section 10-45. Amount and payment of the tax credit award. The tax credit award shall be calculated each tax year based upon the filing by the applicant on forms prescribed by the Department containing information regarding qualifying and quantified Illinois labor expenditures, as defined in Section 10-10, net of the limitation in that Section, and Illinois production spending, as defined in Section 10-10, net of the limitation in that Section. From the amount calculated, the applicant shall be entitled to receive a tax credit award of up to:

(1) 20% of the Illinois labor expenditures for each tax year; plus

(2) 20% of the Illinois production spending for each tax year; plus

(3) 15% of the Illinois labor expenditures generated by the employment of Illinois residents in geographic areas of high poverty or high unemployment in each tax year, as determined by the Department.

Following the Department's determination of the tax credit award, the Department shall issue the tax credit award to the applicant.

Section 10-50. Live theater tax credit award program evaluation and reports.

(a) The Department's live theater tax credit award evaluation must include:

(i) an assessment of the effectiveness of the program in creating and retaining new jobs in Illinois;

(ii) an assessment of the revenue impact of the program;

(iii) in the discretion of the Department, a review of the practices and experiences of other states or nations with similar programs; and

(iv) an assessment of the overall success of the program. The Department may make a recommendation to extend, modify, or not extend the program based on the evaluation.

(b) At the end of each fiscal quarter, the Department shall submit to the General Assembly a report that includes, without limitation:

(i) an assessment of the economic impact of the program, including the number of jobs created and retained, and whether the job positions are entry level, management, vendor, or production related;

(ii) the amount of accredited theater production spending brought to Illinois, including the amount of spending and type of Illinois vendors hired in connection with an accredited theater production; and

(iii) a determination of whether those receiving qualifying Illinois labor expenditure salaries or wages reflect the geographical, racial and ethnic, gender, and income level diversity of the State of Illinois.

(c) At the end of each fiscal year, the Department shall submit to the General Assembly a report that includes, without limitation:

(i) the identification of each vendor that provided goods or services that were included in an accredited theater production's Illinois production spending;

(ii) a statement of the amount paid to each identified vendor by the accredited theater production and whether the vendor is a minority or female owned business as defined in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act; and

(iii) a description of the steps taken by the Department to encourage accredited theater productions to use vendors who are minority or female owned businesses.

Section 10-55. Program terms and conditions. Any documentary materials or data made available or received from an applicant by any agent or employee of the Department are confidential and are not public records to the extent that the materials or data consist of commercial or financial information regarding the operation of or the production of the applicant or recipient of any tax credit award under this Act.

Section 10-80. The Illinois Income Tax Act is amended by adding Section 222 as follows:
(35 ILCS 5/222 new)

Sec. 222. Live theater production credit.

(a) For tax years beginning on or after January 1, 2012, a taxpayer who has received a tax credit award under the Live Theater Production Tax Credit Act is entitled to a credit against the taxes imposed under subsections (a) and (b) of Section 201 of this Act in an amount determined under that Act by the Department of Commerce and Economic Opportunity.

(b) If the taxpayer is a partnership, limited liability partnership, limited liability company, or Subchapter S corporation, the tax credit award is allowed to the partners, unit holders, or shareholders in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code.

(c) A sale, assignment, or transfer of the tax credit award may be made by the taxpayer earning the credit within one year after the credit is awarded in accordance with rules adopted by the Department of Commerce and Economic Opportunity.

(d) The Department of Revenue, in cooperation with the Department of Commerce and Economic Opportunity, shall adopt rules to enforce and administer the provisions of this Section.

(e) The tax credit award may not be carried back. If the amount of the credit exceeds the tax liability for the year, the excess may be carried forward and applied to the tax liability of the 5 tax years following the excess credit year. The tax credit award shall be applied to the earliest year for which there is a tax liability. If there are credits from more than one tax year that are available to offset liability, the earlier credit shall be applied first. In no event may a credit under this Section reduce the taxpayer's liability to less than zero.

Article 15. Amendatory Provisions

Section 15-5. The Economic Development Area Tax Increment Allocation Act is amended by changing Sections 3, 4, 5, 8, 9, and 11 and by adding Sections 4.5 and 4.7 as follows:

(20 ILCS 620/3) (from Ch. 67 1/2, par. 1003)

Sec. 3. Definitions. In this Act, words or terms shall have the following meanings unless the context or usage clearly indicates that another meaning is intended.

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

(b) "Economic development plan" means the written plan of a municipality which sets forth an economic development program for an economic development project area. Each economic development plan shall include but not be limited to (1) estimated economic development project costs, (2) the sources of funds to pay such costs, (3) the nature and term of any obligations to be issued by the municipality to pay such costs, (4) the most recent equalized assessed valuation of the economic development project area, (5) an estimate of the equalized assessed valuation of the economic development project area after completion of an economic development project, (6) the estimated date of completion of any economic development project proposed to be undertaken, (7) a general description of any proposed developer, user, or tenant of any property to be located or improved within the economic development project area, (8) a description of the type, structure and general character of the facilities to be developed or improved in the economic development project area, (9) a description of the general land uses to apply in the economic development project area, (10) a description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved in the economic development project area, and (11) a commitment by the municipality to fair employment practices and an affirmative action plan with respect to any economic development program to be undertaken by the municipality.

(c) "Economic development project" means any development project in furtherance of the objectives of this Act.

(d) "Economic development project area" means any improved or vacant area which (1) is located within or partially within or partially without the territorial limits of a municipality, provided that no area without the territorial limits of a municipality shall be included in an economic development project area

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without the express consent of the Department, acting as agent for the State, (2) is contiguous, (3) is not less in the aggregate than three hundred twenty acres, (4) is suitable for siting by any commercial, manufacturing, industrial, research or transportation enterprise of facilities to include but not be limited to commercial businesses, offices, factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial or commercial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or transportation facilities, whether or not such area has been used at any time for such facilities and whether or not the area has been used or is suitable for other uses, including commercial agricultural purposes, and (5) which has been approved and certified by the Department pursuant to this Act.

(e) "Economic development project costs" mean and include the sum total of all reasonable or necessary costs incurred by a municipality incidental to an economic development project, including, without limitation, the following:

(1) Costs of studies, surveys, development of plans and specifications, implementation and administration of an economic development plan, personnel and professional service costs for architectural, engineering, legal, marketing, financial, planning, police, fire, public works or other services, provided that no charges for professional services may be based on a percentage of incremental tax revenues;

(2) Property assembly costs within an economic development project area, including but not limited to acquisition of land and other real or personal property or rights or interests therein, and specifically including payments to developers or other nongovernmental persons as reimbursement for property assembly costs incurred by such developer or other nongovernmental person;

(3) Site preparation costs, including but not limited to clearance of any area within an economic development project area by demolition or removal of any existing buildings, structures, fixtures, utilities and improvements and clearing and grading; and including installation, repair, construction, reconstruction, or relocation of public streets, public utilities, and other public site improvements within or without an economic development project area which are essential to the preparation of the economic development project area for use in accordance with an economic development plan; and specifically including payments to developers or other nongovernmental persons as reimbursement for site preparation costs incurred by such developer or nongovernmental person;

(4) Costs of renovation, rehabilitation, reconstruction, relocation, repair or remodeling of any existing buildings, improvements, and fixtures within an economic development project area, and specifically including payments to developers or other nongovernmental persons as reimbursement for such costs incurred by such developer or nongovernmental person;

(5) Costs of construction, acquisition, and operation within an economic development project area of public improvements, including but not limited to, publicly-owned buildings, structures, works, utilities or fixtures; provided that no allocation made to the municipality pursuant to subparagraph (A) of paragraph (2) of subsection (g) of Section 4 of this Act or subparagraph (A) of paragraph (4) of subsection (g) of Section 4 of this Act shall be used to operate a convention center or similar entertainment complex or venue;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations, payment of any interest on any obligations issued hereunder which accrues during the estimated period of construction of any economic development project for which such obligations are issued and for not exceeding 36 months thereafter, and any reasonable reserves related to the issuance of such obligations;

(7) All or a portion of a taxing district's capital costs resulting from an economic development project necessarily incurred or estimated to be incurred by a taxing district in the furtherance of the objectives of an economic development project, to the extent that the municipality by written agreement accepts and approves such costs;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law;

(9) The estimated tax revenues from real property in an economic development project area acquired by a municipality which, according to the economic development plan, is to be used for a private use and which any taxing district would have received had the municipality not adopted tax increment allocation financing for an economic development project area and which would result from such taxing district's levies made after the time of the adoption by the municipality of tax increment allocation financing to the time the current equalized assessed value of real property in the economic development project area exceeds the total initial equalized value of real property in said area;

(10) Costs of job training, advanced vocational or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by

one or more taxing districts, provided that such costs are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in an economic development project area, and further provided that when such costs are incurred by a taxing district or taxing districts other than the municipality they shall be set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Private financing costs incurred by developers or other nongovernmental persons in connection with an economic development project, and specifically including payments to developers or other nongovernmental persons as reimbursement for such costs incurred by such developer or other nongovernmental person, provided that:

(A) private financing costs shall be paid or reimbursed by a municipality only pursuant to the prior official action of the municipality evidencing an intent to pay or reimburse such private financing costs;

(B) except as provided in subparagraph (D), the aggregate amount of such costs paid or reimbursed by a municipality in any one year shall not exceed 30% of such costs paid or incurred by the developer or other nongovernmental person in that year;

(C) private financing costs shall be paid or reimbursed by a municipality solely from the special tax allocation fund established pursuant to this Act and shall not be paid or reimbursed from the proceeds of any obligations issued by a municipality;

(D) if there are not sufficient funds available in the special tax allocation fund in any year to make such payment or reimbursement in full, any amount of such interest cost remaining to be paid or reimbursed by a municipality shall accrue and be payable when funds are available in the special tax allocation fund to make such payment; and

(E) in connection with its approval and certification of an economic development project pursuant to Section 5 of this Act, the Department shall review any agreement authorizing the payment or reimbursement by a municipality of private financing costs in its consideration of the impact on the revenues of the municipality and the affected taxing districts of the use of tax increment allocation financing.

(f) "Municipality" means a city, village or incorporated town.

(g) "Obligations" means any instrument evidencing the obligation of a municipality to pay money, including without limitation, bonds, notes, installment or financing contracts, certificates, tax anticipation warrants or notes, vouchers, and any other evidence of indebtedness.

(h) "Taxing districts" means counties, townships, municipalities, and school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes upon property located within the economic development project area.

(Source: P.A. 94-793, eff. 5-19-06.)

(20 ILCS 620/4) (from Ch. 67 1/2, par. 1004)

Sec. 4. Establishment of economic development project areas; ordinance; notice; hearing; changes in economic development plan. Economic development project areas shall be established as follows:

(a) The corporate authorities of a municipality shall by ordinance propose the establishment of an economic development project area and fix a time and place for a public hearing, and shall submit a certified copy of the ordinance as adopted to the Department.

(b) (1) Notice of the public hearing shall be given by publication and mailing. Notice by publication shall be given by publication at least twice, the first publication to be not more than 30 nor less than 10 days prior to the hearing in a newspaper of general circulation within the taxing districts having property in the proposed economic development project area. Notice by mailing shall be given by depositing such notice together with a copy of the proposed economic development plan in the United States mails by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the economic development project area. The notice shall be mailed not less than 10 days prior to the date set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding 3 years as the owners of such property.

(2) The notices issued pursuant to this Section shall include the following:

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- (A) The time and place of public hearing;
- (B) The boundaries of the proposed economic development project area by legal description and by street location where possible;
- (C) A notification that all interested persons will be given an opportunity to be heard at the public hearing;
- (D) An invitation for any person to submit alternative proposals or bids for any proposed conveyance, lease, mortgage or other disposition of land within the proposed economic development project area;
- (E) A description of the economic development plan or economic development project if a plan or project is a subject matter of the hearing; and
- (F) Such other matters as the municipality may deem appropriate.

(3) Not less than 30 days prior to the date set for hearing, the municipality shall give notice by mail as provided in this subsection (b) to all taxing districts, of which taxable property is included in the economic development project area, and to the Department. In addition to the other requirements under this subsection (b), the notice shall include an invitation to the Department and each taxing district to submit comments to the municipality concerning the subject matter of the hearing prior to the date of hearing.

(c) At the public hearing any interested person, the Department or any affected taxing district may file written objections with the municipal clerk and may be heard orally with respect to any issues embodied in the notice. The municipality shall hear and determine all alternate proposals or bids for any proposed conveyance, lease, mortgage or other disposition of land and all protests and objections at the hearing, and the hearing may be adjourned to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the adjourned hearing. Public hearings with regard to an economic development plan, economic development project area, or economic development project may be held simultaneously.

(d) At the public hearing or at any time prior to the adoption by the municipality of an ordinance approving an economic development plan, the municipality may make changes in the economic development plan. Changes which (1) alter the exterior boundaries of the proposed economic development project area, (2) substantially affect the general land uses established in the proposed economic development plan, (3) substantially change the nature of the proposed economic development project, (4) change the general description of any proposed developer, user or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved within the economic development project area shall be made only after notice and hearing pursuant to the procedures set forth in this Section. Changes which do not (1) alter the exterior boundaries of a proposed economic development project area, (2) substantially affect the general land uses established in the proposed economic development plan, (3) substantially change the nature of the proposed economic development project, (4) change the general description of any proposed developer, user or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved within the economic development project area may be made without further hearing, provided that the municipality shall give notice of its changes by mail to the Department and to each affected taxing district and by publication in a newspaper or newspapers of general circulation within the affected taxing districts. Such notice by mail and by publication shall each occur not later than 10 days following the adoption by ordinance of such changes.

(e) At any time within 30 days of the final adjournment of the public hearing, a municipality may, by ordinance, approve the economic development plan, establish the economic development project area, and authorize tax increment allocation financing for such economic development project area. Any ordinance adopted which approves an economic development plan shall contain findings that the developer or any of its successor entities and its subsidiaries ~~economic development project~~ shall create or retain not less than ~~4,250~~ ~~2,000~~ full-time equivalent jobs, that private investment in an amount not less than \$100,000,000 shall occur in the economic development project area, that the economic development project will encourage the increase of commerce and industry within the State, thereby reducing the evils attendant upon unemployment and increasing opportunities for personal income, and that the economic development project will increase or maintain the property, sales and income tax bases of the municipality and of the State. Any ordinance adopted which establishes an economic development project area shall contain the boundaries of such area by legal description and, where possible, by street location. Any ordinance adopted which authorizes tax increment allocation financing shall provide that the ad valorem taxes, if any, arising from the levies upon taxable real property in such economic development project area by taxing districts and tax rates determined in the manner provided in

subsection (b) of Section 6 of this Act each year after the effective date of the ordinance until economic development project costs and all municipal obligations financing economic development project costs incurred under this Act have been paid shall be divided as follows:

(1) That portion of taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the economic development project area shall be allocated to and when collected shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.

(2) That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the economic development project area over and above the initial equalized assessed value of each property in the economic development project area shall be allocated to and when collected shall be paid to the municipal treasurer who shall deposit such taxes into a special fund called the special tax allocation fund of the municipality for the purpose of paying economic development project costs and obligations incurred in the payment thereof.

(f) After a municipality has by ordinance approved an economic development plan and established an economic development project area, the plan may be amended and the boundaries of the area may be altered only as herein provided. Amendments which (1) alter the exterior boundaries of an economic development project area, (2) substantially affect the general land uses established pursuant to the economic development plan, (3) substantially change the nature of the economic development project, (4) change the general description of any proposed developer, user, or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved within the economic development project area, shall be made only after notice and hearing pursuant to the procedures set forth in this Section. Amendments which do not (1) alter the boundaries of the economic development project area, (2) substantially affect the general land uses established in the economic development plan, (3) substantially change the nature of the economic development project, (4) change the general description of any proposed developer, user, or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved within the economic development project area may be made without further hearing, provided that the municipality shall give notice of any amendment by mail to the Department and to each taxing district and by publication in a newspaper or newspapers of general circulation within the affected taxing districts. Such notice by mail and by publication shall each occur not later than 10 days following the adoption by ordinance of any amendments.

(g) Extension of economic development project area; allocations; payment of outstanding claims; changes in equalized assessed valuation.

(1) Notwithstanding anything to the contrary set forth in this Act, upon the effective date of this amendatory Act of the 97th General Assembly, the duration of any existing economic development plan created pursuant to this Act is extended to the duration permitted under this subsection, up to a maximum duration of 15 years.

(2) For the purposes of this Section, real estate taxes paid on property within the economic development project area during calendar year 2013 and remitted to the developer and the taxing districts in 2014 shall be the "base amount". Beginning with real estate taxes remitted in 2014, for any economic development plan extended by operation of item (1) of this subsection (g), until such time as all existing obligations, as that term is defined in item (5) of this subsection (g), have been satisfied, the allocation of the special tax allocation fund shall be as follows:

(A) All receipts up to the first \$350,000 shall be maintained by the municipality in an escrow account to be used solely for (i) expenses relating to the reports required by Section 4.7 of this Act and (ii) legal expenses incurred in defense of any civil action brought against the municipality relating to the economic development agreement. The escrow account shall be within the scope of the annual audit provided in Section 4.7 of this Act. Each December 31 following a deposit into the escrow account, any unobligated balance in the escrow account shall be distributed to the taxing districts in the same manner and proportion as the most recent distribution by the county collector to the taxing districts in the economic development project area.

(B) After the allocation required pursuant to paragraph (A) of this item (2), the next \$5,000,000 of the receipts shall be allocated to the municipality.

(C) After the allocations required pursuant to paragraphs (A) and (B) of this item (2), 55% of the

remaining receipts shall be allocated to the developer.

(D) After the allocations required pursuant to parts (A) and (B) of this item (2), 45% of the remaining receipts shall be allocated to the taxing districts located within the economic development project area, excluding the municipality.

(3) For real estate taxes paid in 2012 and remitted to the developer and the taxing districts in 2013 and prior years, the allocation formula contained in any economic development plan in effect immediately prior to the effective date of this amendatory Act of the 97th General Assembly shall apply.

(4) Beginning with real estate taxes paid in 2014 and remitted to the developer and the taxing districts in 2015 and each year thereafter, if the taxes paid within the economic development project area change from the base amount, the allocation of the special tax allocation fund shall be as follows:

(A) If the amount of current year taxes paid is less than the base amount, then the administrative escrow account shall receive the first \$350,000 of receipts, the municipality shall receive the next \$5,000,000 of receipts, the developer shall receive 55% of receipts over \$5,350,000, and the remaining 45% of receipts over \$5,350,000 shall be distributed to the taxing districts (excluding the municipality) in the same manner and proportion as the most recent distribution by the county collector to those taxing districts in the economic development project area.

(B) If the amount of current year taxes paid is greater than the base amount, then 75% of the increase in real estate tax receipts shall be payable to the developer and the remaining 25% of the increase in real estate tax receipts shall be distributed to the taxing districts (including the municipality) pursuant to the formula in this subsection.

(5) After (i) all existing obligations and interest thereon have been satisfied, (ii) any excess moneys have been distributed pursuant to this subsection, and (iii) final closing of the books and records of the economic development project area has occurred, the municipality shall adopt an ordinance dissolving the special tax allocation fund for the economic development project area and terminating the designation of the economic development project area as an economic development project area. All excess moneys in the special tax allocation fund shall be distributed to the taxing districts in the same manner and proportion as the most recent distribution by the county collector to those taxing districts in the economic development project area. For the purpose of this subsection (g), "existing obligations" means (i) the obligations of the developer that existed before the base year, as certified by a sworn affidavit of the principal financial officer of the developer attesting that the amounts set forth are true and correct, (ii) obligations of the municipality relating to the payment of the obligations of the developer, and (iii) any amounts payable by taxing districts to the developer for property taxes determined to have been overpaid, to the extent that those amounts payable have been carried forward as an interest bearing note due to the developer. All obligations of the developer due and payable shall be processed and paid in the order received, with the oldest notes to be processed and paid first. Beginning January 1, 2012, all outstanding interest bearing notes shall bear interest at the rate of 4% until paid.

(h) Beginning on the effective date of this amendatory Act of the 97th General Assembly, the taxing districts shall meet annually 180 days after the close of the municipal fiscal year, or as soon as the economic development project audit for that fiscal year becomes available, to review the effectiveness and status of the economic development project area up to that date.

(Source: P.A. 86-38.)

(20 ILCS 620/4.5 new)

Sec. 4.5. Recapture.

(a) In the event that the developer terminates all of its operations and vacates the redevelopment area within 60 months after the effective date of this amendatory Act of the 97th General Assembly, the developer shall be required to remit to the Department an amount equal to the payments disbursed to the developer in 2014 and subsequent years under the Agreement. Within 30 days after receipt, the Department shall remit such funds to the county collector. The county collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to those taxing districts of real property taxes from real property in the economic development project area.

(b) In the event the developer fails to maintain 4,250 jobs at any time before the termination of the economic development project area, the developer shall forfeit an amount of its allocations from the special tax allocation fund for that time period in which the developer failed to maintain 4,250 jobs. The amount forfeited shall equal the percentage of the year that the developer failed to maintain 4,250 multiplied by the amount the developer would have received if they maintained 4,250 jobs for the entire year. Any funds that are forfeited shall be distributed to the taxing districts in the same manner and proportion as the most recent distribution by the county collector to those taxing districts (inclusive of the municipality) in the economic development project area.

(20 ILCS 620/4.7 new)

Sec. 4.7. Municipal reports. After the effective date of this amendatory Act of the 97th General Assembly, a municipality shall submit in an electronic format all of the following information for each economic development project area (i) to the State Comptroller and (ii) to all taxing districts overlapping the economic development project area no later than 180 days after the close of each municipal fiscal year or as soon thereafter as the audited financial statements become available:

(1) Any amendments to the economic development plan or the economic development project area.
(2) Audited financial statements of the special tax allocation fund once a cumulative total of \$100,000 has been deposited into the fund.

(3) Certification of the Chief Executive Officer of the municipality that the municipality has complied with all of the requirements of this Act during the preceding fiscal year.

(4) An opinion of legal counsel that the municipality is in compliance with this Act.

(5) An analysis of the special tax allocation fund that sets forth:

(A) the balance in the special tax allocation fund at the beginning of the fiscal year;

(B) all amounts deposited in the special tax allocation fund by source;

(C) an itemized list of all expenditures from the special tax allocation fund by category of permissible economic development project cost; and

(D) the balance in the special tax allocation fund at the end of the fiscal year, including a breakdown of that balance by source and a breakdown of that balance identifying any portion of the balance that is required, pledged, earmarked, or otherwise designated for payment of or securing of obligations and anticipated economic development project costs; any portion of that ending balance that has not been identified or is not identified as being required, pledged, earmarked, or otherwise designated for payment of or securing of obligations or anticipated economic development projects costs shall be designated as surplus as set forth in Section 8 of this Act.

(6) A description of all property purchased by the municipality within the economic development project area including:

(A) street address;

(B) approximate size or description of property;

(C) purchase price; and

(D) the seller of the property.

(7) A statement setting forth all activities undertaken in furtherance of the objectives of the economic development plan, including:

(A) any project implemented in the preceding fiscal year;

(B) a description of the economic development activities undertaken;

(C) a description of any agreements entered into by the municipality with regard to the disposition or redevelopment of any property within the economic development project area;

(D) additional information on the use of all funds received under this Act and steps taken by the municipality to achieve the objectives of the economic development plan;

(E) information regarding contracts that the municipality's tax increment advisors or consultants have entered into with entities or persons that have received, or are receiving, payments financed by tax increment revenues produced by the same economic development project area; and

(F) a review of public and, to the extent possible, private investment actually undertaken on or after the effective date of this amendatory Act of the 97th General Assembly and prior to the date of the report and estimated to be undertaken during the following fiscal year; this review shall, on a project by project basis, set forth the estimated amounts of public and private investment incurred after the effective date of this amendatory Act of the 97th General Assembly and provide the ratio of private investment to public investment to the date of the report and as estimated to the completion of the economic development project.

(8) With regard to any obligations issued by the municipality:

(A) copies of any official statements; and

(B) an analysis prepared by financial advisor or underwriter setting forth: (i) the nature and term of those obligations; and (ii) projected debt service including required reserves and debt coverage.

(9) For special tax allocation funds that have experienced cumulative deposits of incremental tax revenues of \$100,000 or more, a certified audit report reviewing compliance with this Act performed by an independent public accountant certified and licensed by the authority of the State of Illinois. The financial portion of the audit must be conducted in accordance with Standards for Audits of Governmental Organizations, Programs, Activities, and Functions adopted by the Comptroller General of the United States (1981), as amended, or the standards specified by Section 8-8-5 of the Illinois Municipal Auditing Law of the Illinois Municipal Code. The audit report shall contain a letter from the

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independent certified public accountant indicating compliance or noncompliance with the requirements of subsection (e) of Section 3 of this Act.

(10) A list of all intergovernmental agreements in effect during the fiscal year to which the municipality is a party and an accounting of any moneys transferred or received by the municipality during that fiscal year pursuant to those intergovernmental agreements.

(20 ILCS 620/5) (from Ch. 67 1/2, par. 1005)

Sec. 5. Submission to Department; certification by Department; limitation on number of permissible economic development project areas. (a) The municipality shall submit certified copies of any ordinances adopted approving an economic development plan, establishing an economic development project area, and authorizing tax increment allocation financing for such economic development project area to the Department, together with (1) a map of the economic development project area, (2) a copy of the economic development plan as approved, (3) an analysis, and any supporting documents and statistics, demonstrating that the developer or any of its successor entities and its subsidiaries ~~economic development project~~ shall create or retain not less than ~~4,250~~ ~~2,000~~ full-time equivalent jobs and that private investment in the amount of not less than \$100,000,000 shall occur in the economic development project area, (4) an estimate of the economic impact of the economic development project and the use of tax increment allocation financing upon the revenues of the municipality and the affected taxing districts, (5) a record of all public hearings had in connection with the establishment of the economic development project area, and (6) such other information as the Department by regulation may require.

(b) Upon receipt of an application from a municipality the Department shall review the application to determine whether the economic development project area qualifies as an economic development project area under this Act. At its discretion, the Department may accept or reject the application or may request such additional information as it deems necessary or advisable to aid its review. If any such area is found to be qualified to be an economic development project area, the Department shall approve and certify such economic development project area and shall provide written notice of its approval and certification to the municipality and to the county clerk. In determining whether an economic development project area shall be approved and certified, the Department shall consider (1) whether, without public intervention, the State would suffer substantial economic dislocation, such as relocation of a commercial business or industrial or manufacturing facility to another state, territory or country, or would not otherwise benefit from private investment offering substantial employment opportunities and economic growth, and (2) the impact on the revenues of the municipality and the affected taxing districts of the use of tax increment allocation financing in connection with the economic development project.

(c) On or before the date which is 18 months following the date on which this Act becomes law, the Department shall submit to the General Assembly a report detailing the number of economic development project areas it has approved and certified, the number and type of jobs created or retained therein, the aggregate amount of private investment therein, the impact on the revenues of municipalities and affected taxing districts of the use of tax increment allocation financing therein, and such additional information as the Department may determine to be relevant. On or after the date which is 20 months following the date on which this Act becomes law the authority granted hereunder to municipalities to establish economic development project areas and to adopt tax increment allocation financing in connection therewith and to the Department to approve and certify economic development project areas shall expire unless the General Assembly shall have authorized municipalities and the Department to continue to exercise the powers granted to them hereunder.

(Source: P.A. 86-38.)

(20 ILCS 620/8) (from Ch. 67 1/2, par. 1008)

Sec. 8. Issuance of obligations for economic development project costs. Obligations secured by the special tax allocation fund provided for in Section 7 of this Act for an economic development project area may be issued to provide for economic development project costs. Those obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of the obligations by the receipts of taxes levied as specified in Section 6 of this Act against the taxable property included in the economic development project area and by other revenue designated or pledged by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 7 of this Act to the payment of the economic development project costs and obligations. Whenever a municipality pledges all of the funds to the credit of a special tax allocation fund to secure obligations issued or to be issued to pay economic development project costs, the municipality may specifically provide that funds remaining to the credit of such special tax allocation fund after the payment of such obligations shall be accounted for annually and shall be deemed to be "surplus" funds, and such "surplus" funds shall be distributed as hereinafter provided. Whenever a municipality pledges less than all of the monies to the credit of a

special tax allocation fund to secure obligations issued or to be issued to pay economic development project costs, the municipality shall provide that monies to the credit of the special tax allocation fund and not subject to such pledge or otherwise encumbered or required for payment of contractual obligations for specific economic development project costs shall be calculated annually and shall be deemed to be "surplus" funds, and such "surplus" funds shall be distributed as hereinafter provided. All funds to the credit of a special tax allocation fund which are deemed to be "surplus" funds shall be distributed annually within 180 days of the close of the municipality's fiscal year by being paid by the municipal treasurer to the county collector. The county collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to those taxing districts of real property taxes from real property in the economic development project area.

Without limiting the foregoing in this Section the municipality may, in addition to obligations secured by the special tax allocation fund, pledge for a period not greater than the term of the obligations towards payment of those obligations any part or any combination of the following: (i) net revenues of all or part of any economic development project; (ii) taxes levied and collected on any or all property in the municipality, including, specifically, taxes levied or imposed by the municipality in a special service area pursuant to "An Act to provide the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of home rule units and non-home rule municipalities and counties", approved September 21, 1973, as now or hereafter amended; (iii) the full faith and credit of the municipality; (iv) a mortgage on part or all of the economic development project; or (v) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance, which rate or rates may be variable or fixed, without regard to any limitations contained in any law now in effect or hereafter adopted. Such obligations shall bear such date or dates, mature at such time or times not exceeding ~~38 20~~ years from their respective dates, but in no event exceeding ~~38 22~~ years from the date of establishment of the economic development project area, be in such denomination, be in such form, whether coupon, registered or book-entry, carry such registration, conversion and exchange privileges, be executed in such manner, be payable in such medium of payment at such place or places within or without the State of Illinois, contain such covenants, terms and conditions, be subject to redemption with or without premium, be subject to defeasance upon such terms, and have such rank or priority, as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. Such obligations may, but need not, be issued utilizing the provisions of any one or more of the omnibus bond Acts specified in Section 1.33 of "An Act to revise the law in relation to the construction of the statutes", approved March 5, 1874, as now or hereafter amended. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Act except as provided in this Section.

Whenever a municipality issues bonds for the purpose of financing economic development project costs, the municipality may provide by ordinance for the appointment of a trustee, which may be any trust company within the State, and for the establishment of the funds or accounts to be maintained by such trustee as the municipality shall deem necessary to provide for the security and payment of the bonds. If the municipality provides for the appointment of a trustee, the trustee shall be considered the assignee of any payments assigned by the municipality pursuant to the ordinance and this Section. Any amounts paid to the trustee as assignee shall be deposited in the funds or accounts established pursuant to the trust agreement, and shall be held by the trustee in trust for the benefit of the holders of the bonds, and the holders shall have a lien on and a security interest in those bonds or accounts so long as the bonds remain outstanding and unpaid. Upon retirement of the bonds, the trustee shall pay over any excess amounts held to the municipality for deposit in the special tax allocation fund.

In the event the municipality authorizes the issuance of obligations pursuant to the authority of this Act secured by the full faith and credit of the municipality, or pledges ad valorem taxes pursuant to clause (ii) of the second paragraph of this Section, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution or which ad valorem taxes are other than ad valorem taxes which may be pledged under home rule powers provided by Article VII, Section 6 of the Illinois Constitution or which are levied in a special service area pursuant to "An Act to provide the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of home rule units and non-home rule municipalities and counties", approved September 21, 1973, as now or hereafter amended, the ordinance authorizing the issuance of those obligations or pledging those taxes shall be published within 10 days after the ordinance has been adopted, in one or more newspapers having a general circulation within the

municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of the obligations or pledging such ad valorem taxes to be submitted to the electors; (2) the time within which the petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 21 days after the publication of the ordinance, the ordinance shall be in effect. However, if within that 21 day period a petition is filed with the municipal clerk, signed by electors numbering not less than 15% of the number of electors voting for the mayor or president at the last general municipal election, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for economic development project costs, or of pledging such ad valorem taxes for the payment of those obligations, or both, be submitted to the electors of the municipality, the municipality shall not be authorized to issue obligations of the municipality using the full faith and credit of the municipality as security or pledging such ad valorem taxes for the payment of those obligations, or both, until the proposition has been submitted to and approved by a majority of the voters voting on the proposition at a regularly scheduled election. The municipality shall certify the proposition to the proper election authorities for submission in accordance with the general election law.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Act, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Act secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of those monies available to the county clerk.

A certified copy of the ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund, in whole or in part, obligations theretofore issued by the municipality under the authority of this Act, whether at or prior to maturity. However, the last maturity of the refunding obligations shall not be expressed to mature later than ~~38~~ 23 years from the date of the ordinance establishing the economic development project area.

In the event a municipality issues obligations under home rule powers or other legislative authority, the proceeds of which are pledged to pay for economic development project costs, the municipality may, if it has followed the procedures in conformance with this Act, retire those obligations from funds in the special tax allocation fund in amounts and in such manner as if those obligations had been issued pursuant to the provisions of this Act.

No obligations issued pursuant to this Act shall be regarded as indebtedness of the municipality issuing those obligations or any other taxing district for the purpose of any limitation imposed by law.

Obligations issued pursuant to this Act shall not be subject to the provisions of "An Act to authorize public corporations to issue bonds, other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set forth therein", approved May 26, 1970, as amended.

(Source: P.A. 86-38.)

(20 ILCS 620/9) (from Ch. 67 1/2, par. 1009)

Sec. 9. Powers of municipalities. In addition to powers which it may now have, any municipality has the power under this Act:

(a) To make and enter into all contracts necessary or incidental to the implementation and furtherance of an economic development plan.

(b) Within an economic development project area, to acquire by purchase, donation, lease or eminent domain, and to own, convey, lease, mortgage or dispose of land and other real or personal property or rights or interests therein; and to grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality determines is reasonably necessary to achieve the objectives of the economic development project. No conveyance, lease, mortgage, disposition of land or other property acquired by the municipality, or agreement relating to the development of property, shall be made or executed except pursuant to prior official action of the municipality. No conveyance, lease, mortgage or other disposition of land, and no agreement relating to the development of property, shall be made without making public disclosure of the terms and disposition of all bids and proposals submitted

to the municipality in connection therewith.

(c) To clear any area within an economic development project area by demolition or removal of any existing buildings, structures, fixtures, utilities or improvements, and to clear and grade land.

(d) To install, repair, construct, reconstruct or relocate public streets, public utilities, and other public site improvements within or without an economic development project area which are essential to the preparation of an economic development project area for use in accordance with an economic development plan.

(e) To renovate, rehabilitate, reconstruct, relocate, repair or remodel any existing buildings, improvements, and fixtures within an economic development project area.

(f) To construct, acquire, and operate public improvements, including but not limited to, publicly-owned buildings, structures, works, utilities or fixtures within any economic development project area, subject to the restrictions of item (5) of subsection (e) of Section 3 of this Act.

(g) To issue obligations as provided in this Act ~~provided.~~

(h) To fix, charge and collect fees, rents and charges for the use of any building, facility or property or any portion thereof owned or leased by the municipality within an economic development project area.

(i) To accept grants, guarantees, donations of property or labor, or any other thing of value for use in connection with an economic development project.

(j) To pay or cause to be paid economic development project costs. Any payments to be made by the municipality to developers or other nongovernmental persons for economic development project costs incurred by such developer or other nongovernmental person shall be made only pursuant to the prior official action of the municipality evidencing an intent to pay or cause to be paid such economic development project costs. A municipality is not required to obtain any right, title or interest in any real or personal property in order to pay economic development project costs associated with such property. The municipality shall adopt such accounting procedures as may be necessary to determine that such economic development project costs are properly paid.

(k) To exercise any and all other powers necessary to effectuate the purposes of this Act.

(l) To create a commission of not less than 5 or more than 15 persons to be appointed by the mayor or president of the municipality with the consent of the majority of the corporate authorities of the municipality. Members of a commission shall be appointed for initial terms of 1, 2, 3, 4, and 5 years, respectively, in such numbers as to provide that the terms of not more than 1/3 of all such members shall expire in any one year. Their successors shall be appointed for a term of 5 years. The commission, subject to approval of the corporate authorities, may exercise the powers enumerated in this Section. The commission shall also have the power to hold the public hearings required by this Act and make recommendations to the corporate authorities concerning the approval of economic development plans, the establishment of economic development project areas, and the adoption of tax increment allocation financing for economic development project areas.

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

(20 ILCS 620/11) (from Ch. 67 1/2, par. 1011)

Sec. 11. Payment of project costs; revenues from ~~governmental municipal~~ property. Revenues received by a ~~taxing district municipality~~ from any property, building or facility owned, leased or operated by the ~~taxing district municipality~~ or any agency or authority established by the ~~taxing district municipality~~ may be used to pay economic development project costs, or reduce outstanding obligations of the ~~taxing district municipality~~ incurred under this Act for economic development project costs. The ~~taxing district municipality~~ may place those revenues in the special tax allocation fund which shall be held by the ~~municipal~~ treasurer of the ~~taxing district~~ or other person designated by the ~~taxing district municipality~~. Revenue received by a ~~taxing district the municipality~~ from the sale or other disposition of real or personal property or rights or interests therein acquired by a ~~taxing district the municipality~~ with the proceeds of obligations funded by tax increment allocation financing may be used to acquire and operate other governmental property that is within the economic development project area or that provides services within the economic development project area, subject to the restrictions of item (5) of subsection (e) of Section 3 of this Act, shall be deposited by the municipality in the special tax allocation fund.

(Source: P.A. 86-38.)

Section 15-10. The Illinois Income Tax Act is amended by changing Sections 201, 204, 207, 212, 250, 304, 804, and 1501 as follows:

(35 ILCS 5/201) (from Ch. 120, par. 2-201)

Sec. 201. Tax Imposed.

(a) In general. A tax measured by net income is hereby imposed on every individual, corporation, trust

and estate for each taxable year ending after July 31, 1969 on the privilege of earning or receiving income in or as a resident of this State. Such tax shall be in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(b) Rates. The tax imposed by subsection (a) of this Section shall be determined as follows, except as adjusted by subsection (d-1):

(1) In the case of an individual, trust or estate, for taxable years ending prior to July 1, 1989, an amount equal to 2 1/2% of the taxpayer's net income for the taxable year.

(2) In the case of an individual, trust or estate, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 2 1/2% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 3% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(3) In the case of an individual, trust or estate, for taxable years beginning after June 30, 1989, and ending prior to January 1, 2011, an amount equal to 3% of the taxpayer's net income for the taxable year.

(4) In the case of an individual, trust, or estate, for taxable years beginning prior to January 1, 2011, and ending after December 31, 2010, an amount equal to the sum of (i) 3% of the taxpayer's net income for the period prior to January 1, 2011, as calculated under Section 202.5, and (ii) 5% of the taxpayer's net income for the period after December 31, 2010, as calculated under Section 202.5.

(5) In the case of an individual, trust, or estate, for taxable years beginning on or after January 1, 2011, and ending prior to January 1, 2015, an amount equal to 5% of the taxpayer's net income for the taxable year.

(5.1) In the case of an individual, trust, or estate, for taxable years beginning prior to January 1, 2015, and ending after December 31, 2014, an amount equal to the sum of (i) 5% of the taxpayer's net income for the period prior to January 1, 2015, as calculated under Section 202.5, and (ii) 3.75% of the taxpayer's net income for the period after December 31, 2014, as calculated under Section 202.5.

(5.2) In the case of an individual, trust, or estate, for taxable years beginning on or after January 1, 2015, and ending prior to January 1, 2025, an amount equal to 3.75% of the taxpayer's net income for the taxable year.

(5.3) In the case of an individual, trust, or estate, for taxable years beginning prior to January 1, 2025, and ending after December 31, 2024, an amount equal to the sum of (i) 3.75% of the taxpayer's net income for the period prior to January 1, 2025, as calculated under Section 202.5, and (ii) 3.25% of the taxpayer's net income for the period after December 31, 2024, as calculated under Section 202.5.

(5.4) In the case of an individual, trust, or estate, for taxable years beginning on or after January 1, 2025, an amount equal to 3.25% of the taxpayer's net income for the taxable year.

(6) In the case of a corporation, for taxable years ending prior to July 1, 1989, an amount equal to 4% of the taxpayer's net income for the taxable year.

(7) In the case of a corporation, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 4% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 4.8% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(8) In the case of a corporation, for taxable years beginning after June 30, 1989, and ending prior to January 1, 2011, an amount equal to 4.8% of the taxpayer's net income for the taxable year.

(9) In the case of a corporation, for taxable years beginning prior to January 1, 2011, and ending after December 31, 2010, an amount equal to the sum of (i) 4.8% of the taxpayer's net income for the period prior to January 1, 2011, as calculated under Section 202.5, and (ii) 7% of the taxpayer's net income for the period after December 31, 2010, as calculated under Section 202.5.

(10) In the case of a corporation, for taxable years beginning on or after January 1, 2011, and ending prior to January 1, 2015, an amount equal to 7% of the taxpayer's net income for the taxable year.

(11) In the case of a corporation, for taxable years beginning prior to January 1, 2015, and ending after December 31, 2014, an amount equal to the sum of (i) 7% of the taxpayer's net income for the period prior to January 1, 2015, as calculated under Section 202.5, and (ii) 5.25% of the taxpayer's net income for the period after December 31, 2014, as calculated under Section 202.5.

(12) In the case of a corporation, for taxable years beginning on or after January 1, 2015, and ending prior to January 1, 2025, an amount equal to 5.25% of the taxpayer's net income for

the taxable year.

(13) In the case of a corporation, for taxable years beginning prior to January 1, 2025, and ending after December 31, 2024, an amount equal to the sum of (i) 5.25% of the taxpayer's net income for the period prior to January 1, 2025, as calculated under Section 202.5, and (ii) 4.8% of the taxpayer's net income for the period after December 31, 2024, as calculated under Section 202.5.

(14) In the case of a corporation, for taxable years beginning on or after January 1, 2025, an amount equal to 4.8% of the taxpayer's net income for the taxable year.

The rates under this subsection (b) are subject to the provisions of Section 201.5.

(c) Personal Property Tax Replacement Income Tax. Beginning on July 1, 1979 and thereafter, in addition to such income tax, there is also hereby imposed the Personal Property Tax Replacement Income Tax measured by net income on every corporation (including Subchapter S corporations), partnership and trust, for each taxable year ending after June 30, 1979. Such taxes are imposed on the privilege of earning or receiving income in or as a resident of this State. The Personal Property Tax Replacement Income Tax shall be in addition to the income tax imposed by subsections (a) and (b) of this Section and in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(d) Additional Personal Property Tax Replacement Income Tax Rates. The personal property tax replacement income tax imposed by this subsection and subsection (c) of this Section in the case of a corporation, other than a Subchapter S corporation and except as adjusted by subsection (d-1), shall be an additional amount equal to 2.85% of such taxpayer's net income for the taxable year, except that beginning on January 1, 1981, and thereafter, the rate of 2.85% specified in this subsection shall be reduced to 2.5%, and in the case of a partnership, trust or a Subchapter S corporation shall be an additional amount equal to 1.5% of such taxpayer's net income for the taxable year.

(d-1) Rate reduction for certain foreign insurers. In the case of a foreign insurer, as defined by Section 35A-5 of the Illinois Insurance Code, whose state or country of domicile imposes on insurers domiciled in Illinois a retaliatory tax (excluding any insurer whose premiums from reinsurance assumed are 50% or more of its total insurance premiums as determined under paragraph (2) of subsection (b) of Section 304, except that for purposes of this determination premiums from reinsurance do not include premiums from inter-affiliate reinsurance arrangements), beginning with taxable years ending on or after December 31, 1999, the sum of the rates of tax imposed by subsections (b) and (d) shall be reduced (but not increased) to the rate at which the total amount of tax imposed under this Act, net of all credits allowed under this Act, shall equal (i) the total amount of tax that would be imposed on the foreign insurer's net income allocable to Illinois for the taxable year by such foreign insurer's state or country of domicile if that net income were subject to all income taxes and taxes measured by net income imposed by such foreign insurer's state or country of domicile, net of all credits allowed or (ii) a rate of zero if no such tax is imposed on such income by the foreign insurer's state of domicile. For the purposes of this subsection (d-1), an inter-affiliate includes a mutual insurer under common management.

(1) For the purposes of subsection (d-1), in no event shall the sum of the rates of tax imposed by subsections (b) and (d) be reduced below the rate at which the sum of:

(A) the total amount of tax imposed on such foreign insurer under this Act for a taxable year, net of all credits allowed under this Act, plus

(B) the privilege tax imposed by Section 409 of the Illinois Insurance Code, the fire insurance company tax imposed by Section 12 of the Fire Investigation Act, and the fire department taxes imposed under Section 11-10-1 of the Illinois Municipal Code, equals 1.25% for taxable years ending prior to December 31, 2003, or 1.75% for taxable years ending on or after December 31, 2003, of the net taxable premiums written for the taxable year, as described by subsection (1) of Section 409 of the Illinois Insurance Code. This paragraph will in no event increase the rates imposed under subsections (b) and (d).

(2) Any reduction in the rates of tax imposed by this subsection shall be applied first against the rates imposed by subsection (b) and only after the tax imposed by subsection (a) net of all credits allowed under this Section other than the credit allowed under subsection (i) has been reduced to zero, against the rates imposed by subsection (d).

This subsection (d-1) is exempt from the provisions of Section 250.

(e) Investment credit. A taxpayer shall be allowed a credit against the Personal Property Tax Replacement Income Tax for investment in qualified property.

(1) A taxpayer shall be allowed a credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1984. There shall be allowed an additional credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July

1, 1986, and the taxpayer's base employment within Illinois has increased by 1% or more over the preceding year as determined by the taxpayer's employment records filed with the Illinois Department of Employment Security. Taxpayers who are new to Illinois shall be deemed to have met the 1% growth in base employment for the first year in which they file employment records with the Illinois Department of Employment Security. The provisions added to this Section by Public Act 85-1200 (and restored by Public Act 87-895) shall be construed as declaratory of existing law and not as a new enactment. If, in any year, the increase in base employment within Illinois over the preceding year is less than 1%, the additional credit shall be limited to that percentage times a fraction, the numerator of which is .5% and the denominator of which is 1%, but shall not exceed .5%. The investment credit shall not be allowed to the extent that it would reduce a taxpayer's liability in any tax year below zero, nor may any credit for qualified property be allowed for any year other than the year in which the property was placed in service in Illinois. For tax years ending on or after December 31, 1987, and on or before December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years if the taxpayer (i) makes investments which cause the creation of a minimum of 2,000 full-time equivalent jobs in Illinois, (ii) is located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act and (iii) is certified by the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) as complying with the requirements specified in clause (i) and (ii) by July 1, 1986. The Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) shall notify the Department of Revenue of all such certifications immediately. For tax years ending after December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

(2) The term "qualified property" means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings and signs that are real property, but not including land or improvements to real property that are not a structural component of a building such as landscaping, sewer lines, local access roads, fencing, parking lots, and other appurtenances;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (e);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;

(D) is used in Illinois by a taxpayer who is primarily engaged in manufacturing, or in mining coal or fluorite, or in retailing, or was placed in service on or after July 1, 2006 in a River Edge Redevelopment Zone established pursuant to the River Edge Redevelopment Zone Act; and

(E) has not previously been used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (e) or subsection (f).

(3) For purposes of this subsection (e), "manufacturing" means the material staging and production of tangible personal property by procedures commonly regarded as manufacturing, processing, fabrication, or assembling which changes some existing material into new shapes, new qualities, or new combinations. For purposes of this subsection (e) the term "mining" shall have the same meaning as the term "mining" in Section 613(c) of the Internal Revenue Code. For purposes of this subsection (e), the term "retailing" means the sale of tangible personal property for use or consumption and not for resale, or services rendered in conjunction with the sale of tangible personal property for use or consumption and not for resale. For purposes of this subsection (e), "tangible personal property" has the same meaning as when that term is used in the Retailers' Occupation Tax Act, and, for taxable years ending after December 31, 2008, does not include the generation, transmission, or distribution of electricity.

(4) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(5) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in Illinois by the taxpayer, the amount of such increase

shall be deemed property placed in service on the date of such increase in basis.

(6) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(7) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the Personal Property Tax Replacement Income Tax for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation and, (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (7), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(8) Unless the investment credit is extended by law, the basis of qualified property shall not include costs incurred after December 31, ~~2018~~ ~~2013~~, except for costs incurred pursuant to a binding contract entered into on or before December 31, ~~2018~~ ~~2013~~.

(9) Each taxable year ending before December 31, 2000, a partnership may elect to pass through to its partners the credits to which the partnership is entitled under this subsection (e) for the taxable year. A partner may use the credit allocated to him or her under this paragraph only against the tax imposed in subsections (c) and (d) of this Section. If the partnership makes that election, those credits shall be allocated among the partners in the partnership in accordance with the rules set forth in Section 704(b) of the Internal Revenue Code, and the rules promulgated under that Section, and the allocated amount of the credits shall be allowed to the partners for that taxable year. The partnership shall make this election on its Personal Property Tax Replacement Income Tax return for that taxable year. The election to pass through the credits shall be irrevocable.

For taxable years ending on or after December 31, 2000, a partner that qualifies its partnership for a subtraction under subparagraph (I) of paragraph (2) of subsection (d) of Section 203 or a shareholder that qualifies a Subchapter S corporation for a subtraction under subparagraph (S) of paragraph (2) of subsection (b) of Section 203 shall be allowed a credit under this subsection (e) equal to its share of the credit earned under this subsection (e) during the taxable year by the partnership or Subchapter S corporation, determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. This paragraph is exempt from the provisions of Section 250.

(f) Investment credit; Enterprise Zone; River Edge Redevelopment Zone.

(1) A taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service in an Enterprise Zone created pursuant to the Illinois Enterprise Zone Act or, for property placed in service on or after July 1, 2006, a River Edge Redevelopment Zone established pursuant to the River Edge Redevelopment Zone Act. For partners, shareholders of Subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (f) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. The credit shall be .5% of the basis for such property. The credit shall be available only in the taxable year in which the property is placed in service in the Enterprise Zone or River Edge Redevelopment Zone and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1985, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

(2) The term qualified property means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (f);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;

(D) is used in the Enterprise Zone or River Edge Redevelopment Zone by the taxpayer; and

(E) has not been previously used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (f) or subsection (e).

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in the Enterprise Zone or River Edge Redevelopment Zone by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside the Enterprise Zone or River Edge Redevelopment Zone within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(7) There shall be allowed an additional credit equal to 0.5% of the basis of qualified property placed in service during the taxable year in a River Edge Redevelopment Zone, provided such property is placed in service on or after July 1, 2006, and the taxpayer's base employment within Illinois has increased by 1% or more over the preceding year as determined by the taxpayer's employment records filed with the Illinois Department of Employment Security. Taxpayers who are new to Illinois shall be deemed to have met the 1% growth in base employment for the first year in which they file employment records with the Illinois Department of Employment Security. If, in any year, the increase in base employment within Illinois over the preceding year is less than 1%, the additional credit shall be limited to that percentage times a fraction, the numerator of which is 0.5% and the denominator of which is 1%, but shall not exceed 0.5%.

(g) Jobs Tax Credit; Enterprise Zone, River Edge Redevelopment Zone, and Foreign Trade Zone or Sub-Zone.

(1) A taxpayer conducting a trade or business in an enterprise zone or a High Impact Business designated by the Department of Commerce and Economic Opportunity or for taxable years ending on or after December 31, 2006, in a River Edge Redevelopment Zone conducting a trade or business in a federally designated Foreign Trade Zone or Sub-Zone shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section in the amount of \$500 per eligible employee hired to work in the zone during the taxable year.

(2) To qualify for the credit:

(A) the taxpayer must hire 5 or more eligible employees to work in an enterprise zone, River Edge Redevelopment Zone, or federally designated Foreign Trade Zone or Sub-Zone during the taxable year;

(B) the taxpayer's total employment within the enterprise zone, River Edge Redevelopment Zone, or federally designated Foreign Trade Zone or Sub-Zone must increase by 5 or more full-time employees beyond the total employed in that zone at the end of the previous tax year for which a jobs tax credit under this Section was taken, or beyond the total employed by the taxpayer as of December 31, 1985, whichever is later; and

(C) the eligible employees must be employed 180 consecutive days in order to be deemed hired for purposes of this subsection.

(3) An "eligible employee" means an employee who is:

(A) Certified by the Department of Commerce and Economic Opportunity as "eligible for services" pursuant to regulations promulgated in accordance with Title II of the Job Training Partnership Act, Training Services for the Disadvantaged or Title III of the Job Training Partnership Act, Employment and Training Assistance for Dislocated Workers Program.

(B) Hired after the enterprise zone, River Edge Redevelopment Zone, or federally

designated Foreign Trade Zone or Sub-Zone was designated or the trade or business was located in that zone, whichever is later.

(C) Employed in the enterprise zone, River Edge Redevelopment Zone, or Foreign Trade Zone or Sub-Zone. An employee is employed in an enterprise zone or federally designated Foreign Trade Zone or Sub-Zone if his services are rendered there or it is the base of operations for the services performed.

(D) A full-time employee working 30 or more hours per week.

(4) For tax years ending on or after December 31, 1985 and prior to December 31, 1988, the credit shall be allowed for the tax year in which the eligible employees are hired. For tax years ending on or after December 31, 1988, the credit shall be allowed for the tax year immediately following the tax year in which the eligible employees are hired. If the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

(5) The Department of Revenue shall promulgate such rules and regulations as may be deemed necessary to carry out the purposes of this subsection (g).

(6) The credit shall be available for eligible employees hired on or after January 1, 1986.

(h) Investment credit; High Impact Business.

(1) Subject to subsections (b) and (b-5) of Section 5.5 of the Illinois Enterprise Zone Act, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service by a Department of Commerce and Economic Opportunity designated High Impact Business. The credit shall be .5% of the basis for such property. The credit shall not be available (i) until the minimum investments in qualified property set forth in subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act have been satisfied or (ii) until the time authorized in subsection (b-5) of the Illinois Enterprise Zone Act for entities designated as High Impact Businesses under subdivisions (a)(3)(B), (a)(3)(C), and (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone Act, and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. The credit applicable to such investments shall be taken in the taxable year in which such investments have been completed. The credit for additional investments beyond the minimum investment by a designated high impact business authorized under subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act shall be available only in the taxable year in which the property is placed in service and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1987, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

Changes made in this subdivision (h)(1) by Public Act 88-670 restore changes made by Public Act 85-1182 and reflect existing law.

(2) The term qualified property means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (h);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code; and

(D) is not eligible for the Enterprise Zone Investment Credit provided by subsection (f) of this Section.

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in a federally designated Foreign Trade Zone or Sub-Zone

located in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year ending on or before December 31, 1996, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(7) Beginning with tax years ending after December 31, 1996, if a taxpayer qualifies for the credit under this subsection (h) and thereby is granted a tax abatement and the taxpayer relocates its entire facility in violation of the explicit terms and length of the contract under Section 18-183 of the Property Tax Code, the tax imposed under subsections (a) and (b) of this Section shall be increased for the taxable year in which the taxpayer relocated its facility by an amount equal to the amount of credit received by the taxpayer under this subsection (h).

(i) Credit for Personal Property Tax Replacement Income Tax. For tax years ending prior to December 31, 2003, a credit shall be allowed against the tax imposed by subsections (a) and (b) of this Section for the tax imposed by subsections (c) and (d) of this Section. This credit shall be computed by multiplying the tax imposed by subsections (c) and (d) of this Section by a fraction, the numerator of which is base income allocable to Illinois and the denominator of which is Illinois base income, and further multiplying the product by the tax rate imposed by subsections (a) and (b) of this Section.

Any credit earned on or after December 31, 1986 under this subsection which is unused in the year the credit is computed because it exceeds the tax liability imposed by subsections (a) and (b) for that year (whether it exceeds the original liability or the liability as later amended) may be carried forward and applied to the tax liability imposed by subsections (a) and (b) of the 5 taxable years following the excess credit year, provided that no credit may be carried forward to any year ending on or after December 31, 2003. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first.

If, during any taxable year ending on or after December 31, 1986, the tax imposed by subsections (c) and (d) of this Section for which a taxpayer has claimed a credit under this subsection (i) is reduced, the amount of credit for such tax shall also be reduced. Such reduction shall be determined by recomputing the credit to take into account the reduced tax imposed by subsections (c) and (d). If any portion of the reduced amount of credit has been carried to a different taxable year, an amended return shall be filed for such taxable year to reduce the amount of credit claimed.

(j) Training expense credit. Beginning with tax years ending on or after December 31, 1986 and prior to December 31, 2003, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) under this Section for all amounts paid or accrued, on behalf of all persons employed by the taxpayer in Illinois or Illinois residents employed outside of Illinois by a taxpayer, for educational or vocational training in semi-technical or technical fields or semi-skilled or skilled fields, which were deducted from gross income in the computation of taxable income. The credit against the tax imposed by subsections (a) and (b) shall be 1.6% of such training expenses. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (j) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

Any credit allowed under this subsection which is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first computed until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first. No carryforward credit may be claimed in any tax year ending on or after December 31, 2003.

(k) Research and development credit.

For tax years ending after July 1, 1990 and prior to December 31, 2003, and beginning again for tax

years ending on or after December 31, 2004, and ending prior to ~~January 1, 2016~~ ~~January 1, 2011~~, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for increasing research activities in this State. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 6 1/2% of the qualifying expenditures for increasing research activities in this State. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

For purposes of this subsection, "qualifying expenditures" means the qualifying expenditures as defined for the federal credit for increasing research activities which would be allowable under Section 41 of the Internal Revenue Code and which are conducted in this State, "qualifying expenditures for increasing research activities in this State" means the excess of qualifying expenditures for the taxable year in which incurred over qualifying expenditures for the base period, "qualifying expenditures for the base period" means the average of the qualifying expenditures for each year in the base period, and "base period" means the 3 taxable years immediately preceding the taxable year for which the determination is being made.

Any credit in excess of the tax liability for the taxable year may be carried forward. A taxpayer may elect to have the unused credit shown on its final completed return carried over as a credit against the tax liability for the following 5 taxable years or until it has been fully used, whichever occurs first; provided that no credit earned in a tax year ending prior to December 31, 2003 may be carried forward to any year ending on or after December 31, 2003, ~~and no credit may be carried forward to any taxable year ending on or after January 1, 2011.~~

If an unused credit is carried forward to a given year from 2 or more earlier years, that credit arising in the earliest year will be applied first against the tax liability for the given year. If a tax liability for the given year still remains, the credit from the next earliest year will then be applied, and so on, until all credits have been used or no tax liability for the given year remains. Any remaining unused credit or credits then will be carried forward to the next following year in which a tax liability is incurred, except that no credit can be carried forward to a year which is more than 5 years after the year in which the expense for which the credit is given was incurred.

No inference shall be drawn from this amendatory Act of the 91st General Assembly in construing this Section for taxable years beginning before January 1, 1999.

(l) Environmental Remediation Tax Credit.

(i) For tax years ending after December 31, 1997 and on or before December 31, 2001, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for certain amounts paid for unreimbursed eligible remediation costs, as specified in this subsection. For purposes of this Section, "unreimbursed eligible remediation costs" means costs approved by the Illinois Environmental Protection Agency ("Agency") under Section 58.14 of the Environmental Protection Act that were paid in performing environmental remediation at a site for which a No Further Remediation Letter was issued by the Agency and recorded under Section 58.10 of the Environmental Protection Act. The credit must be claimed for the taxable year in which Agency approval of the eligible remediation costs is granted. The credit is not available to any taxpayer if the taxpayer or any related party caused or contributed to, in any material respect, a release of regulated substances on, in, or under the site that was identified and addressed by the remedial action pursuant to the Site Remediation Program of the Environmental Protection Act. After the Pollution Control Board rules are adopted pursuant to the Illinois Administrative Procedure Act for the administration and enforcement of Section 58.9 of the Environmental Protection Act, determinations as to credit availability for purposes of this Section shall be made consistent with those rules. For purposes of this Section, "taxpayer" includes a person whose tax attributes the taxpayer has succeeded to under Section 381 of the Internal Revenue Code and "related party" includes the persons disallowed a deduction for losses by paragraphs (b), (c), and (f)(1) of Section 267 of the Internal Revenue Code by virtue of being a related taxpayer, as well as any of its partners. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 25% of the unreimbursed eligible remediation costs in excess of \$100,000 per site, except that the \$100,000 threshold shall not apply to any site contained in an enterprise zone as determined by the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity). The total credit allowed shall not exceed \$40,000 per year with a maximum total of \$150,000 per site. For partners and shareholders of subchapter S corporations, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and

704 and subchapter S of the Internal Revenue Code.

(ii) A credit allowed under this subsection that is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first earned until it is used. The term "unused credit" does not include any amounts of unreimbursed eligible remediation costs in excess of the maximum credit per site authorized under paragraph (i). This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability, the earliest credit arising under this subsection shall be applied first. A credit allowed under this subsection may be sold to a buyer as part of a sale of all or part of the remediation site for which the credit was granted. The purchaser of a remediation site and the tax credit shall succeed to the unused credit and remaining carry-forward period of the seller. To perfect the transfer, the assignor shall record the transfer in the chain of title for the site and provide written notice to the Director of the Illinois Department of Revenue of the assignor's intent to sell the remediation site and the amount of the tax credit to be transferred as a portion of the sale. In no event may a credit be transferred to any taxpayer if the taxpayer or a related party would not be eligible under the provisions of subsection (i).

(iii) For purposes of this Section, the term "site" shall have the same meaning as under Section 58.2 of the Environmental Protection Act.

(m) Education expense credit. Beginning with tax years ending after December 31, 1999, a taxpayer who is the custodian of one or more qualifying pupils shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for qualified education expenses incurred on behalf of the qualifying pupils. The credit shall be equal to 25% of qualified education expenses, but in no event may the total credit under this subsection claimed by a family that is the custodian of qualifying pupils exceed \$500. In no event shall a credit under this subsection reduce the taxpayer's liability under this Act to less than zero. This subsection is exempt from the provisions of Section 250 of this Act.

For purposes of this subsection:

"Qualifying pupils" means individuals who (i) are residents of the State of Illinois, (ii) are under the age of 21 at the close of the school year for which a credit is sought, and (iii) during the school year for which a credit is sought were full-time pupils enrolled in a kindergarten through twelfth grade education program at any school, as defined in this subsection.

"Qualified education expense" means the amount incurred on behalf of a qualifying pupil in excess of \$250 for tuition, book fees, and lab fees at the school in which the pupil is enrolled during the regular school year.

"School" means any public or nonpublic elementary or secondary school in Illinois that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of the School Code, except that nothing shall be construed to require a child to attend any particular public or nonpublic school to qualify for the credit under this Section.

"Custodian" means, with respect to qualifying pupils, an Illinois resident who is a parent, the parents, a legal guardian, or the legal guardians of the qualifying pupils.

(n) River Edge Redevelopment Zone site remediation tax credit.

(i) For tax years ending on or after December 31, 2006, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for certain amounts paid for unreimbursed eligible remediation costs, as specified in this subsection. For purposes of this Section, "unreimbursed eligible remediation costs" means costs approved by the Illinois Environmental Protection Agency ("Agency") under Section 58.14a of the Environmental Protection Act that were paid in performing environmental remediation at a site within a River Edge Redevelopment Zone for which a No Further Remediation Letter was issued by the Agency and recorded under Section 58.10 of the Environmental Protection Act. The credit must be claimed for the taxable year in which Agency approval of the eligible remediation costs is granted. The credit is not available to any taxpayer if the taxpayer or any related party caused or contributed to, in any material respect, a release of regulated substances on, in, or under the site that was identified and addressed by the remedial action pursuant to the Site Remediation Program of the Environmental Protection Act. Determinations as to credit availability for purposes of this Section shall be made consistent with rules adopted by the Pollution Control Board pursuant to the Illinois Administrative Procedure Act for the administration and enforcement of Section 58.9 of the Environmental Protection Act. For purposes of this Section, "taxpayer" includes a person whose tax attributes the taxpayer has succeeded to under Section 381 of the Internal Revenue Code and "related party" includes the persons disallowed a deduction for losses by paragraphs (b), (c), and (f)(1) of Section 267 of the Internal Revenue Code by virtue of being a related taxpayer, as well as any of its partners. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 25% of the unreimbursed eligible remediation costs in excess

of \$100,000 per site.

(ii) A credit allowed under this subsection that is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first earned until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability, the earliest credit arising under this subsection shall be applied first. A credit allowed under this subsection may be sold to a buyer as part of a sale of all or part of the remediation site for which the credit was granted. The purchaser of a remediation site and the tax credit shall succeed to the unused credit and remaining carry-forward period of the seller. To perfect the transfer, the assignor shall record the transfer in the chain of title for the site and provide written notice to the Director of the Illinois Department of Revenue of the assignor's intent to sell the remediation site and the amount of the tax credit to be transferred as a portion of the sale. In no event may a credit be transferred to any taxpayer if the taxpayer or a related party would not be eligible under the provisions of subsection (i).

(iii) For purposes of this Section, the term "site" shall have the same meaning as under Section 58.2 of the Environmental Protection Act.

(Source: P.A. 96-115, eff. 7-31-09; 96-116, eff. 7-31-09; 96-937, eff. 6-23-10; 96-1000, eff. 7-2-10; 96-1496, eff. 1-13-11; 97-2, eff. 5-6-11.)

(35 ILCS 5/204) (from Ch. 120, par. 2-204)
Sec. 204. Standard Exemption.

(a) Allowance of exemption. In computing net income under this Act, there shall be allowed as an exemption the sum of the amounts determined under subsections (b), (c) and (d), multiplied by a fraction the numerator of which is the amount of the taxpayer's base income allocable to this State for the taxable year and the denominator of which is the taxpayer's total base income for the taxable year.

(b) Basic amount. For the purpose of subsection (a) of this Section, except as provided by subsection (a) of Section 205 and in this subsection, each taxpayer shall be allowed a basic amount of \$1000, except that for corporations the basic amount shall be zero for tax years ending on or after December 31, 2003, and for individuals the basic amount shall be:

(1) for taxable years ending on or after December 31, 1998 and prior to December 31, 1999, \$1,300;

(2) for taxable years ending on or after December 31, 1999 and prior to December 31, 2000, \$1,650;

(3) for taxable years ending on or after December 31, 2000 and prior to December 31, 2012, \$2,000; -

(4) for taxable years ending on or after December 31, 2012 and prior to December 31, 2013, \$2,050;

(5) for taxable years ending on or after December 31, 2013, \$2,050 plus the cost-of-living adjustment under subsection (d-5).

For taxable years ending on or after December 31, 1992, a taxpayer whose Illinois base income exceeds the basic amount and who is claimed as a dependent on another person's tax return under the Internal Revenue Code shall not be allowed any basic amount under this subsection.

(c) Additional amount for individuals. In the case of an individual taxpayer, there shall be allowed for the purpose of subsection (a), in addition to the basic amount provided by subsection (b), an additional exemption equal to the basic amount for each exemption in excess of one allowable to such individual taxpayer for the taxable year under Section 151 of the Internal Revenue Code.

(d) Additional exemptions for an individual taxpayer and his or her spouse. In the case of an individual taxpayer and his or her spouse, he or she shall each be allowed additional exemptions as follows:

(1) Additional exemption for taxpayer or spouse 65 years of age or older.

(A) For taxpayer. An additional exemption of \$1,000 for the taxpayer if he or she has attained the age of 65 before the end of the taxable year.

(B) For spouse when a joint return is not filed. An additional exemption of \$1,000 for the spouse of the taxpayer if a joint return is not made by the taxpayer and his spouse, and if the spouse has attained the age of 65 before the end of such taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(2) Additional exemption for blindness of taxpayer or spouse.

(A) For taxpayer. An additional exemption of \$1,000 for the taxpayer if he or she is blind at the end of the taxable year.

(B) For spouse when a joint return is not filed. An additional exemption of \$1,000

for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. For purposes of this paragraph, the determination of whether the spouse is blind shall be made as of the end of the taxable year of the taxpayer; except that if the spouse dies during such taxable year such determination shall be made as of the time of such death.

(C) Blindness defined. For purposes of this subsection, an individual is blind only if his or her central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if his or her visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual fields subtends an angle no greater than 20 degrees.

(d-5) Cost-of-living adjustment. For purposes of item (5) of subsection (b), the cost-of-living adjustment for any calendar year and for taxable years ending prior to the end of the subsequent calendar year is equal to \$2,050 times the percentage (if any) by which:

(1) the Consumer Price Index for the preceding calendar year, exceeds

(2) the Consumer Price Index for the calendar year 2011.

The Consumer Price Index for any calendar year is the average of the Consumer Price Index as of the close of the 12-month period ending on August 31 of that calendar year.

The term "Consumer Price Index" means the last Consumer Price Index for All Urban Consumers published by the United States Department of Labor or any successor agency.

If any cost-of-living adjustment is not a multiple of \$25, that adjustment shall be rounded to the next lowest multiple of \$25.

(e) Cross reference. See Article 3 for the manner of determining base income allocable to this State.

(f) Application of Section 250. Section 250 does not apply to the amendments to this Section made by Public Act 90-613.

(Source: P.A. 97-507, eff. 8-23-11.)

(35 ILCS 5/207) (from Ch. 120, par. 2-207)

Sec. 207. Net Losses.

(a) If after applying all of the (i) modifications provided for in paragraph (2) of Section 203(b), paragraph (2) of Section 203(c) and paragraph (2) of Section 203(d) and (ii) the allocation and apportionment provisions of Article 3 of this Act and subsection (c) of this Section, the taxpayer's net income results in a loss;

(1) for any taxable year ending prior to December 31, 1999, such loss shall be allowed as a carryover or carryback deduction in the manner allowed under Section 172 of the Internal Revenue Code;

(2) for any taxable year ending on or after December 31, 1999 and prior to December 31, 2003, such loss shall be allowed as a carryback to each of the 2 taxable years preceding the taxable year of such loss and shall be a net operating loss carryover to each of the 20 taxable years following the taxable year of such loss; and

(3) for any taxable year ending on or after December 31, 2003, such loss shall be allowed as a net operating loss carryover to each of the 12 taxable years following the taxable year of such loss, except as provided in subsection (d).

(a-5) Election to relinquish carryback and order of application of losses.

(A) For losses incurred in tax years ending prior to December 31, 2003, the taxpayer may elect to relinquish the entire carryback period with respect to such loss. Such election shall be made in the form and manner prescribed by the Department and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year in which such loss is incurred, and such election, once made, shall be irrevocable.

(B) The entire amount of such loss shall be carried to the earliest taxable year to which such loss may be carried. The amount of such loss which shall be carried to each of the other taxable years shall be the excess, if any, of the amount of such loss over the sum of the deductions for carryback or carryover of such loss allowable for each of the prior taxable years to which such loss may be carried.

(b) Any loss determined under subsection (a) of this Section must be carried back or carried forward in the same manner for purposes of subsections (a) and (b) of Section 201 of this Act as for purposes of subsections (c) and (d) of Section 201 of this Act.

(c) Notwithstanding any other provision of this Act, for each taxable year ending on or after December 31, 2008, for purposes of computing the loss for the taxable year under subsection (a) of this Section and the deduction taken into account for the taxable year for a net operating loss carryover under

paragraphs (1), (2), and (3) of subsection (a) of this Section, the loss and net operating loss carryover shall be reduced in an amount equal to the reduction to the net operating loss and net operating loss carryover to the taxable year, respectively, required under Section 108(b)(2)(A) of the Internal Revenue Code, multiplied by a fraction, the numerator of which is the amount of discharge of indebtedness income that is excluded from gross income for the taxable year (but only if the taxable year ends on or after December 31, 2008) under Section 108(a) of the Internal Revenue Code and that would have been allocated and apportioned to this State under Article 3 of this Act but for that exclusion, and the denominator of which is the total amount of discharge of indebtedness income excluded from gross income under Section 108(a) of the Internal Revenue Code for the taxable year. The reduction required under this subsection (c) shall be made after the determination of Illinois net income for the taxable year in which the indebtedness is discharged.

(d) In the case of a corporation (other than a Subchapter S corporation), no carryover deduction shall be allowed under this Section for any taxable year ending after December 31, 2010 and prior to December 31, 2012, and no carryover deduction shall exceed \$100,000 for any taxable year ending on or after December 31, 2012 and prior to December 31, 2014; provided that, for purposes of determining the taxable years to which a net loss may be carried under subsection (a) of this Section, no taxable year for which a deduction is disallowed under this subsection, or for which the deduction would exceed \$100,000 if not for this subsection, shall be counted.

(e) In the case of a residual interest holder in a real estate mortgage investment conduit subject to Section 860E of the Internal Revenue Code, the net loss in subsection (a) shall be equal to:

(1) the amount computed under subsection (a), without regard to this subsection (e), or if that amount is positive, zero;

(2) minus an amount equal to the amount computed under subsection (a), without regard to this subsection (e), minus the amount that would be computed under subsection (a) if the taxpayer's federal taxable income were computed without regard to Section 860E of the Internal Revenue Code and without regard to this subsection (e).

The modification in this subsection (e) is exempt from the provisions of Section 250.

(Source: P.A. 96-1496, eff. 1-13-11; 97-507, eff. 8-23-11.)

(35 ILCS 5/212)

Sec. 212. Earned income tax credit.

(a) With respect to the federal earned income tax credit allowed for the taxable year under Section 32 of the federal Internal Revenue Code, 26 U.S.C. 32, each individual taxpayer is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201 in an amount equal to (i) 5% of the federal tax credit for each taxable year beginning on or after January 1, 2000 and ending prior to December 31, 2012, (ii) 7.5% of the federal tax credit for each taxable year beginning on or after January 1, 2012 and ending prior to December 31, 2013, and (iii) 10% of the federal tax credit for each taxable year beginning on or after January 1, 2013.

For a non-resident or part-year resident, the amount of the credit under this Section shall be in proportion to the amount of income attributable to this State.

(b) For taxable years beginning before January 1, 2003, in no event shall a credit under this Section reduce the taxpayer's liability to less than zero. For each taxable year beginning on or after January 1, 2003, if the amount of the credit exceeds the income tax liability for the applicable tax year, then the excess credit shall be refunded to the taxpayer. The amount of a refund shall not be included in the taxpayer's income or resources for the purposes of determining eligibility or benefit level in any means-tested benefit program administered by a governmental entity unless required by federal law.

(c) This Section is exempt from the provisions of Section 250.

(Source: P.A. 95-333, eff. 8-21-07.)

(35 ILCS 5/250)

Sec. 250. Sunset of exemptions, credits, and deductions.

(a) The application of every exemption, credit, and deduction against tax imposed by this Act that becomes law after the effective date of this amendatory Act of 1994 shall be limited by a reasonable and appropriate sunset date. A taxpayer is not entitled to take the exemption, credit, or deduction for tax years beginning on or after the sunset date. Except as provided in subsection (b) of this Section, if ~~if~~ a reasonable and appropriate sunset date is not specified in the Public Act that creates the exemption, credit, or deduction, a taxpayer shall not be entitled to take the exemption, credit, or deduction for tax years beginning on or after 5 years after the effective date of the Public Act creating the exemption, credit, or deduction and thereafter; provided, however, that in the case of any Public Act authorizing the issuance of tax-exempt obligations that does not specify a sunset date for the exemption or deduction of income derived from the obligations, the exemption or deduction shall not terminate until after the

obligations have been paid by the issuer.

(b) Notwithstanding the provisions of subsection (a) of this Section, the sunset date of any exemption, credit, or deduction that is scheduled to expire in 2011, 2012, or 2013 by operation of this Section shall be extended by 5 years.

(Source: P.A. 88-660, eff. 9-16-94; 89-460, eff. 5-24-96.)

(35 ILCS 5/304) (from Ch. 120, par. 3-304)

Sec. 304. Business income of persons other than residents.

(a) In general. The business income of a person other than a resident shall be allocated to this State if such person's business income is derived solely from this State. If a person other than a resident derives business income from this State and one or more other states, then, for tax years ending on or before December 30, 1998, and except as otherwise provided by this Section, such person's business income shall be apportioned to this State by multiplying the income by a fraction, the numerator of which is the sum of the property factor (if any), the payroll factor (if any) and 200% of the sales factor (if any), and the denominator of which is 4 reduced by the number of factors other than the sales factor which have a denominator of zero and by an additional 2 if the sales factor has a denominator of zero. For tax years ending on or after December 31, 1998, and except as otherwise provided by this Section, persons other than residents who derive business income from this State and one or more other states shall compute their apportionment factor by weighting their property, payroll, and sales factors as provided in subsection (h) of this Section.

(1) Property factor.

(A) The property factor is a fraction, the numerator of which is the average value of the person's real and tangible personal property owned or rented and used in the trade or business in this State during the taxable year and the denominator of which is the average value of all the person's real and tangible personal property owned or rented and used in the trade or business during the taxable year.

(B) Property owned by the person is valued at its original cost. Property rented by the person is valued at 8 times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the person less any annual rental rate received by the person from sub-rentals.

(C) The average value of property shall be determined by averaging the values at the beginning and ending of the taxable year but the Director may require the averaging of monthly values during the taxable year if reasonably required to reflect properly the average value of the person's property.

(2) Payroll factor.

(A) The payroll factor is a fraction, the numerator of which is the total amount paid in this State during the taxable year by the person for compensation, and the denominator of which is the total compensation paid everywhere during the taxable year.

(B) Compensation is paid in this State if:

(i) The individual's service is performed entirely within this State;

(ii) The individual's service is performed both within and without this State, but the service performed without this State is incidental to the individual's service performed within this State; or

(iii) Some of the service is performed within this State and either the base of operations, or if there is no base of operations, the place from which the service is directed or controlled is within this State, or the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this State.

(iv) Compensation paid to nonresident professional athletes.

(a) General. The Illinois source income of a nonresident individual who is a member of a professional athletic team includes the portion of the individual's total compensation for services performed as a member of a professional athletic team during the taxable year which the number of duty days spent within this State performing services for the team in any manner during the taxable year bears to the total number of duty days spent both within and without this State during the taxable year.

(b) Travel days. Travel days that do not involve either a game, practice, team meeting, or other similar team event are not considered duty days spent in this State. However, such travel days are considered in the total duty days spent both within and without this State.

(c) Definitions. For purposes of this subpart (iv):

(1) The term "professional athletic team" includes, but is not limited to, any professional baseball, basketball, football, soccer, or hockey team.

(2) The term "member of a professional athletic team" includes those employees who are active players, players on the disabled list, and any other persons required to travel and who travel with and perform services on behalf of a professional athletic team on a regular basis. This includes, but is not limited to, coaches, managers, and trainers.

(3) Except as provided in items (C) and (D) of this subpart (3), the term "duty days" means all days during the taxable year from the beginning of the professional athletic team's official pre-season training period through the last game in which the team competes or is scheduled to compete. Duty days shall be counted for the year in which they occur, including where a team's official pre-season training period through the last game in which the team competes or is scheduled to compete, occurs during more than one tax year.

(A) Duty days shall also include days on which a member of a professional athletic team performs service for a team on a date that does not fall within the foregoing period (e.g., participation in instructional leagues, the "All Star Game", or promotional "caravans"). Performing a service for a professional athletic team includes conducting training and rehabilitation activities, when such activities are conducted at team facilities.

(B) Also included in duty days are game days, practice days, days spent at team meetings, promotional caravans, pre-season training camps, and days served with the team through all post-season games in which the team competes or is scheduled to compete.

(C) Duty days for any person who joins a team during the period from the beginning of the professional athletic team's official pre-season training period through the last game in which the team competes, or is scheduled to compete, shall begin on the day that person joins the team. Conversely, duty days for any person who leaves a team during this period shall end on the day that person leaves the team. Where a person switches teams during a taxable year, a separate duty-day calculation shall be made for the period the person was with each team.

(D) Days for which a member of a professional athletic team is not compensated and is not performing services for the team in any manner, including days when such member of a professional athletic team has been suspended without pay and prohibited from performing any services for the team, shall not be treated as duty days.

(E) Days for which a member of a professional athletic team is on the disabled list and does not conduct rehabilitation activities at facilities of the team, and is not otherwise performing services for the team in Illinois, shall not be considered duty days spent in this State. All days on the disabled list, however, are considered to be included in total duty days spent both within and without this State.

(4) The term "total compensation for services performed as a member of a professional athletic team" means the total compensation received during the taxable year for services performed:

(A) from the beginning of the official pre-season training period through the last game in which the team competes or is scheduled to compete during that taxable year; and

(B) during the taxable year on a date which does not fall within the foregoing period (e.g., participation in instructional leagues, the "All Star Game", or promotional caravans).

This compensation shall include, but is not limited to, salaries, wages, bonuses as described in this subpart, and any other type of compensation paid during the taxable year to a member of a professional athletic team for services performed in that year. This compensation does not include strike benefits, severance pay, termination pay, contract or option year buy-out payments, expansion or relocation payments, or any other payments not related to services performed for the team.

For purposes of this subparagraph, "bonuses" included in "total compensation for services performed as a member of a professional athletic team" subject to the allocation described in Section 302(c)(1) are: bonuses earned as a result of play (i.e., performance bonuses) during the season, including bonuses paid for championship, playoff or "bowl" games played by a team, or for selection to all-star league or other honorary positions; and bonuses paid for signing a contract, unless the payment of the signing bonus is not conditional upon the signee playing any games for the team or performing any subsequent services for the team or even making the team, the signing bonus is payable separately from the salary and any other compensation, and the signing bonus is nonrefundable.

(3) Sales factor.

(A) The sales factor is a fraction, the numerator of which is the total sales of the person in this State during the taxable year, and the denominator of which is the total sales of the person everywhere during the taxable year.

(B) Sales of tangible personal property are in this State if:

(i) The property is delivered or shipped to a purchaser, other than the United

States government, within this State regardless of the f. o. b. point or other conditions of the sale; or

(ii) The property is shipped from an office, store, warehouse, factory or other

place of storage in this State and either the purchaser is the United States government or the person is not taxable in the state of the purchaser; provided, however, that premises owned or leased by a person who has independently contracted with the seller for the printing of newspapers, periodicals or books shall not be deemed to be an office, store, warehouse, factory or other place of storage for purposes of this Section. Sales of tangible personal property are not in this State if the seller and purchaser would be members of the same unitary business group but for the fact that either the seller or purchaser is a person with 80% or more of total business activity outside of the United States and the property is purchased for resale.

(B-1) Patents, copyrights, trademarks, and similar items of intangible personal property.

(i) Gross receipts from the licensing, sale, or other disposition of a patent, copyright, trademark, or similar item of intangible personal property, other than gross receipts governed by paragraph (B-7) of this item (3), are in this State to the extent the item is utilized in this State during the year the gross receipts are included in gross income.

(ii) Place of utilization.

(I) A patent is utilized in a state to the extent that it is employed in

production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If a patent is utilized in more than one state, the extent to which it is utilized in any one state shall be a fraction equal to the gross receipts of the licensee or purchaser from sales or leases of items produced, fabricated, manufactured, or processed within that state using the patent and of patented items produced within that state, divided by the total of such gross receipts for all states in which the patent is utilized.

(II) A copyright is utilized in a state to the extent that printing or other

publication originates in the state. If a copyright is utilized in more than one state, the extent to which it is utilized in any one state shall be a fraction equal to the gross receipts from sales or licenses of materials printed or published in that state divided by the total of such gross receipts for all states in which the copyright is utilized.

(III) Trademarks and other items of intangible personal property governed by

this paragraph (B-1) are utilized in the state in which the commercial domicile of the licensee or purchaser is located.

(iii) If the state of utilization of an item of property governed by this paragraph

(B-1) cannot be determined from the taxpayer's books and records or from the books and records of any person related to the taxpayer within the meaning of Section 267(b) of the Internal Revenue Code, 26 U.S.C. 267, the gross receipts attributable to that item shall be excluded from both the numerator and the denominator of the sales factor.

(B-2) Gross receipts from the license, sale, or other disposition of patents,

copyrights, trademarks, and similar items of intangible personal property, other than gross receipts governed by paragraph (B-7) of this item (3), may be included in the numerator or denominator of the sales factor only if gross receipts from licenses, sales, or other disposition of such items comprise more than 50% of the taxpayer's total gross receipts included in gross income during the tax year and during each of the 2 immediately preceding tax years; provided that, when a taxpayer is a member of a unitary business group, such determination shall be made on the basis of the gross receipts of the entire unitary business group.

(B-5) For taxable years ending on or after December 31, 2008, except as provided in

subsections (ii) through (vii), receipts from the sale of telecommunications service or mobile telecommunications service are in this State if the customer's service address is in this State.

(i) For purposes of this subparagraph (B-5), the following terms have the following meanings:

"Ancillary services" means services that are associated with or incidental to the provision of "telecommunications services", including but not limited to "detailed telecommunications billing", "directory assistance", "vertical service", and "voice mail services".

"Air-to-Ground Radiotelephone service" means a radio service, as that term is

defined in 47 CFR 22.99, in which common carriers are authorized to offer and provide radio telecommunications service for hire to subscribers in aircraft.

"Call-by-call Basis" means any method of charging for telecommunications services where the price is measured by individual calls.

"Communications Channel" means a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points.

"Conference bridging service" means an "ancillary service" that links two or more participants of an audio or video conference call and may include the provision of a telephone number. "Conference bridging service" does not include the "telecommunications services" used to reach the conference bridge.

"Customer Channel Termination Point" means the location where the customer either inputs or receives the communications.

"Detailed telecommunications billing service" means an "ancillary service" of separately stating information pertaining to individual calls on a customer's billing statement.

"Directory assistance" means an "ancillary service" of providing telephone number information, and/or address information.

"Home service provider" means the facilities based carrier or reseller with which the customer contracts for the provision of mobile telecommunications services.

"Mobile telecommunications service" means commercial mobile radio service, as defined in Section 20.3 of Title 47 of the Code of Federal Regulations as in effect on June 1, 1999.

"Place of primary use" means the street address representative of where the customer's use of the telecommunications service primarily occurs, which must be the residential street address or the primary business street address of the customer. In the case of mobile telecommunications services, "place of primary use" must be within the licensed service area of the home service provider.

"Post-paid telecommunication service" means the telecommunications service obtained by making a payment on a call-by-call basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a telephone number which is not associated with the origination or termination of the telecommunications service. A post-paid calling service includes telecommunications service, except a prepaid wireless calling service, that would be a prepaid calling service except it is not exclusively a telecommunication service.

"Prepaid telecommunication service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

"Prepaid Mobile telecommunication service" means a telecommunications service that provides the right to utilize mobile wireless service as well as other non-telecommunication services, including but not limited to ancillary services, which must be paid for in advance that is sold in predetermined units or dollars of which the number declines with use in a known amount.

"Private communication service" means a telecommunication service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels.

"Service address" means:

(a) The location of the telecommunications equipment to which a customer's call is charged and from which the call originates or terminates, regardless of where the call is billed or paid;

(b) If the location in line (a) is not known, service address means the origination point of the signal of the telecommunications services first identified by either the seller's telecommunications system or in information received by the seller from its service provider where the system used to transport such signals is not that of the seller; and

(c) If the locations in line (a) and line (b) are not known, the service address means the location of the customer's place of primary use.

"Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. The term "telecommunications service" includes such transmission, conveyance, or

routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmission, conveyance or routing without regard to whether such service is referred to as voice over Internet protocol services or is classified by the Federal Communications Commission as enhanced or value added. "Telecommunications service" does not include:

- (a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser when such purchaser's primary purpose for the underlying transaction is the processed data or information;
- (b) Installation or maintenance of wiring or equipment on a customer's premises;
- (c) Tangible personal property;
- (d) Advertising, including but not limited to directory advertising.
- (e) Billing and collection services provided to third parties;
- (f) Internet access service;
- (g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance and routing of such services by the programming service provider. Radio and television audio and video programming services shall include but not be limited to cable service as defined in 47 USC 522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 CFR 20.3;
- (h) "Ancillary services"; or
- (i) Digital products "delivered electronically", including but not limited to software, music, video, reading materials or ring tones.

"Vertical service" means an "ancillary service" that is offered in connection with one or more "telecommunications services", which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including "conference bridging services".

"Voice mail service" means an "ancillary service" that enables the customer to store, send or receive recorded messages. "Voice mail service" does not include any "vertical services" that the customer may be required to have in order to utilize the "voice mail service".

- (ii) Receipts from the sale of telecommunications service sold on an individual call-by-call basis are in this State if either of the following applies:

- (a) The call both originates and terminates in this State.
- (b) The call either originates or terminates in this State and the service address is located in this State.

(iii) Receipts from the sale of postpaid telecommunications service at retail are in this State if the origination point of the telecommunication signal, as first identified by the service provider's telecommunication system or as identified by information received by the seller from its service provider if the system used to transport telecommunication signals is not the seller's, is located in this State.

(iv) Receipts from the sale of prepaid telecommunications service or prepaid mobile telecommunications service at retail are in this State if the purchaser obtains the prepaid card or similar means of conveyance at a location in this State. Receipts from recharging a prepaid telecommunications service or mobile telecommunications service is in this State if the purchaser's billing information indicates a location in this State.

- (v) Receipts from the sale of private communication services are in this State as follows:

- (a) 100% of receipts from charges imposed at each channel termination point in this State.
- (b) 100% of receipts from charges for the total channel mileage between each channel termination point in this State.
- (c) 50% of the total receipts from charges for service segments when those segments are between 2 customer channel termination points, 1 of which is located in this State and the other is located outside of this State, which segments are separately charged.
- (d) The receipts from charges for service segments with a channel termination point located in this State and in two or more other states, and which segments are not separately billed, are in this State based on a percentage determined by dividing the number of customer channel termination points in this State by the total number of customer channel termination points.

(vi) Receipts from charges for ancillary services for telecommunications service sold to customers at retail are in this State if the customer's primary place of use of telecommunications services associated with those ancillary services is in this State. If the seller of those ancillary services cannot determine where the associated telecommunications are located, then the ancillary services shall be based on the location of the purchaser.

(vii) Receipts to access a carrier's network or from the sale of telecommunication services or ancillary services for resale are in this State as follows:

(a) 100% of the receipts from access fees attributable to intrastate

telecommunications service that both originates and terminates in this State.

(b) 50% of the receipts from access fees attributable to interstate

telecommunications service if the interstate call either originates or terminates in this State.

(c) 100% of the receipts from interstate end user access line charges, if the customer's service address is in this State. As used in this subdivision, "interstate end user access line charges" includes, but is not limited to, the surcharge approved by the federal communications commission and levied pursuant to 47 CFR 69.

(d) Gross receipts from sales of telecommunication services or from ancillary services for telecommunications services sold to other telecommunication service providers for resale shall be sourced to this State using the apportionment concepts used for non-resale receipts of telecommunications services if the information is readily available to make that determination. If the information is not readily available, then the taxpayer may use any other reasonable and consistent method.

(B-7) For taxable years ending on or after December 31, 2008, receipts from the sale of broadcasting services are in this State if the broadcasting services are received in this State. For purposes of this paragraph (B-7), the following terms have the following meanings:

"Advertising revenue" means consideration received by the taxpayer in exchange for broadcasting services or allowing the broadcasting of commercials or announcements in connection with the broadcasting of film or radio programming, from sponsorships of the programming, or from product placements in the programming.

"Audience factor" means the ratio that the audience or subscribers located in this State of a station, a network, or a cable system bears to the total audience or total subscribers for that station, network, or cable system. The audience factor for film or radio programming shall be determined by reference to the books and records of the taxpayer or by reference to published rating statistics provided the method used by the taxpayer is consistently used from year to year for this purpose and fairly represents the taxpayer's activity in this State.

"Broadcast" or "broadcasting" or "broadcasting services" means the transmission or provision of film or radio programming, whether through the public airwaves, by cable, by direct or indirect satellite transmission, or by any other means of communication, either through a station, a network, or a cable system.

"Film" or "film programming" means the broadcast on television of any and all performances, events, or productions, including but not limited to news, sporting events, plays, stories, or other literary, commercial, educational, or artistic works, either live or through the use of video tape, disc, or any other type of format or medium. Each episode of a series of films produced for television shall constitute separate "film" notwithstanding that the series relates to the same principal subject and is produced during one or more tax periods.

"Radio" or "radio programming" means the broadcast on radio of any and all performances, events, or productions, including but not limited to news, sporting events, plays, stories, or other literary, commercial, educational, or artistic works, either live or through the use of an audio tape, disc, or any other format or medium. Each episode in a series of radio programming produced for radio broadcast shall constitute a separate "radio programming" notwithstanding that the series relates to the same principal subject and is produced during one or more tax periods.

(i) In the case of advertising revenue from broadcasting, the customer is the advertiser and the service is received in this State if the commercial domicile of the advertiser is in this State.

(ii) In the case where film or radio programming is broadcast by a station, a network, or a cable system for a fee or other remuneration received from the recipient of the broadcast, the portion of the service that is received in this State is measured by the portion of the recipients of the broadcast located in this State. Accordingly, the fee or other remuneration for such service that is included in the Illinois numerator of the sales factor is the total of those fees or other remuneration received from recipients in Illinois. For purposes of this paragraph, a

taxpayer may determine the location of the recipients of its broadcast using the address of the recipient shown in its contracts with the recipient or using the billing address of the recipient in the taxpayer's records.

(iii) In the case where film or radio programming is broadcast by a station, a network, or a cable system for a fee or other remuneration from the person providing the programming, the portion of the broadcast service that is received by such station, network, or cable system in this State is measured by the portion of recipients of the broadcast located in this State. Accordingly, the amount of revenue related to such an arrangement that is included in the Illinois numerator of the sales factor is the total fee or other total remuneration from the person providing the programming related to that broadcast multiplied by the Illinois audience factor for that broadcast.

(iv) In the case where film or radio programming is provided by a taxpayer that is a network or station to a customer for broadcast in exchange for a fee or other remuneration from that customer the broadcasting service is received at the location of the office of the customer from which the services were ordered in the regular course of the customer's trade or business. Accordingly, in such a case the revenue derived by the taxpayer that is included in the taxpayer's Illinois numerator of the sales factor is the revenue from such customers who receive the broadcasting service in Illinois.

(v) In the case where film or radio programming is provided by a taxpayer that is not a network or station to another person for broadcasting in exchange for a fee or other remuneration from that person, the broadcasting service is received at the location of the office of the customer from which the services were ordered in the regular course of the customer's trade or business. Accordingly, in such a case the revenue derived by the taxpayer that is included in the taxpayer's Illinois numerator of the sales factor is the revenue from such customers who receive the broadcasting service in Illinois.

(C) For taxable years ending before December 31, 2008, sales, other than sales governed by paragraphs (B), (B-1), and (B-2), are in this State if:

(i) The income-producing activity is performed in this State; or

(ii) The income-producing activity is performed both within and without this State and a greater proportion of the income-producing activity is performed within this State than without this State, based on performance costs.

(C-5) For taxable years ending on or after December 31, 2008, sales, other than sales governed by paragraphs (B), (B-1), (B-2), (B-5), and (B-7), are in this State if any of the following criteria are met:

(i) Sales from the sale or lease of real property are in this State if the property is located in this State.

(ii) Sales from the lease or rental of tangible personal property are in this State if the property is located in this State during the rental period. Sales from the lease or rental of tangible personal property that is characteristically moving property, including, but not limited to, motor vehicles, rolling stock, aircraft, vessels, or mobile equipment are in this State to the extent that the property is used in this State.

(iii) In the case of interest, net gains (but not less than zero) and other items of income from intangible personal property, the sale is in this State if:

(a) in the case of a taxpayer who is a dealer in the item of intangible personal property within the meaning of Section 475 of the Internal Revenue Code, the income or gain is received from a customer in this State. For purposes of this subparagraph, a customer is in this State if the customer is an individual, trust or estate who is a resident of this State and, for all other customers, if the customer's commercial domicile is in this State. Unless the dealer has actual knowledge of the residence or commercial domicile of a customer during a taxable year, the customer shall be deemed to be a customer in this State if the billing address of the customer, as shown in the records of the dealer, is in this State; or

(b) in all other cases, if the income-producing activity of the taxpayer is performed in this State or, if the income-producing activity of the taxpayer is performed both within and without this State, if a greater proportion of the income-producing activity of the taxpayer is performed within this State than in any other state, based on performance costs.

(iv) Sales of services are in this State if the services are received in this State.

For the purposes of this section, gross receipts from the performance of services provided to a corporation, partnership, or trust may only be attributed to a state where that corporation, partnership, or trust has a fixed place of business. If the state where the services are received is not

readily determinable or is a state where the corporation, partnership, or trust receiving the service does not have a fixed place of business, the services shall be deemed to be received at the location of the office of the customer from which the services were ordered in the regular course of the customer's trade or business. If the ordering office cannot be determined, the services shall be deemed to be received at the office of the customer to which the services are billed. If the taxpayer is not taxable in the state in which the services are received, the sale must be excluded from both the numerator and the denominator of the sales factor. The Department shall adopt rules prescribing where specific types of service are received, including, but not limited to, publishing, and utility service.

(D) For taxable years ending on or after December 31, 1995, the following items of income shall not be included in the numerator or denominator of the sales factor: dividends; amounts included under Section 78 of the Internal Revenue Code; and Subpart F income as defined in Section 952 of the Internal Revenue Code. No inference shall be drawn from the enactment of this paragraph (D) in construing this Section for taxable years ending before December 31, 1995.

(E) Paragraphs (B-1) and (B-2) shall apply to tax years ending on or after December 31, 1999, provided that a taxpayer may elect to apply the provisions of these paragraphs to prior tax years. Such election shall be made in the form and manner prescribed by the Department, shall be irrevocable, and shall apply to all tax years; provided that, if a taxpayer's Illinois income tax liability for any tax year, as assessed under Section 903 prior to January 1, 1999, was computed in a manner contrary to the provisions of paragraphs (B-1) or (B-2), no refund shall be payable to the taxpayer for that tax year to the extent such refund is the result of applying the provisions of paragraph (B-1) or (B-2) retroactively. In the case of a unitary business group, such election shall apply to all members of such group for every tax year such group is in existence, but shall not apply to any taxpayer for any period during which that taxpayer is not a member of such group.

(b) Insurance companies.

(1) In general. Except as otherwise provided by paragraph (2), business income of an insurance company for a taxable year shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the direct premiums written for insurance upon property or risk in this State, and the denominator of which is the direct premiums written for insurance upon property or risk everywhere. For purposes of this subsection, the term "direct premiums written" means the total amount of direct premiums written, assessments and annuity considerations as reported for the taxable year on the annual statement filed by the company with the Illinois Director of Insurance in the form approved by the National Convention of Insurance Commissioners or such other form as may be prescribed in lieu thereof.

(2) Reinsurance. If the principal source of premiums written by an insurance company consists of premiums for reinsurance accepted by it, the business income of such company shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the sum of (i) direct premiums written for insurance upon property or risk in this State, plus (ii) premiums written for reinsurance accepted in respect of property or risk in this State, and the denominator of which is the sum of (iii) direct premiums written for insurance upon property or risk everywhere, plus (iv) premiums written for reinsurance accepted in respect of property or risk everywhere. For purposes of this paragraph, premiums written for reinsurance accepted in respect of property or risk in this State, whether or not otherwise determinable, may, at the election of the company, be determined on the basis of the proportion which premiums written for reinsurance accepted from companies commercially domiciled in Illinois bears to premiums written for reinsurance accepted from all sources, or, alternatively, in the proportion which the sum of the direct premiums written for insurance upon property or risk in this State by each ceding company from which reinsurance is accepted bears to the sum of the total direct premiums written by each such ceding company for the taxable year. The election made by a company under this paragraph for its first taxable year ending on or after December 31, 2011, shall be binding for that company for that taxable year and for all subsequent taxable years, and may be altered only with the written permission of the Department, which shall not be unreasonably withheld.

(c) Financial organizations.

(1) In general. For taxable years ending before December 31, 2008, business income of a financial organization shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is its business income from sources within this State, and the denominator of which is its business income from all sources. For the purposes of this subsection, the business income of a financial organization from sources within this State is the sum of the amounts referred to in subparagraphs (A) through (E) following, but excluding the adjusted income of an international

banking facility as determined in paragraph (2):

- (A) Fees, commissions or other compensation for financial services rendered within this State;
- (B) Gross profits from trading in stocks, bonds or other securities managed within this State;
- (C) Dividends, and interest from Illinois customers, which are received within this State;

(D) Interest charged to customers at places of business maintained within this State for carrying debit balances of margin accounts, without deduction of any costs incurred in carrying such accounts; and

(E) Any other gross income resulting from the operation as a financial organization within this State. In computing the amounts referred to in paragraphs (A) through (E) of this subsection, any amount received by a member of an affiliated group (determined under Section 1504(a) of the Internal Revenue Code but without reference to whether any such corporation is an "includible corporation" under Section 1504(b) of the Internal Revenue Code) from another member of such group shall be included only to the extent such amount exceeds expenses of the recipient directly related thereto.

(2) International Banking Facility. For taxable years ending before December 31, 2008:

(A) Adjusted Income. The adjusted income of an international banking facility is its income reduced by the amount of the floor amount.

(B) Floor Amount. The floor amount shall be the amount, if any, determined by multiplying the income of the international banking facility by a fraction, not greater than one, which is determined as follows:

(i) The numerator shall be:

The average aggregate, determined on a quarterly basis, of the financial organization's loans to banks in foreign countries, to foreign domiciled borrowers (except where secured primarily by real estate) and to foreign governments and other foreign official institutions, as reported for its branches, agencies and offices within the state on its "Consolidated Report of Condition", Schedule A, Lines 2.c., 5.b., and 7.a., which was filed with the Federal Deposit Insurance Corporation and other regulatory authorities, for the year 1980, minus

The average aggregate, determined on a quarterly basis, of such loans (other than loans of an international banking facility), as reported by the financial institution for its branches, agencies and offices within the state, on the corresponding Schedule and lines of the Consolidated Report of Condition for the current taxable year, provided, however, that in no case shall the amount determined in this clause (the subtrahend) exceed the amount determined in the preceding clause (the minuend); and

(ii) the denominator shall be the average aggregate, determined on a quarterly basis, of the international banking facility's loans to banks in foreign countries, to foreign domiciled borrowers (except where secured primarily by real estate) and to foreign governments and other foreign official institutions, which were recorded in its financial accounts for the current taxable year.

(C) Change to Consolidated Report of Condition and in Qualification. In the event the Consolidated Report of Condition which is filed with the Federal Deposit Insurance Corporation and other regulatory authorities is altered so that the information required for determining the floor amount is not found on Schedule A, lines 2.c., 5.b. and 7.a., the financial institution shall notify the Department and the Department may, by regulations or otherwise, prescribe or authorize the use of an alternative source for such information. The financial institution shall also notify the Department should its international banking facility fail to qualify as such, in whole or in part, or should there be any amendment or change to the Consolidated Report of Condition, as originally filed, to the extent such amendment or change alters the information used in determining the floor amount.

(3) For taxable years ending on or after December 31, 2008, the business income of a financial organization shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is its gross receipts from sources in this State or otherwise attributable to this State's marketplace and the denominator of which is its gross receipts everywhere during the taxable year. "Gross receipts" for purposes of this subparagraph (3) means gross income, including net taxable gain on disposition of assets, including securities and money market instruments, when derived from transactions and activities in the regular course of the financial organization's trade or business. The following examples are illustrative:

(i) Receipts from the lease or rental of real or tangible personal property are in this State if the property is located in this State during the rental period. Receipts from the lease or rental of tangible personal property that is characteristically moving property, including, but not limited to, motor vehicles, rolling stock, aircraft, vessels, or mobile equipment are from sources in this State to the extent that the property is used in this State.

(ii) Interest income, commissions, fees, gains on disposition, and other receipts from assets in the nature of loans that are secured primarily by real estate or tangible personal property are from sources in this State if the security is located in this State.

(iii) Interest income, commissions, fees, gains on disposition, and other receipts from consumer loans that are not secured by real or tangible personal property are from sources in this State if the debtor is a resident of this State.

(iv) Interest income, commissions, fees, gains on disposition, and other receipts from commercial loans and installment obligations that are not secured by real or tangible personal property are from sources in this State if the proceeds of the loan are to be applied in this State. If it cannot be determined where the funds are to be applied, the income and receipts are from sources in this State if the office of the borrower from which the loan was negotiated in the regular course of business is located in this State. If the location of this office cannot be determined, the income and receipts shall be excluded from the numerator and denominator of the sales factor.

(v) Interest income, fees, gains on disposition, service charges, merchant discount income, and other receipts from credit card receivables are from sources in this State if the card charges are regularly billed to a customer in this State.

(vi) Receipts from the performance of services, including, but not limited to, fiduciary, advisory, and brokerage services, are in this State if the services are received in this State within the meaning of subparagraph (a)(3)(C-5)(iv) of this Section.

(vii) Receipts from the issuance of travelers checks and money orders are from sources in this State if the checks and money orders are issued from a location within this State.

(viii) Receipts from investment assets and activities and trading assets and activities are included in the receipts factor as follows:

(1) Interest, dividends, net gains (but not less than zero) and other income from investment assets and activities from trading assets and activities shall be included in the receipts factor. Investment assets and activities and trading assets and activities include but are not limited to: investment securities; trading account assets; federal funds; securities purchased and sold under agreements to resell or repurchase; options; futures contracts; forward contracts; notional principal contracts such as swaps; equities; and foreign currency transactions. With respect to the investment and trading assets and activities described in subparagraphs (A) and (B) of this paragraph, the receipts factor shall include the amounts described in such subparagraphs.

(A) The receipts factor shall include the amount by which interest from federal funds sold and securities purchased under resale agreements exceeds interest expense on federal funds purchased and securities sold under repurchase agreements.

(B) The receipts factor shall include the amount by which interest, dividends, gains and other income from trading assets and activities, including but not limited to assets and activities in the matched book, in the arbitrage book, and foreign currency transactions, exceed amounts paid in lieu of interest, amounts paid in lieu of dividends, and losses from such assets and activities.

(2) The numerator of the receipts factor includes interest, dividends, net gains (but not less than zero), and other income from investment assets and activities and from trading assets and activities described in paragraph (1) of this subsection that are attributable to this State.

(A) The amount of interest, dividends, net gains (but not less than zero), and other income from investment assets and activities in the investment account to be attributed to this State and included in the numerator is determined by multiplying all such income from such assets and activities by a fraction, the numerator of which is the gross income from such assets and activities which are properly assigned to a fixed place of business of the taxpayer within this State and the denominator of which is the gross income from all such assets and activities.

(B) The amount of interest from federal funds sold and purchased and from securities purchased under resale agreements and securities sold under repurchase agreements attributable to this State and included in the numerator is determined by multiplying the amount described in subparagraph (A) of paragraph (1) of this subsection from such funds and

such securities by a fraction, the numerator of which is the gross income from such funds and such securities which are properly assigned to a fixed place of business of the taxpayer within this State and the denominator of which is the gross income from all such funds and such securities.

(C) The amount of interest, dividends, gains, and other income from trading assets and activities, including but not limited to assets and activities in the matched book, in the arbitrage book and foreign currency transactions (but excluding amounts described in subparagraphs (A) or (B) of this paragraph), attributable to this State and included in the numerator is determined by multiplying the amount described in subparagraph (B) of paragraph (1) of this subsection by a fraction, the numerator of which is the gross income from such trading assets and activities which are properly assigned to a fixed place of business of the taxpayer within this State and the denominator of which is the gross income from all such assets and activities.

(D) Properly assigned, for purposes of this paragraph (2) of this subsection, means the investment or trading asset or activity is assigned to the fixed place of business with which it has a preponderance of substantive contacts. An investment or trading asset or activity assigned by the taxpayer to a fixed place of business without the State shall be presumed to have been properly assigned if:

- (i) the taxpayer has assigned, in the regular course of its business, such asset or activity on its records to a fixed place of business consistent with federal or state regulatory requirements;
- (ii) such assignment on its records is based upon substantive contacts of the asset or activity to such fixed place of business; and
- (iii) the taxpayer uses such records reflecting assignment of such assets or activities for the filing of all state and local tax returns for which an assignment of such assets or activities to a fixed place of business is required.

(E) The presumption of proper assignment of an investment or trading asset or activity provided in subparagraph (D) of paragraph (2) of this subsection may be rebutted upon a showing by the Department, supported by a preponderance of the evidence, that the preponderance of substantive contacts regarding such asset or activity did not occur at the fixed place of business to which it was assigned on the taxpayer's records. If the fixed place of business that has a preponderance of substantive contacts cannot be determined for an investment or trading asset or activity to which the presumption in subparagraph (D) of paragraph (2) of this subsection does not apply or with respect to which that presumption has been rebutted, that asset or activity is properly assigned to the state in which the taxpayer's commercial domicile is located. For purposes of this subparagraph (E), it shall be presumed, subject to rebuttal, that taxpayer's commercial domicile is in the state of the United States or the District of Columbia to which the greatest number of employees are regularly connected with the management of the investment or trading income or out of which they are working, irrespective of where the services of such employees are performed, as of the last day of the taxable year.

(4) (Blank).

(5) (Blank).

(c-1) Federally-regulated exchanges. For taxable years ending on or after December 31, 2012, business income of a federally-regulated exchange shall, at the option of the federally-regulated exchange, be apportioned to this State by multiplying such income by a fraction, the numerator of which is its business income from sources within this State, and the denominator of which is its business income from all sources. For purposes of this subsection, the business income within this State of a federally-regulated exchange is the sum of the following:

(1) Receipts attributable to transactions executed on a physical trading floor if that physical trading floor is located in this State.

(2) Receipts attributable to all other matching, execution, or clearing transactions, including without limitation receipts from the provision of matching, execution, or clearing services to another entity, multiplied by (i) for taxable years ending on or after December 31, 2012 but before December 31, 2013, 63.77%; and (ii) for taxable years ending on or after December 31, 2013, 27.54%.

(3) Receipts from all other sales of services if the services are received in this State. For the purposes of this subsection, gross receipts from the performance of services provided to a corporation, partnership, or trust may only be attributed to a state where that corporation, partnership, or trust has a fixed place of business. If the state where the services are received is not readily determinable or is a

state where the corporation, partnership, or trust receiving the service does not have a fixed place of business, the services shall be deemed to be received at the location of the office of the customer from which the services were ordered in the regular course of the customer's trade or business. If the ordering office cannot be determined, the services shall be deemed to be received at the office of the customer to whom the services are billed.

(4) All other receipts not governed by subparagraphs (1), (2), or (3) of this subsection (c-1), to the extent the receipts would be characterized as "sales in this State" under item (3) of subsection (a) of this Section.

"Federally-regulated exchange" means (i) a "registered entity" within the meaning of 7 U.S.C. Section 1a(40)(A), (B), or (C), (ii) an "exchange" or "clearing agency" within the meaning of 15 U.S.C. Section 78c (a)(1) or (23), (iii) any such entities regulated under any successor regulatory structure to the foregoing, and (iv) all taxpayers who are members of the same unitary business group as a federally-regulated exchange, determined without regard to the prohibition in Section 1501(a)(27) of this Act against including in a unitary business group taxpayers who are ordinarily required to apportion business income under different subsections of this Section; provided that this subparagraph (iv) shall apply only if 50% or more of the business receipts of the unitary business group determined by application of this subparagraph (iv) for the taxable year are attributable to the matching, execution, or clearing of transactions conducted by an entity described in subparagraph (i), (ii), or (iii) of this paragraph.

In no event shall the Illinois apportionment percentage computed in accordance with this subsection (c-1) for any taxpayer for any tax year be less than the Illinois apportionment percentage computed under this subsection (c-1) for that taxpayer for the first full tax year ending on or after December 31, 2013 for which this subsection (c-1) applied to the taxpayer.

(d) Transportation services. For taxable years ending before December 31, 2008, business income derived from furnishing transportation services shall be apportioned to this State in accordance with paragraphs (1) and (2):

(1) Such business income (other than that derived from transportation by pipeline) shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the revenue miles of the person in this State, and the denominator of which is the revenue miles of the person everywhere. For purposes of this paragraph, a revenue mile is the transportation of 1 passenger or 1 net ton of freight the distance of 1 mile for a consideration. Where a person is engaged in the transportation of both passengers and freight, the fraction above referred to shall be determined by means of an average of the passenger revenue mile fraction and the freight revenue mile fraction, weighted to reflect the person's

(A) relative railway operating income from total passenger and total freight service, as reported to the Interstate Commerce Commission, in the case of transportation by railroad, and

(B) relative gross receipts from passenger and freight transportation, in case of transportation other than by railroad.

(2) Such business income derived from transportation by pipeline shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the revenue miles of the person in this State, and the denominator of which is the revenue miles of the person everywhere. For the purposes of this paragraph, a revenue mile is the transportation by pipeline of 1 barrel of oil, 1,000 cubic feet of gas, or of any specified quantity of any other substance, the distance of 1 mile for a consideration.

(3) For taxable years ending on or after December 31, 2008, business income derived from providing transportation services other than airline services shall be apportioned to this State by using a fraction, (a) the numerator of which shall be (i) all receipts from any movement or shipment of people, goods, mail, oil, gas, or any other substance (other than by airline) that both originates and terminates in this State, plus (ii) that portion of the person's gross receipts from movements or shipments of people, goods, mail, oil, gas, or any other substance (other than by airline) that originates in one state or jurisdiction and terminates in another state or jurisdiction, that is determined by the ratio that the miles traveled in this State bears to total miles everywhere and (b) the denominator of which shall be all revenue derived from the movement or shipment of people, goods, mail, oil, gas, or any other substance (other than by airline). Where a taxpayer is engaged in the transportation of both passengers and freight, the fraction above referred to shall first be determined separately for passenger miles and freight miles. Then an average of the passenger miles fraction and the freight miles fraction shall be weighted to reflect the taxpayer's:

(A) relative railway operating income from total passenger and total freight

service, as reported to the Surface Transportation Board, in the case of transportation by railroad; and

(B) relative gross receipts from passenger and freight transportation, in case of transportation other than by railroad.

(4) For taxable years ending on or after December 31, 2008, business income derived from furnishing airline transportation services shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the revenue miles of the person in this State, and the denominator of which is the revenue miles of the person everywhere. For purposes of this paragraph, a revenue mile is the transportation of one passenger or one net ton of freight the distance of one mile for a consideration. If a person is engaged in the transportation of both passengers and freight, the fraction above referred to shall be determined by means of an average of the passenger revenue mile fraction and the freight revenue mile fraction, weighted to reflect the person's relative gross receipts from passenger and freight airline transportation.

(e) Combined apportionment. Where 2 or more persons are engaged in a unitary business as described in subsection (a)(27) of Section 1501, a part of which is conducted in this State by one or more members of the group, the business income attributable to this State by any such member or members shall be apportioned by means of the combined apportionment method.

(f) Alternative allocation. If the allocation and apportionment provisions of subsections (a) through (e) and of subsection (h) do not fairly represent the extent of a person's business activity in this State, the person may petition for, or the Director may, without a petition, permit or require, in respect of all or any part of the person's business activity, if reasonable:

- (1) Separate accounting;
- (2) The exclusion of any one or more factors;
- (3) The inclusion of one or more additional factors which will fairly represent the person's business activities in this State; or
- (4) The employment of any other method to effectuate an equitable allocation and apportionment of the person's business income.

(g) Cross reference. For allocation of business income by residents, see Section 301(a).

(h) For tax years ending on or after December 31, 1998, the apportionment factor of persons who apportion their business income to this State under subsection (a) shall be equal to:

- (1) for tax years ending on or after December 31, 1998 and before December 31, 1999, $16 \frac{2}{3}\%$ of the property factor plus $16 \frac{2}{3}\%$ of the payroll factor plus $66 \frac{2}{3}\%$ of the sales factor;
- (2) for tax years ending on or after December 31, 1999 and before December 31, 2000, $8 \frac{1}{3}\%$ of the property factor plus $8 \frac{1}{3}\%$ of the payroll factor plus $83 \frac{1}{3}\%$ of the sales factor;
- (3) for tax years ending on or after December 31, 2000, the sales factor.

If, in any tax year ending on or after December 31, 1998 and before December 31, 2000, the denominator of the payroll, property, or sales factor is zero, the apportionment factor computed in paragraph (1) or (2) of this subsection for that year shall be divided by an amount equal to 100% minus the percentage weight given to each factor whose denominator is equal to zero.

(Source: P.A. 96-763, eff. 8-25-09; 97-507, eff. 8-23-11.)

(35 ILCS 5/804) (from Ch. 120, par. 8-804)

Sec. 804. Failure to Pay Estimated Tax.

(a) In general. In case of any underpayment of estimated tax by a taxpayer, except as provided in subsection (d) or (e), the taxpayer shall be liable to a penalty in an amount determined at the rate prescribed by Section 3-3 of the Uniform Penalty and Interest Act upon the amount of the underpayment (determined under subsection (b)) for each required installment.

(b) Amount of underpayment. For purposes of subsection (a), the amount of the underpayment shall be the excess of:

- (1) the amount of the installment which would be required to be paid under subsection (c), over
- (2) the amount, if any, of the installment paid on or before the last date prescribed for payment.

(c) Amount of Required Installments.

(1) Amount.

(A) In General. Except as provided in ~~paragraphs paragraph~~ (2) and (3), the amount of any required installment

shall be 25% of the required annual payment.

(B) Required Annual Payment. For purposes of subparagraph (A), the term "required annual payment" means the lesser of:

- (i) 90% of the tax shown on the return for the taxable year, or if no return is filed, 90% of the tax for such year; 7
- (ii) for installments due prior to February 1, 2011, and after January 31, 2012, 100% of the tax shown on the return of the taxpayer for the preceding taxable year if a return showing a liability for tax was filed by the taxpayer for the preceding taxable year and such preceding year was a taxable year of 12 months; or
- (iii) for installments due after January 31, 2011, and prior to February 1, 2012, 150% of the tax shown on the return of the taxpayer for the preceding taxable year if a return showing a liability for tax was filed by the taxpayer for the preceding taxable year and such preceding year was a taxable year of 12 months.

(2) Lower Required Installment where Annualized Income Installment is Less Than Amount Determined Under Paragraph (1).

(A) In General. In the case of any required installment if a taxpayer establishes that the annualized income installment is less than the amount determined under paragraph (1),

- (i) the amount of such required installment shall be the annualized income installment, and
- (ii) any reduction in a required installment resulting from the application of this subparagraph shall be recaptured by increasing the amount of the next required installment determined under paragraph (1) by the amount of such reduction, and by increasing subsequent required installments to the extent that the reduction has not previously been recaptured under this clause.

(B) Determination of Annualized Income Installment. In the case of any required installment, the annualized income installment is the excess, if any, of:

- (i) an amount equal to the applicable percentage of the tax for the taxable year computed by placing on an annualized basis the net income for months in the taxable year ending before the due date for the installment, over
- (ii) the aggregate amount of any prior required installments for the taxable year.

(C) Applicable Percentage.

In the case of the following required installments:

	The applicable percentage is:
1st	22.5%
2nd	45%
3rd	67.5%
4th	90%

(D) Annualized Net Income; Individuals. For individuals, net income shall be placed on an annualized basis by:

- (i) multiplying by 12, or in the case of a taxable year of less than 12 months, by the number of months in the taxable year, the net income computed without regard to the standard exemption for the months in the taxable year ending before the month in which the installment is required to be paid;
- (ii) dividing the resulting amount by the number of months in the taxable year ending before the month in which such installment date falls; and
- (iii) deducting from such amount the standard exemption allowable for the taxable year, such standard exemption being determined as of the last date prescribed for payment of the installment.

(E) Annualized Net Income; Corporations. For corporations, net income shall be placed on an annualized basis by multiplying by 12 the taxable income

- (i) for the first 3 months of the taxable year, in the case of the installment required to be paid in the 4th month,
- (ii) for the first 3 months or for the first 5 months of the taxable year, in the case of the installment required to be paid in the 6th month,
- (iii) for the first 6 months or for the first 8 months of the taxable year, in the case of the installment required to be paid in the 9th month, and
- (iv) for the first 9 months or for the first 11 months of the taxable year, in the case of the installment required to be paid in the 12th month of the taxable year, then dividing the resulting amount by the number of months in the taxable year (3, 5, 6, 8, 9, or 11 as the case may be).

(3) Notwithstanding any other provision of this subsection (c), in the case of a federally-regulated

exchange that elects to apportion its income under Section 304(c-1) of this Act, the amount of each required installment due prior to June 30 of the first taxable year to which the election applies shall be 25% of the tax that would have been shown on the return for that taxable year if the taxpayer had not made such election.

(d) Exceptions. Notwithstanding the provisions of the preceding subsections, the penalty imposed by subsection (a) shall not be imposed if the taxpayer was not required to file an Illinois income tax return for the preceding taxable year, or, for individuals, if the taxpayer had no tax liability for the preceding taxable year and such year was a taxable year of 12 months. The penalty imposed by subsection (a) shall also not be imposed on any underpayments of estimated tax due before the effective date of this amendatory Act of 1998 which underpayments are solely attributable to the change in apportionment from subsection (a) to subsection (h) of Section 304. The provisions of this amendatory Act of 1998 apply to tax years ending on or after December 31, 1998.

(e) The penalty imposed for underpayment of estimated tax by subsection (a) of this Section shall not be imposed to the extent that the Director or his or her designate determines, pursuant to Section 3-8 of the Uniform Penalty and Interest Act that the penalty should not be imposed.

(f) Definition of tax. For purposes of subsections (b) and (c), the term "tax" means the excess of the tax withheld under Article 2 of this Act, over the amounts credited against such tax under Sections 601(b) (3) and (4).

(g) Application of Section in case of tax withheld under Article 7. For purposes of applying this Section:

(1) tax withheld from compensation for the taxable year shall be deemed a payment of estimated tax, and an equal part of such amount shall be deemed paid on each installment date for such taxable year, unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case the amounts so withheld shall be deemed payments of estimated tax on the dates on which such amounts were actually withheld;

(2) amounts timely paid by a partnership, Subchapter S corporation, or trust on behalf of a partner, shareholder, or beneficiary pursuant to subsection (f) of Section 502 or Section 709.5 and claimed as a payment of estimated tax shall be deemed a payment of estimated tax made on the last day of the taxable year of the partnership, Subchapter S corporation, or trust for which the income from the withholding is made was computed; and

(3) all other amounts pursuant to Article 7 shall be deemed a payment of estimated tax on the date the payment is made to the taxpayer of the amount from which the tax is withheld.

(g-5) Amounts withheld under the State Salary and Annuity Withholding Act. An individual who has amounts withheld under paragraph (10) of Section 4 of the State Salary and Annuity Withholding Act may elect to have those amounts treated as payments of estimated tax made on the dates on which those amounts are actually withheld.

(i) Short taxable year. The application of this Section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Department.

The changes in this Section made by Public Act 84-127 shall apply to taxable years ending on or after January 1, 1986.

(Source: P.A. 96-1496, eff. 1-13-11; 97-507, eff. 8-23-11; revised 11-18-11.)
(35 ILCS 5/1501) (from Ch. 120, par. 15-1501)

Sec. 1501. Definitions.

(a) In general. When used in this Act, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) Business income. The term "business income" means all income that may be treated as apportionable business income under the Constitution of the United States. Business income is net of the deductions allocable thereto. Such term does not include compensation or the deductions allocable thereto. For each taxable year beginning on or after January 1, 2003, a taxpayer may elect to treat all income other than compensation as business income. This election shall be made in accordance with rules adopted by the Department and, once made, shall be irrevocable.

(1.5) Captive real estate investment trust:

(A) The term "captive real estate investment trust" means a corporation, trust, or association:

(i) that is considered a real estate investment trust for the taxable year under Section 856 of the Internal Revenue Code;

(ii) the certificates of beneficial interest or shares of which are not regularly traded on an established securities market; and

(iii) of which more than 50% of the voting power or value of the beneficial

interest or shares, at any time during the last half of the taxable year, is owned or controlled, directly, indirectly, or constructively, by a single corporation.

(B) The term "captive real estate investment trust" does not include:

(i) a real estate investment trust of which more than 50% of the voting power or value of the beneficial interest or shares is owned or controlled, directly, indirectly, or constructively, by:

(a) a real estate investment trust, other than a captive real estate investment trust;

(b) a person who is exempt from taxation under Section 501 of the Internal Revenue Code, and who is not required to treat income received from the real estate investment trust as unrelated business taxable income under Section 512 of the Internal Revenue Code;

(c) a listed Australian property trust, if no more than 50% of the voting power or value of the beneficial interest or shares of that trust, at any time during the last half of the taxable year, is owned or controlled, directly or indirectly, by a single person;

(d) an entity organized as a trust, provided a listed Australian property trust described in subparagraph (c) owns or controls, directly or indirectly, or constructively, 75% or more of the voting power or value of the beneficial interests or shares of such entity; or

(e) an entity that is organized outside of the laws of the United States and that satisfies all of the following criteria:

(1) at least 75% of the entity's total asset value at the close of its taxable year is represented by real estate assets (as defined in Section 856(c)(5)(B) of the Internal Revenue Code, thereby including shares or certificates of beneficial interest in any real estate investment trust), cash and cash equivalents, and U.S. Government securities;

(2) the entity is not subject to tax on amounts that are distributed to its beneficial owners or is exempt from entity-level taxation;

(3) the entity distributes at least 85% of its taxable income (as computed in the jurisdiction in which it is organized) to the holders of its shares or certificates of beneficial interest on an annual basis;

(4) either (i) the shares or beneficial interests of the entity are regularly traded on an established securities market or (ii) not more than 10% of the voting power or value in the entity is held, directly, indirectly, or constructively, by a single entity or individual; and

(5) the entity is organized in a country that has entered into a tax treaty with the United States; or

(ii) during its first taxable year for which it elects to be treated as a real estate investment trust under Section 856(c)(1) of the Internal Revenue Code, a real estate investment trust the certificates of beneficial interest or shares of which are not regularly traded on an established securities market, but only if the certificates of beneficial interest or shares of the real estate investment trust are regularly traded on an established securities market prior to the earlier of the due date (including extensions) for filing its return under this Act for that first taxable year or the date it actually files that return.

(C) For the purposes of this subsection (1.5), the constructive ownership rules prescribed under Section 318(a) of the Internal Revenue Code, as modified by Section 856(d)(5) of the Internal Revenue Code, apply in determining the ownership of stock, assets, or net profits of any person.

(2) Commercial domicile. The term "commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

(3) Compensation. The term "compensation" means wages, salaries, commissions and any other form of remuneration paid to employees for personal services.

(4) Corporation. The term "corporation" includes associations, joint-stock companies, insurance companies and cooperatives. Any entity, including a limited liability company formed under the Illinois Limited Liability Company Act, shall be treated as a corporation if it is so classified for federal income tax purposes.

(5) Department. The term "Department" means the Department of Revenue of this State.

(6) Director. The term "Director" means the Director of Revenue of this State.

(7) Fiduciary. The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, or any person acting in any fiduciary capacity for any person.

(8) Financial organization.

(A) The term "financial organization" means any bank, bank holding company, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, building and loan association, credit union, currency exchange, cooperative bank, small loan company, sales finance company, investment company, or any person which is owned by a bank or bank holding company. For the purpose of this Section a "person" will include only those persons which a bank holding company may acquire and hold an interest in, directly or indirectly, under the provisions of the Bank Holding Company Act of 1956 (12 U.S.C. 1841, et seq.), except where interests in any person must be disposed of within certain required time limits under the Bank Holding Company Act of 1956.

(B) For purposes of subparagraph (A) of this paragraph, the term "bank" includes (i) any entity that is regulated by the Comptroller of the Currency under the National Bank Act, or by the Federal Reserve Board, or by the Federal Deposit Insurance Corporation and (ii) any federally or State chartered bank operating as a credit card bank.

(C) For purposes of subparagraph (A) of this paragraph, the term "sales finance company" has the meaning provided in the following item (i) or (ii):

(i) A person primarily engaged in one or more of the following businesses: the business of purchasing customer receivables, the business of making loans upon the security of customer receivables, the business of making loans for the express purpose of funding purchases of tangible personal property or services by the borrower, or the business of finance leasing. For purposes of this item (i), "customer receivable" means:

(a) a retail installment contract or retail charge agreement within the meaning of the Sales Finance Agency Act, the Retail Installment Sales Act, or the Motor Vehicle Retail Installment Sales Act;

(b) an installment, charge, credit, or similar contract or agreement arising from the sale of tangible personal property or services in a transaction involving a deferred payment price payable in one or more installments subsequent to the sale; or

(c) the outstanding balance of a contract or agreement described in provisions (a) or (b) of this item (i).

A customer receivable need not provide for payment of interest on deferred payments. A sales finance company may purchase a customer receivable from, or make a loan secured by a customer receivable to, the seller in the original transaction or to a person who purchased the customer receivable directly or indirectly from that seller.

(ii) A corporation meeting each of the following criteria:

(a) the corporation must be a member of an "affiliated group" within the meaning of Section 1504(a) of the Internal Revenue Code, determined without regard to Section 1504(b) of the Internal Revenue Code;

(b) more than 50% of the gross income of the corporation for the taxable year must be interest income derived from qualifying loans. A "qualifying loan" is a loan made to a member of the corporation's affiliated group that originates customer receivables (within the meaning of item (i)) or to whom customer receivables originated by a member of the affiliated group have been transferred, to the extent the average outstanding balance of loans from that corporation to members of its affiliated group during the taxable year do not exceed the limitation amount for that corporation. The "limitation amount" for a corporation is the average outstanding balances during the taxable year of customer receivables (within the meaning of item (i)) originated by all members of the affiliated group. If the average outstanding balances of the loans made by a corporation to members of its affiliated group exceed the limitation amount, the interest income of that corporation from qualifying loans shall be equal to its interest income from loans to members of its affiliated groups times a fraction equal to the limitation amount divided by the average outstanding balances of the loans made by that corporation to members of its affiliated group;

(c) the total of all shareholder's equity (including, without limitation, paid-in capital on common and preferred stock and retained earnings) of the corporation plus the total of all of its loans, advances, and other obligations payable or owed to members of its affiliated group may not exceed 20% of the total assets of the corporation at any time during the tax year; and

(d) more than 50% of all interest-bearing obligations of the affiliated group payable to persons outside the group determined in accordance with generally accepted accounting principles must be obligations of the corporation.

This amendatory Act of the 91st General Assembly is declaratory of existing law.

(D) Subparagraphs (B) and (C) of this paragraph are declaratory of existing law and apply retroactively, for all tax years beginning on or before December 31, 1996, to all original returns, to all amended returns filed no later than 30 days after the effective date of this amendatory Act of 1996, and to all notices issued on or before the effective date of this amendatory Act of 1996 under subsection (a) of Section 903, subsection (a) of Section 904, subsection (e) of Section 909, or Section 912. A taxpayer that is a "financial organization" that engages in any transaction with an affiliate shall be a "financial organization" for all purposes of this Act.

(E) For all tax years beginning on or before December 31, 1996, a taxpayer that falls within the definition of a "financial organization" under subparagraphs (B) or (C) of this paragraph, but who does not fall within the definition of a "financial organization" under the Proposed Regulations issued by the Department of Revenue on July 19, 1996, may irrevocably elect to apply the Proposed Regulations for all of those years as though the Proposed Regulations had been lawfully promulgated, adopted, and in effect for all of those years. For purposes of applying subparagraphs (B) or (C) of this paragraph to all of those years, the election allowed by this subparagraph applies only to the taxpayer making the election and to those members of the taxpayer's unitary business group who are ordinarily required to apportion business income under the same subsection of Section 304 of this Act as the taxpayer making the election. No election allowed by this subparagraph shall be made under a claim filed under subsection (d) of Section 909 more than 30 days after the effective date of this amendatory Act of 1996.

(F) Finance Leases. For purposes of this subsection, a finance lease shall be treated as a loan or other extension of credit, rather than as a lease, regardless of how the transaction is characterized for any other purpose, including the purposes of any regulatory agency to which the lessor is subject. A finance lease is any transaction in the form of a lease in which the lessee is treated as the owner of the leased asset entitled to any deduction for depreciation allowed under Section 167 of the Internal Revenue Code.

(9) Fiscal year. The term "fiscal year" means an accounting period of 12 months ending on the last day of any month other than December.

(9.5) Fixed place of business. The term "fixed place of business" has the same meaning as that term is given in Section 864 of the Internal Revenue Code and the related Treasury regulations.

(10) Includes and including. The terms "includes" and "including" when used in a definition contained in this Act shall not be deemed to exclude other things otherwise within the meaning of the term defined.

(11) Internal Revenue Code. The term "Internal Revenue Code" means the United States Internal Revenue Code of 1954 or any successor law or laws relating to federal income taxes in effect for the taxable year.

(11.5) Investment partnership.

(A) The term "investment partnership" means any entity that is treated as a partnership for federal income tax purposes that meets the following requirements:

- (i) no less than 90% of the partnership's cost of its total assets consists of qualifying investment securities, deposits at banks or other financial institutions, and office space and equipment reasonably necessary to carry on its activities as an investment partnership;
- (ii) no less than 90% of its gross income consists of interest, dividends, and gains from the sale or exchange of qualifying investment securities; and
- (iii) the partnership is not a dealer in qualifying investment securities.

(B) For purposes of this paragraph (11.5), the term "qualifying investment securities" includes all of the following:

- (i) common stock, including preferred or debt securities convertible into common stock, and preferred stock;
- (ii) bonds, debentures, and other debt securities;
- (iii) foreign and domestic currency deposits secured by federal, state, or local governmental agencies;
- (iv) mortgage or asset-backed securities secured by federal, state, or local governmental agencies;
- (v) repurchase agreements and loan participations;
- (vi) foreign currency exchange contracts and forward and futures contracts on foreign currencies;
- (vii) stock and bond index securities and futures contracts and other similar financial securities and futures contracts on those securities;
- (viii) options for the purchase or sale of any of the securities, currencies,

contracts, or financial instruments described in items (i) to (vii), inclusive;
 (ix) regulated futures contracts;
 (x) commodities (not described in Section 1221(a)(1) of the Internal Revenue Code) or futures, forwards, and options with respect to such commodities, provided, however, that any item of a physical commodity to which title is actually acquired in the partnership's capacity as a dealer in such commodity shall not be a qualifying investment security;
 (xi) derivatives; and
 (xii) a partnership interest in another partnership that is an investment partnership.

(12) Mathematical error. The term "mathematical error" includes the following types of errors, omissions, or defects in a return filed by a taxpayer which prevents acceptance of the return as filed for processing:

(A) arithmetic errors or incorrect computations on the return or supporting schedules;

(B) entries on the wrong lines;

(C) omission of required supporting forms or schedules or the omission of the information in whole or in part called for thereon; and

(D) an attempt to claim, exclude, deduct, or improperly report, in a manner directly contrary to the provisions of the Act and regulations thereunder any item of income, exemption, deduction, or credit.

(13) Nonbusiness income. The term "nonbusiness income" means all income other than business income or compensation.

(14) Nonresident. The term "nonresident" means a person who is not a resident.

(15) Paid, incurred and accrued. The terms "paid", "incurred" and "accrued" shall be construed according to the method of accounting upon the basis of which the person's base income is computed under this Act.

(16) Partnership and partner. The term "partnership" includes a syndicate, group, pool, joint venture or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this Act, a trust or estate or a corporation; and the term "partner" includes a member in such syndicate, group, pool, joint venture or organization.

The term "partnership" includes any entity, including a limited liability company formed under the Illinois Limited Liability Company Act, classified as a partnership for federal income tax purposes.

The term "partnership" does not include a syndicate, group, pool, joint venture, or other unincorporated organization established for the sole purpose of playing the Illinois State Lottery.

(17) Part-year resident. The term "part-year resident" means an individual who became a resident during the taxable year or ceased to be a resident during the taxable year. Under Section 1501(a)(20)(A)(i) residence commences with presence in this State for other than a temporary or transitory purpose and ceases with absence from this State for other than a temporary or transitory purpose. Under Section 1501(a)(20)(A)(ii) residence commences with the establishment of domicile in this State and ceases with the establishment of domicile in another State.

(18) Person. The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, firm, company, corporation, limited liability company, or fiduciary. For purposes of Section 1301 and 1302 of this Act, a "person" means (i) an individual, (ii) a corporation, (iii) an officer, agent, or employee of a corporation, (iv) a member, agent or employee of a partnership, or (v) a member, manager, employee, officer, director, or agent of a limited liability company who in such capacity commits an offense specified in Section 1301 and 1302.

(18A) Records. The term "records" includes all data maintained by the taxpayer, whether on paper, microfilm, microfiche, or any type of machine-sensible data compilation.

(19) Regulations. The term "regulations" includes rules promulgated and forms prescribed by the Department.

(20) Resident. The term "resident" means:

(A) an individual (i) who is in this State for other than a temporary or transitory purpose during the taxable year; or (ii) who is domiciled in this State but is absent from the State for a temporary or transitory purpose during the taxable year;

(B) The estate of a decedent who at his or her death was domiciled in this State;

(C) A trust created by a will of a decedent who at his death was domiciled in this State; and

(D) An irrevocable trust, the grantor of which was domiciled in this State at the time such trust became irrevocable. For purpose of this subparagraph, a trust shall be considered irrevocable to the extent that the grantor is not treated as the owner thereof under Sections 671 through 678 of the Internal Revenue Code.

(21) Sales. The term "sales" means all gross receipts of the taxpayer not allocated under Sections 301, 302 and 303.

(22) State. The term "state" when applied to a jurisdiction other than this State means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any Territory or Possession of the United States, and any foreign country, or any political subdivision of any of the foregoing. For purposes of the foreign tax credit under Section 601, the term "state" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, or any political subdivision of any of the foregoing, effective for tax years ending on or after December 31, 1989.

(23) Taxable year. The term "taxable year" means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the base income is computed under this Act. "Taxable year" means, in the case of a return made for a fractional part of a year under the provisions of this Act, the period for which such return is made.

(24) Taxpayer. The term "taxpayer" means any person subject to the tax imposed by this Act.

(25) International banking facility. The term international banking facility shall have the same meaning as is set forth in the Illinois Banking Act or as is set forth in the laws of the United States or regulations of the Board of Governors of the Federal Reserve System.

(26) Income Tax Return Preparer.

(A) The term "income tax return preparer" means any person who prepares for compensation, or who employs one or more persons to prepare for compensation, any return of tax imposed by this Act or any claim for refund of tax imposed by this Act. The preparation of a substantial portion of a return or claim for refund shall be treated as the preparation of that return or claim for refund.

(B) A person is not an income tax return preparer if all he or she does is

(i) furnish typing, reproducing, or other mechanical assistance;

(ii) prepare returns or claims for refunds for the employer by whom he or she is regularly and continuously employed;

(iii) prepare as a fiduciary returns or claims for refunds for any person; or

(iv) prepare claims for refunds for a taxpayer in response to any notice of deficiency issued to that taxpayer or in response to any waiver of restriction after the commencement of an audit of that taxpayer or of another taxpayer if a determination in the audit of the other taxpayer directly or indirectly affects the tax liability of the taxpayer whose claims he or she is preparing.

(27) Unitary business group.

(A) The term "unitary business group" means a group of persons related through common ownership whose business activities are integrated with, dependent upon and contribute to each other. The group will not include those members whose business activity outside the United States is 80% or more of any such member's total business activity; for purposes of this paragraph and clause (a)(3)(B)(ii) of Section 304, business activity within the United States shall be measured by means of the factors ordinarily applicable under subsections (a), (b), (c), (d), or (h) of Section 304 except that, in the case of members ordinarily required to apportion business income by means of the 3 factor formula of property, payroll and sales specified in subsection (a) of Section 304, including the formula as weighted in subsection (h) of Section 304, such members shall not use the sales factor in the computation and the results of the property and payroll factor computations of subsection (a) of Section 304 shall be divided by 2 (by one if either the property or payroll factor has a denominator of zero). The computation required by the preceding sentence shall, in each case, involve the division of the member's property, payroll, or revenue miles in the United States, insurance premiums on property or risk in the United States, or financial organization business income from sources within the United States, as the case may be, by the respective worldwide figures for such items. Common ownership in the case of corporations is the direct or indirect control or ownership of more than 50% of the outstanding voting stock of the persons carrying on unitary business activity. Unitary business activity can ordinarily be illustrated where the activities of the members are: (1) in the same general line (such as manufacturing, wholesaling, retailing of tangible personal property, insurance, transportation or finance); or (2) are steps in a vertically

structured enterprise or process (such as the steps involved in the production of natural resources, which might include exploration, mining, refining, and marketing); and, in either instance, the members are functionally integrated through the exercise of strong centralized management (where, for example, authority over such matters as purchasing, financing, tax compliance, product line, personnel, marketing and capital investment is not left to each member).

(B) In no event, shall any unitary business group include members which are ordinarily required to apportion business income under different subsections of Section 304 except that for tax years ending on or after December 31, 1987 this prohibition shall not apply to a holding company that would otherwise be a member of a unitary business group with taxpayers that apportion business income under any of subsections (b), (c), (c-1), or (d) of Section 304. If a unitary business group would, but for the preceding sentence, include members that are ordinarily required to apportion business income under different subsections of Section 304, then for each subsection of Section 304 for which there are two or more members, there shall be a separate unitary business group composed of such members. For purposes of the preceding two sentences, a member is "ordinarily required to apportion business income" under a particular subsection of Section 304 if it would be required to use the apportionment method prescribed by such subsection except for the fact that it derives business income solely from Illinois. As used in this paragraph, the phrase "United States" means only the 50 states and the District of Columbia, but does not include any territory or possession of the United States or any area over which the United States has asserted jurisdiction or claimed exclusive rights with respect to the exploration for or exploitation of natural resources.

(C) Holding companies.

(i) For purposes of this subparagraph, a "holding company" is a corporation (other than a corporation that is a financial organization under paragraph (8) of this subsection (a) of Section 1501 because it is a bank holding company under the provisions of the Bank Holding Company Act of 1956 (12 U.S.C. 1841, et seq.) or because it is owned by a bank or a bank holding company) that owns a controlling interest in one or more other taxpayers ("controlled taxpayers"); that, during the period that includes the taxable year and the 2 immediately preceding taxable years or, if the corporation was formed during the current or immediately preceding taxable year, the taxable years in which the corporation has been in existence, derived substantially all its gross income from dividends, interest, rents, royalties, fees or other charges received from controlled taxpayers for the provision of services, and gains on the sale or other disposition of interests in controlled taxpayers or in property leased or licensed to controlled taxpayers or used by the taxpayer in providing services to controlled taxpayers; and that incurs no substantial expenses other than expenses (including interest and other costs of borrowing) incurred in connection with the acquisition and holding of interests in controlled taxpayers and in the provision of services to controlled taxpayers or in the leasing or licensing of property to controlled taxpayers.

(ii) The income of a holding company which is a member of more than one unitary business group shall be included in each unitary business group of which it is a member on a pro rata basis, by including in each unitary business group that portion of the base income of the holding company that bears the same proportion to the total base income of the holding company as the gross receipts of the unitary business group bears to the combined gross receipts of all unitary business groups (in both cases without regard to the holding company) or on any other reasonable basis, consistently applied.

(iii) A holding company shall apportion its business income under the subsection of Section 304 used by the other members of its unitary business group. The apportionment factors of a holding company which would be a member of more than one unitary business group shall be included with the apportionment factors of each unitary business group of which it is a member on a pro rata basis using the same method used in clause (ii).

(iv) The provisions of this subparagraph (C) are intended to clarify existing law.

(D) If including the base income and factors of a holding company in more than one unitary business group under subparagraph (C) does not fairly reflect the degree of integration between the holding company and one or more of the unitary business groups, the dependence of the holding company and one or more of the unitary business groups upon each other, or the contributions between the holding company and one or more of the unitary business groups, the holding company may petition the Director, under the procedures provided under Section 304(f), for permission to include all base income and factors of the holding company only with members of

a unitary business group apportioning their business income under one subsection of subsections (a), (b), (c), or (d) of Section 304. If the petition is granted, the holding company shall be included in a unitary business group only with persons apportioning their business income under the selected subsection of Section 304 until the Director grants a petition of the holding company either to be included in more than one unitary business group under subparagraph (C) or to include its base income and factors only with members of a unitary business group apportioning their business income under a different subsection of Section 304.

(E) If the unitary business group members' accounting periods differ, the common parent's accounting period or, if there is no common parent, the accounting period of the member that is expected to have, on a recurring basis, the greatest Illinois income tax liability must be used to determine whether to use the apportionment method provided in subsection (a) or subsection (h) of Section 304. The prohibition against membership in a unitary business group for taxpayers ordinarily required to apportion income under different subsections of Section 304 does not apply to taxpayers required to apportion income under subsection (a) and subsection (h) of Section 304. The provisions of this amendatory Act of 1998 apply to tax years ending on or after December 31, 1998.

(28) Subchapter S corporation. The term "Subchapter S corporation" means a corporation for which there is in effect an election under Section 1362 of the Internal Revenue Code, or for which there is a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982.

(30) Foreign person. The term "foreign person" means any person who is a nonresident alien individual and any nonindividual entity, regardless of where created or organized, whose business activity outside the United States is 80% or more of the entity's total business activity.

(b) Other definitions.

(1) Words denoting number, gender, and so forth, when used in this Act, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(A) Words importing the singular include and apply to several persons, parties or things;

(B) Words importing the plural include the singular; and

(C) Words importing the masculine gender include the feminine as well.

(2) "Company" or "association" as including successors and assigns. The word "company" or "association", when used in reference to a corporation, shall be deemed to embrace the words "successors and assigns of such company or association", and in like manner as if these last-named words, or words of similar import, were expressed.

(3) Other terms. Any term used in any Section of this Act with respect to the application of, or in connection with, the provisions of any other Section of this Act shall have the same meaning as in such other Section.

(Source: P.A. 96-641, eff. 8-24-09; 97-507, eff. 8-23-11.)

Section 15-15. The Economic Development for a Growing Economy Tax Credit Act is amended by changing Section 5-15 as follows:

(35 ILCS 10/5-15)

Sec. 5-15. Tax Credit Awards. Subject to the conditions set forth in this Act, a Taxpayer is entitled to a Credit against or, as described in subsection (g) of this Section, a payment towards taxes imposed pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act that may be imposed on the Taxpayer for a taxable year beginning on or after January 1, 1999, if the Taxpayer is awarded a Credit by the Department under this Act for that taxable year.

(a) The Department shall make Credit awards under this Act to foster job creation and retention in Illinois.

(b) A person that proposes a project to create new jobs in Illinois must enter into an Agreement with the Department for the Credit under this Act.

(c) The Credit shall be claimed for the taxable years specified in the Agreement.

(d) The Credit shall not exceed the Incremental Income Tax attributable to the project that is the subject of the Agreement.

(e) Nothing herein shall prohibit a Tax Credit Award to an Applicant that uses a PEO if all other award criteria are satisfied.

(f) In lieu of the Credit allowed under this Act against the taxes imposed pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act for any taxable year ending on or after December

31, 2009, the Taxpayer may elect to claim the Credit against its obligation to pay over withholding under Section 704A of the Illinois Income Tax Act.

(1) The election under this subsection (f) may be made only by a Taxpayer that (i) is primarily engaged in one of the following business activities: water purification and treatment, motor vehicle metal stamping, automobile manufacturing, automobile and light duty motor vehicle manufacturing, motor vehicle manufacturing, light truck and utility vehicle manufacturing, heavy duty truck manufacturing, motor vehicle body manufacturing, cable television infrastructure design or manufacturing, or wireless telecommunication or computing terminal device design or manufacturing for use on public networks and (ii) meets the following criteria:

(A) the Taxpayer (i) had an Illinois net loss or an Illinois net loss deduction under Section 207 of the Illinois Income Tax Act for the taxable year in which the Credit is awarded, (ii) employed a minimum of 1,000 full-time employees in this State during the taxable year in which the Credit is awarded, (iii) has an Agreement under this Act on December 14, 2009 (the effective date of Public Act 96-834), and (iv) is in compliance with all provisions of that Agreement;

(B) the Taxpayer (i) had an Illinois net loss or an Illinois net loss deduction under Section 207 of the Illinois Income Tax Act for the taxable year in which the Credit is awarded, (ii) employed a minimum of 1,000 full-time employees in this State during the taxable year in which the Credit is awarded, and (iii) has applied for an Agreement within 365 days after December 14, 2009 (the effective date of Public Act 96-834);

(C) the Taxpayer (i) had an Illinois net operating loss carryforward under Section 207 of the Illinois Income Tax Act in a taxable year ending during calendar year 2008, (ii) has applied for an Agreement within 150 days after the effective date of this amendatory Act of the 96th General Assembly, (iii) creates at least 400 new jobs in Illinois, (iv) retains at least 2,000 jobs in Illinois that would have been at risk of relocation out of Illinois over a 10-year period, and (v) makes a capital investment of at least \$75,000,000;

(D) the Taxpayer (i) had an Illinois net operating loss carryforward under Section 207 of the Illinois Income Tax Act in a taxable year ending during calendar year 2009, (ii) has applied for an Agreement within 150 days after the effective date of this amendatory Act of the 96th General Assembly, (iii) creates at least 150 new jobs, (iv) retains at least 1,000 jobs in Illinois that would have been at risk of relocation out of Illinois over a 10-year period, and (v) makes a capital investment of at least \$57,000,000; or

(E) the Taxpayer (i) employed at least 2,500 full-time employees in the State during the year in which the Credit is awarded, (ii) commits to make at least \$500,000,000 in combined capital improvements and project costs under the Agreement, (iii) applies for an Agreement between January 1, 2011 and June 30, 2011, (iv) executes an Agreement for the Credit during calendar year 2011, and (v) was incorporated no more than 5 years before the filing of an application for an Agreement.

(1.5) The election under this subsection (f) may also be made by a Taxpayer for any Credit awarded pursuant to an agreement that was executed between January 1, 2011 and June 30, 2011, if the Taxpayer (i) is primarily engaged in the manufacture of inner tubes or tires, or both, from natural and synthetic rubber, (ii) employs a minimum of 2,400 full-time employees in Illinois at the time of application, (iii) creates at least 350 full-time jobs and retains at least 250 full-time jobs in Illinois that would have been at risk of being created or retained outside of Illinois, and (iv) makes a capital investment of at least \$200,000,000 at the project location.

(1.6) The election under this subsection (f) may also be made by a Taxpayer for any Credit awarded pursuant to an agreement that was executed within 150 days after the effective date of this amendatory Act of the 97th General Assembly, if the Taxpayer (i) is primarily engaged in the operation of a discount department store, (ii) maintains its corporate headquarters in Illinois, (iii) employs a minimum of 4,250 full time employees at its corporate headquarters in Illinois at the time of application, (iv) retains at least 4,250 full time jobs in Illinois that would have been at risk of being relocated outside of Illinois, (v) had a minimum of \$40,000,000,000 in total revenue in 2010, and (vi) makes a capital investment of at least \$300,000,000 at the project location.

(2) An election under this subsection shall allow the credit to be taken against payments otherwise due under Section 704A of the Illinois Income Tax Act during the first calendar year beginning after the end of the taxable year in which the credit is awarded under this Act.

(3) The election shall be made in the form and manner required by the Illinois Department of Revenue and, once made, shall be irrevocable.

(4) If a Taxpayer who meets the requirements of subparagraph (A) of paragraph (1) of

this subsection (f) elects to claim the Credit against its withholdings as provided in this subsection (f), then, on and after the date of the election, the terms of the Agreement between the Taxpayer and the Department may not be further amended during the term of the Agreement.

(g) A pass-through entity that has been awarded a credit under this Act, its shareholders, or its partners may treat some or all of the credit awarded pursuant to this Act as a tax payment for purposes of the Illinois Income Tax Act. The term "tax payment" means a payment as described in Article 6 or Article 8 of the Illinois Income Tax Act or a composite payment made by a pass-through entity on behalf of any of its shareholders or partners to satisfy such shareholders' or partners' taxes imposed pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act. In no event shall the amount of the award credited pursuant to this Act exceed the Illinois income tax liability of the pass-through entity or its shareholders or partners for the taxable year.

(Source: P.A. 96-834, eff. 12-14-09; 96-836, eff. 12-16-09; 96-905, eff. 6-4-10; 96-1000, eff. 7-2-10; 96-1534, eff. 3-4-11; 97-2, eff. 5-6-11.)

Section 15-20. The Use Tax Act is amended by changing Sections 3-10 and 3-90 as follows:

(35 ILCS 105/3-10)

Sec. 3-10. Rate of tax. Unless otherwise provided in this Section, the tax imposed by this Act is at the rate of 6.25% of either the selling price or the fair market value, if any, of the tangible personal property. In all cases where property functionally used or consumed is the same as the property that was purchased at retail, then the tax is imposed on the selling price of the property. In all cases where property functionally used or consumed is a by-product or waste product that has been refined, manufactured, or produced from property purchased at retail, then the tax is imposed on the lower of the fair market value, if any, of the specific property so used in this State or on the selling price of the property purchased at retail. For purposes of this Section "fair market value" means the price at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of the relevant facts. The fair market value shall be established by Illinois sales by the taxpayer of the same property as that functionally used or consumed, or if there are no such sales by the taxpayer, then comparable sales or purchases of property of like kind and character in Illinois.

Beginning on July 1, 2000 and through December 31, 2000, with respect to motor fuel, as defined in Section 1.1 of the Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of the Use Tax Act, the tax is imposed at the rate of 1.25%.

Beginning on August 6, 2010 through August 15, 2010, with respect to sales tax holiday items as defined in Section 3-6 of this Act, the tax is imposed at the rate of 1.25%.

With respect to gasohol, the tax imposed by this Act applies to (i) 70% of the proceeds of sales made on or after January 1, 1990, and before July 1, 2003, (ii) 80% of the proceeds of sales made on or after July 1, 2003 and on or before December 31, ~~2013~~ 2018, and (iii) 100% of the proceeds of sales made thereafter. If, at any time, however, the tax under this Act on sales of gasohol is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of gasohol made during that time.

With respect to majority blended ethanol fuel, the tax imposed by this Act does not apply to the proceeds of sales made on or after July 1, 2003 and on or before December 31, ~~2013~~ 2018 but applies to 100% of the proceeds of sales made thereafter.

With respect to biodiesel blends with no less than 1% and no more than 10% biodiesel, the tax imposed by this Act applies to (i) 80% of the proceeds of sales made on or after July 1, 2003 and on or before December 31, ~~2013~~ 2018 and (ii) 100% of the proceeds of sales made thereafter. If, at any time, however, the tax under this Act on sales of biodiesel blends with no less than 1% and no more than 10% biodiesel is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of biodiesel blends with no less than 1% and no more than 10% biodiesel made during that time.

With respect to 100% biodiesel and biodiesel blends with more than 10% but no more than 99% biodiesel, the tax imposed by this Act does not apply to the proceeds of sales made on or after July 1, 2003 and on or before December 31, ~~2013~~ 2018 but applies to 100% of the proceeds of sales made thereafter.

With respect to food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, the tax is imposed at the rate of 1%.

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For the purposes of this Section, until September 1, 2009: the term "soft drinks" means any complete, finished, ready-to-use, non-alcoholic drink, whether carbonated or not, including but not limited to soda water, cola, fruit juice, vegetable juice, carbonated water, and all other preparations commonly known as soft drinks of whatever kind or description that are contained in any closed or sealed bottle, can, carton, or container, regardless of size; but "soft drinks" does not include coffee, tea, non-carbonated water, infant formula, milk or milk products as defined in the Grade A Pasteurized Milk and Milk Products Act, or drinks containing 50% or more natural fruit or vegetable juice.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "soft drinks" means non-alcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" do not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than 50% of vegetable or fruit juice by volume.

Until August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine. Beginning August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks, candy, and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "food for human consumption that is to be consumed off the premises where it is sold" does not include candy. For purposes of this Section, "candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" does not include any preparation that contains flour or requires refrigeration.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "nonprescription medicines and drugs" does not include grooming and hygiene products. For purposes of this Section, "grooming and hygiene products" includes, but is not limited to, soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and sun tan lotions and screens, unless those products are available by prescription only, regardless of whether the products meet the definition of "over-the-counter-drugs". For the purposes of this paragraph, "over-the-counter-drug" means a drug for human use that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The "over-the-counter-drug" label includes:

- (A) A "Drug Facts" panel; or
- (B) A statement of the "active ingredient(s)" with a list of those ingredients contained in the compound, substance or preparation.

If the property that is purchased at retail from a retailer is acquired outside Illinois and used outside Illinois before being brought to Illinois for use here and is taxable under this Act, the "selling price" on which the tax is computed shall be reduced by an amount that represents a reasonable allowance for depreciation for the period of prior out-of-state use.

(Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38, eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1012, eff. 7-7-10.)

(35 ILCS 105/3-90)

Sec. 3-90. Sunset of exemptions, credits, and deductions.

(a) The application of every exemption, credit, and deduction against tax imposed by this Act that becomes law after the effective date of this amendatory Act of 1994 shall be limited by a reasonable and appropriate sunset date. A taxpayer is not entitled to take the exemption, credit, or deduction beginning on the sunset date and thereafter. Except as provided in subsection (b) of this Section, if a reasonable and appropriate sunset date is not specified in the Public Act that creates the exemption, credit, or deduction, a taxpayer shall not be entitled to take the exemption, credit, or deduction beginning 5 years after the effective date of the Public Act creating the exemption, credit, or deduction and thereafter.

(b) Notwithstanding the provisions of subsection (a) of this Section, the sunset date of any exemption, credit, or deduction that is scheduled to expire in 2011, 2012, or 2013 by operation of this Section shall be extended by 5 years.

(Source: P.A. 88-660, eff. 9-16-94; 89-235, eff. 8-4-95.)

Section 15-25. The Service Use Tax Act is amended by changing Sections 3-10 and 3-75 as follows:

(35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

Sec. 3-10. Rate of tax. Unless otherwise provided in this Section, the tax imposed by this Act is at the rate of 6.25% of the selling price of tangible personal property transferred as an incident to the sale of

service, but, for the purpose of computing this tax, in no event shall the selling price be less than the cost price of the property to the serviceman.

Beginning on July 1, 2000 and through December 31, 2000, with respect to motor fuel, as defined in Section 1.1 of the Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of the Use Tax Act, the tax is imposed at the rate of 1.25%.

With respect to gasohol, as defined in the Use Tax Act, the tax imposed by this Act applies to (i) 70% of the selling price of property transferred as an incident to the sale of service on or after January 1, 1990, and before July 1, 2003, (ii) 80% of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, ~~2013~~ 2018, and (iii) 100% of the selling price thereafter. If, at any time, however, the tax under this Act on sales of gasohol, as defined in the Use Tax Act, is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of gasohol made during that time.

With respect to majority blended ethanol fuel, as defined in the Use Tax Act, the tax imposed by this Act does not apply to the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, ~~2013~~ 2018 but applies to 100% of the selling price thereafter.

With respect to biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel, the tax imposed by this Act applies to (i) 80% of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, ~~2013~~ 2018 and (ii) 100% of the proceeds of the selling price thereafter. If, at any time, however, the tax under this Act on sales of biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of biodiesel blends with no less than 1% and no more than 10% biodiesel made during that time.

With respect to 100% biodiesel, as defined in the Use Tax Act, and biodiesel blends, as defined in the Use Tax Act, with more than 10% but no more than 99% biodiesel, the tax imposed by this Act does not apply to the proceeds of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, ~~2013~~ 2018 but applies to 100% of the selling price thereafter.

At the election of any registered serviceman made for each fiscal year, sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35%, or 75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production, of the aggregate annual total gross receipts from all sales of service, the tax imposed by this Act shall be based on the serviceman's cost price of the tangible personal property transferred as an incident to the sale of those services.

The tax shall be imposed at the rate of 1% on food prepared for immediate consumption and transferred incident to a sale of service subject to this Act or the Service Occupation Tax Act by an entity licensed under the Hospital Licensing Act, the Nursing Home Care Act, the ID/DD Community Care Act, the Specialized Mental Health Rehabilitation Act, or the Child Care Act of 1969. The tax shall also be imposed at the rate of 1% on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption and is not otherwise included in this paragraph) and prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use. For the purposes of this Section, until September 1, 2009: the term "soft drinks" means any complete, finished, ready-to-use, non-alcoholic drink, whether carbonated or not, including but not limited to soda water, cola, fruit juice, vegetable juice, carbonated water, and all other preparations commonly known as soft drinks of whatever kind or description that are contained in any closed or sealed bottle, can, carton, or container, regardless of size; but "soft drinks" does not include coffee, tea, non-carbonated water, infant formula, milk or milk products as defined in the Grade A Pasteurized Milk and Milk Products Act, or drinks containing 50% or more natural fruit or vegetable juice.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "soft drinks" means non-alcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" do not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than 50% of vegetable or fruit juice by volume.

Until August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks and food products that are dispensed hot from a vending machine,

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regardless of the location of the vending machine. Beginning August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks, candy, and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "food for human consumption that is to be consumed off the premises where it is sold" does not include candy. For purposes of this Section, "candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" does not include any preparation that contains flour or requires refrigeration.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "nonprescription medicines and drugs" does not include grooming and hygiene products. For purposes of this Section, "grooming and hygiene products" includes, but is not limited to, soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and sun tan lotions and screens, unless those products are available by prescription only, regardless of whether the products meet the definition of "over-the-counter-drugs". For the purposes of this paragraph, "over-the-counter-drug" means a drug for human use that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The "over-the-counter-drug" label includes:

- (A) A "Drug Facts" panel; or
- (B) A statement of the "active ingredient(s)" with a list of those ingredients contained in the compound, substance or preparation.

If the property that is acquired from a serviceman is acquired outside Illinois and used outside Illinois before being brought to Illinois for use here and is taxable under this Act, the "selling price" on which the tax is computed shall be reduced by an amount that represents a reasonable allowance for depreciation for the period of prior out-of-state use.

(Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38, eff. 7-13-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; revised 9-12-11.)

(35 ILCS 110/3-75)

Sec. 3-75. Sunset of exemptions, credits, and deductions.

(a) The application of every exemption, credit, and deduction against tax imposed by this Act that becomes law after the effective date of this amendatory Act of 1994 shall be limited by a reasonable and appropriate sunset date. A taxpayer is not entitled to take the exemption, credit, or deduction beginning on the sunset date and thereafter. Except as provided in subsection (b) of this Section, if a reasonable and appropriate sunset date is not specified in the Public Act that creates the exemption, credit, or deduction, a taxpayer shall not be entitled to take the exemption, credit, or deduction beginning 5 years after the effective date of the Public Act creating the exemption, credit, or deduction and thereafter.

(b) Notwithstanding the provisions of subsection (a) of this Section, the sunset date of any exemption, credit, or deduction that is scheduled to expire in 2011, 2012, or 2013 by operation of this Section shall be extended by 5 years.

(Source: P.A. 88-660, eff. 9-16-94; 89-235, eff. 8-4-95.)

Section 15-30. The Service Occupation Tax Act is amended by changing Sections 3-10 and 3-55 as follows:

(35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

Sec. 3-10. Rate of tax. Unless otherwise provided in this Section, the tax imposed by this Act is at the rate of 6.25% of the "selling price", as defined in Section 2 of the Service Use Tax Act, of the tangible personal property. For the purpose of computing this tax, in no event shall the "selling price" be less than the cost price to the serviceman of the tangible personal property transferred. The selling price of each item of tangible personal property transferred as an incident of a sale of service may be shown as a distinct and separate item on the serviceman's billing to the service customer. If the selling price is not so shown, the selling price of the tangible personal property is deemed to be 50% of the serviceman's entire billing to the service customer. When, however, a serviceman contracts to design, develop, and produce special order machinery or equipment, the tax imposed by this Act shall be based on the serviceman's cost price of the tangible personal property transferred incident to the completion of the contract.

Beginning on July 1, 2000 and through December 31, 2000, with respect to motor fuel, as defined in Section 1.1 of the Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of the Use Tax Act, the tax is imposed at the rate of 1.25%.

With respect to gasohol, as defined in the Use Tax Act, the tax imposed by this Act shall apply to (i) 70% of the cost price of property transferred as an incident to the sale of service on or after January 1,

1990, and before July 1, 2003, (ii) 80% of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 ~~2013~~, and (iii) 100% of the cost price thereafter. If, at any time, however, the tax under this Act on sales of gasohol, as defined in the Use Tax Act, is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of gasohol made during that time.

With respect to majority blended ethanol fuel, as defined in the Use Tax Act, the tax imposed by this Act does not apply to the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 ~~2013~~ but applies to 100% of the selling price thereafter.

With respect to biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel, the tax imposed by this Act applies to (i) 80% of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 ~~2013~~ and (ii) 100% of the proceeds of the selling price thereafter. If, at any time, however, the tax under this Act on sales of biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of biodiesel blends with no less than 1% and no more than 10% biodiesel made during that time.

With respect to 100% biodiesel, as defined in the Use Tax Act, and biodiesel blends, as defined in the Use Tax Act, with more than 10% but no more than 99% biodiesel material, the tax imposed by this Act does not apply to the proceeds of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 ~~2013~~ but applies to 100% of the selling price thereafter.

At the election of any registered serviceman made for each fiscal year, sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35%, or 75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production, of the aggregate annual total gross receipts from all sales of service, the tax imposed by this Act shall be based on the serviceman's cost price of the tangible personal property transferred incident to the sale of those services.

The tax shall be imposed at the rate of 1% on food prepared for immediate consumption and transferred incident to a sale of service subject to this Act or the Service Occupation Tax Act by an entity licensed under the Hospital Licensing Act, the Nursing Home Care Act, the ID/DD Community Care Act, the Specialized Mental Health Rehabilitation Act, or the Child Care Act of 1969. The tax shall also be imposed at the rate of 1% on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption and is not otherwise included in this paragraph) and prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use. For the purposes of this Section, until September 1, 2009: the term "soft drinks" means any complete, finished, ready-to-use, non-alcoholic drink, whether carbonated or not, including but not limited to soda water, cola, fruit juice, vegetable juice, carbonated water, and all other preparations commonly known as soft drinks of whatever kind or description that are contained in any closed or sealed can, carton, or container, regardless of size; but "soft drinks" does not include coffee, tea, non-carbonated water, infant formula, milk or milk products as defined in the Grade A Pasteurized Milk and Milk Products Act, or drinks containing 50% or more natural fruit or vegetable juice.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "soft drinks" means non-alcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" do not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than 50% of vegetable or fruit juice by volume.

Until August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine. Beginning August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks, candy, and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "food for human consumption that is to be consumed off the premises where it is sold" does not include candy. For purposes of this Section, "candy" means a preparation of sugar, honey, or other natural or artificial

sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" does not include any preparation that contains flour or requires refrigeration.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "nonprescription medicines and drugs" does not include grooming and hygiene products. For purposes of this Section, "grooming and hygiene products" includes, but is not limited to, soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and sun tan lotions and screens, unless those products are available by prescription only, regardless of whether the products meet the definition of "over-the-counter-drugs". For the purposes of this paragraph, "over-the-counter-drug" means a drug for human use that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The "over-the-counter-drug" label includes:

(A) A "Drug Facts" panel; or

(B) A statement of the "active ingredient(s)" with a list of those ingredients contained in the compound, substance or preparation.

(Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38, eff. 7-13-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; revised 9-12-11.)

(35 ILCS 115/3-55)

Sec. 3-55. Sunset of exemptions, credits, and deductions.

(a) The application of every exemption, credit, and deduction against tax imposed by this Act that becomes law after the effective date of this amendatory Act of 1994 shall be limited by a reasonable and appropriate sunset date. A taxpayer is not entitled to take the exemption, credit, or deduction beginning on the sunset date and thereafter. Except as provided in subsection (b) of this Section, if ~~if~~ a reasonable and appropriate sunset date is not specified in the Public Act that creates the exemption, credit, or deduction, a taxpayer shall not be entitled to take the exemption, credit, or deduction beginning 5 years after the effective date of the Public Act creating the exemption, credit, or deduction and thereafter.

(b) Notwithstanding the provisions of subsection (a) of this Section, the sunset date of any exemption, credit, or deduction that is scheduled to expire in 2011, 2012, or 2013 by operation of this Section shall be extended by 5 years.

(Source: P.A. 88-660, eff. 9-16-94.)

Section 15-35. The Retailers' Occupation Tax Act is amended by changing Sections 2-10 and 2-70 as follows:

(35 ILCS 120/2-10)

Sec. 2-10. Rate of tax. Unless otherwise provided in this Section, the tax imposed by this Act is at the rate of 6.25% of gross receipts from sales of tangible personal property made in the course of business.

Beginning on July 1, 2000 and through December 31, 2000, with respect to motor fuel, as defined in Section 1.1 of the Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of the Use Tax Act, the tax is imposed at the rate of 1.25%.

Beginning on August 6, 2010 through August 15, 2010, with respect to sales tax holiday items as defined in Section 2-8 of this Act, the tax is imposed at the rate of 1.25%.

Within 14 days after the effective date of this amendatory Act of the 91st General Assembly, each retailer of motor fuel and gasohol shall cause the following notice to be posted in a prominently visible place on each retail dispensing device that is used to dispense motor fuel or gasohol in the State of Illinois: "As of July 1, 2000, the State of Illinois has eliminated the State's share of sales tax on motor fuel and gasohol through December 31, 2000. The price on this pump should reflect the elimination of the tax." The notice shall be printed in bold print on a sign that is no smaller than 4 inches by 8 inches. The sign shall be clearly visible to customers. Any retailer who fails to post or maintain a required sign through December 31, 2000 is guilty of a petty offense for which the fine shall be \$500 per day per each retail premises where a violation occurs.

With respect to gasohol, as defined in the Use Tax Act, the tax imposed by this Act applies to (i) 70% of the proceeds of sales made on or after January 1, 1990, and before July 1, 2003, (ii) 80% of the proceeds of sales made on or after July 1, 2003 and on or before December 31, ~~2013~~, and (iii) 100% of the proceeds of sales made thereafter. If, at any time, however, the tax under this Act on sales of gasohol, as defined in the Use Tax Act, is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of gasohol made during that time.

With respect to majority blended ethanol fuel, as defined in the Use Tax Act, the tax imposed by this Act does not apply to the proceeds of sales made on or after July 1, 2003 and on or before December 31, ~~2013~~ but applies to 100% of the proceeds of sales made thereafter.

With respect to biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more

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than 10% biodiesel, the tax imposed by this Act applies to (i) 80% of the proceeds of sales made on or after July 1, 2003 and on or before December 31, ~~2018~~ ~~2013~~ and (ii) 100% of the proceeds of sales made thereafter. If, at any time, however, the tax under this Act on sales of biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of biodiesel blends with no less than 1% and no more than 10% biodiesel made during that time.

With respect to 100% biodiesel, as defined in the Use Tax Act, and biodiesel blends, as defined in the Use Tax Act, with more than 10% but no more than 99% biodiesel, the tax imposed by this Act does not apply to the proceeds of sales made on or after July 1, 2003 and on or before December 31, ~~2018~~ ~~2013~~ but applies to 100% of the proceeds of sales made thereafter.

With respect to food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, the tax is imposed at the rate of 1%. For the purposes of this Section, until September 1, 2009: the term "soft drinks" means any complete, finished, ready-to-use, non-alcoholic drink, whether carbonated or not, including but not limited to soda water, cola, fruit juice, vegetable juice, carbonated water, and all other preparations commonly known as soft drinks of whatever kind or description that are contained in any closed or sealed bottle, can, carton, or container, regardless of size; but "soft drinks" does not include coffee, tea, non-carbonated water, infant formula, milk or milk products as defined in the Grade A Pasteurized Milk and Milk Products Act, or drinks containing 50% or more natural fruit or vegetable juice.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "soft drinks" means non-alcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" do not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than 50% of vegetable or fruit juice by volume.

Until August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine. Beginning August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks, candy, and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "food for human consumption that is to be consumed off the premises where it is sold" does not include candy. For purposes of this Section, "candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" does not include any preparation that contains flour or requires refrigeration.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "nonprescription medicines and drugs" does not include grooming and hygiene products. For purposes of this Section, "grooming and hygiene products" includes, but is not limited to, soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and sun tan lotions and screens, unless those products are available by prescription only, regardless of whether the products meet the definition of "over-the-counter-drugs". For the purposes of this paragraph, "over-the-counter-drug" means a drug for human use that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The "over-the-counter-drug" label includes:

- (A) A "Drug Facts" panel; or
- (B) A statement of the "active ingredient(s)" with a list of those ingredients contained in the compound, substance or preparation.

(Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38, eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1012, eff. 7-7-10.)

(35 ILCS 120/2-70)

Sec. 2-70. Sunset of exemptions, credits, and deductions.

(a) The application of every exemption, credit, and deduction against tax imposed by this Act that becomes law after the effective date of this amendatory Act of 1994 shall be limited by a reasonable and appropriate sunset date. A taxpayer is not entitled to take the exemption, credit, or deduction beginning on the sunset date and thereafter. Except as provided in subsection (b) of this Section, if ~~if~~ a reasonable and appropriate sunset date is not specified in the Public Act that creates the exemption, credit, or

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deduction, a taxpayer shall not be entitled to take the exemption, credit, or deduction beginning 5 years after the effective date of the Public Act creating the exemption, credit, or deduction and thereafter.

(b) Notwithstanding the provisions of subsection (a) of this Section, the sunset date of any exemption, credit, or deduction that is scheduled to expire in 2011, 2012, or 2013 by operation of this Section shall be extended by 5 years.

(Source: P.A. 88-660, eff. 9-16-94.)

Section 15-40. The Illinois Estate and Generation-Skipping Transfer Tax Act is amended by changing Section 2 as follows:

(35 ILCS 405/2) (from Ch. 120, par. 405A-2)

Sec. 2. Definitions.

"Federal estate tax" means the tax due to the United States with respect to a taxable transfer under Chapter 11 of the Internal Revenue Code.

"Federal generation-skipping transfer tax" means the tax due to the United States with respect to a taxable transfer under Chapter 13 of the Internal Revenue Code.

"Federal return" means the federal estate tax return with respect to the federal estate tax and means the federal generation-skipping transfer tax return with respect to the federal generation-skipping transfer tax.

"Federal transfer tax" means the federal estate tax or the federal generation-skipping transfer tax.

"Illinois estate tax" means the tax due to this State with respect to a taxable transfer.

"Illinois generation-skipping transfer tax" means the tax due to this State with respect to a taxable transfer that gives rise to a federal generation-skipping transfer tax.

"Illinois transfer tax" means the Illinois estate tax or the Illinois generation-skipping transfer tax.

"Internal Revenue Code" means, unless otherwise provided, the Internal Revenue Code of 1986, as amended from time to time.

"Non-resident trust" means a trust that is not a resident of this State for purposes of the Illinois Income Tax Act, as amended from time to time.

"Person" means and includes any individual, trust, estate, partnership, association, company or corporation.

"Qualified heir" means a qualified heir as defined in Section 2032A(e)(1) of the Internal Revenue Code.

"Resident trust" means a trust that is a resident of this State for purposes of the Illinois Income Tax Act, as amended from time to time.

"State" means any state, territory or possession of the United States and the District of Columbia.

"State tax credit" means:

(a) For persons dying on or after January 1, 2003 and through December 31, 2005, an amount equal to the full credit calculable under Section 2011 or Section 2604 of the Internal Revenue Code as the credit would have been computed and allowed under the Internal Revenue Code as in effect on December 31, 2001, without the reduction in the State Death Tax Credit as provided in Section 2011(b)(2) or the termination of the State Death Tax Credit as provided in Section 2011(f) as enacted by the Economic Growth and Tax Relief Reconciliation Act of 2001, but recognizing the increased applicable exclusion amount through December 31, 2005.

(b) For persons dying after December 31, 2005 and on or before December 31, 2009, and for persons dying after December 31, 2010, an amount equal to the full credit calculable under Section 2011 or 2604 of the Internal Revenue Code as the credit would have been computed and allowed under the Internal Revenue Code as in effect on December 31, 2001, without the reduction in the State Death Tax Credit as provided in Section 2011(b)(2) or the termination of the State Death Tax Credit as provided in Section 2011(f) as enacted by the Economic Growth and Tax Relief Reconciliation Act of 2001, but recognizing the exclusion amount of only (i) \$2,000,000 for persons dying prior to January 1, 2012, (ii) \$3,000,000 for persons dying on or after January 1, 2012 and prior to January 1, 2013, and (iii) \$3,500,000 for persons dying on or after January 1, 2013, and with reduction to the adjusted taxable estate for any qualified terminable interest property election as defined in subsection (b-1) of this Section.

(b-1) The person required to file the Illinois return may elect on a timely filed Illinois return a marital deduction for qualified terminable interest property under Section 2056(b)(7) of the Internal Revenue Code for purposes of the Illinois estate tax that is separate and independent of any qualified terminable interest property election for federal estate tax purposes. For purposes of the Illinois estate tax, the inclusion of property in the gross estate of a surviving spouse is the same as under Section 2044 of the Internal Revenue Code.

In the case of any trust for which a State or federal qualified terminable interest property election is

made, the trustee may not retain non-income producing assets for more than a reasonable amount of time without the consent of the surviving spouse.

"Taxable transfer" means an event that gives rise to a state tax credit, including any credit as a result of the imposition of an additional tax under Section 2032A(c) of the Internal Revenue Code.

"Transferee" means a transferee within the meaning of Section 2603(a)(1) and Section 6901(h) of the Internal Revenue Code.

"Transferred property" means:

(1) With respect to a taxable transfer occurring at the death of an individual, the deceased individual's gross estate as defined in Section 2031 of the Internal Revenue Code.

(2) With respect to a taxable transfer occurring as a result of a taxable termination as defined in Section 2612(a) of the Internal Revenue Code, the taxable amount determined under Section 2622(a) of the Internal Revenue Code.

(3) With respect to a taxable transfer occurring as a result of a taxable distribution as defined in Section 2612(b) of the Internal Revenue Code, the taxable amount determined under Section 2621(a) of the Internal Revenue Code.

(4) With respect to an event which causes the imposition of an additional estate tax under Section 2032A(c) of the Internal Revenue Code, the qualified real property that was disposed of or which ceased to be used for the qualified use, within the meaning of Section 2032A(c)(1) of the Internal Revenue Code.

"Trust" includes a trust as defined in Section 2652(b)(1) of the Internal Revenue Code.

(Source: P.A. 96-789, eff. 9-8-09; 96-1496, eff. 1-13-11)."

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Hutchinson offered the following amendment and moved its adoption:

AMENDMENT NO. 8 TO HOUSE BILL 1883

AMENDMENT NO. 8. Amend House Bill 1883, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 7, on page 39, line 10, after "area", by inserting "except as provided in subsection (c)"; and

on page 39, immediately below line 20, by inserting the following:

"(c) In the event that the developer maintains no jobs at any time before the termination of the economic development project area, the municipality shall adopt an ordinance dissolving the special tax allocation fund for the economic development project area and terminating the economic development project area as an economic development project area. That ordinance shall be adopted no later than one year after the date that the developer maintains no jobs within the economic development project area. All excess moneys in the special tax allocation fund shall be distributed to the taxing districts in the same manner and proportion as the most recent distribution by the county collector to those taxing districts in the economic development project area."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Hutchinson, **House Bill No. 1883** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 36; NAYS 18; Present 1.

The following voted in the affirmative:

Allthoff

Haine

Link

Silverstein

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Bivins	Harmon	Maloney	Steans
Bomke	Holmes	Martinez	Sullivan
Brady	Hunter	Millner	Syverson
Clayborne	Hutchinson	Mulroe	Trotter
Collins, A.	Jacobs	Muñoz	Wilhelmi
Crotty	Jones, E.	Murphy	
Delgado	Koehler	Radogno	
Dillard	Kotowski	Raoul	
Garrett	Lightford	Schoenberg	

The following voted in the negative:

Collins, J.	Johnson, T.	McCann	Righter
Cultra	Jones, J.	McCarter	Sandack
Duffy	LaHood	Noland	Schmidt
Frerichs	Landek	Pankau	
Johnson, C.	Lauzen	Rezin	

The following voted present:

Sandoval

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

Ordered that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

CONSIDERATION OF SENATE BILL ON CONSIDERATION POSTPONED

On motion of Senator Cullerton, **Senate Bill No. 678**, having been read by title a third time on October 27, 2011, and pending roll call further consideration postponed, was taken up again on third reading.

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

YEAS 30; NAYS 28.

The following voted in the affirmative:

Bomke	Hunter	Luechtefeld	Silverstein
Clayborne	Hutchinson	McCann	Steans
Collins, A.	Jacobs	Mulroe	Sullivan
Crotty	Jones, J.	Muñoz	Trotter
Forby	Koehler	Noland	Wilhelmi
Frerichs	Kotowski	Raoul	Mr. President
Harmon	Landek	Sandoval	
Holmes	Link	Schoenberg	

The following voted in the negative:

Althoff	Garrett	Maloney	Righter
Bivins	Haine	Martinez	Sandack
Brady	Johnson, C.	McCarter	Schmidt
Collins, J.	Johnson, T.	Millner	Syverson
Cultra	Jones, E.	Murphy	
Delgado	LaHood	Pankau	
Dillard	Lauzen	Radogno	
Duffy	Lightford	Rezin	

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

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Steans, **House Bill No. 442** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAY 1.

The following voted in the affirmative:

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

The following voted in the negative:

Pankau

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Haine, **House Bill No. 1577** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lightford	Rezin
Bivins	Harmon	Link	Righter
Bomke	Holmes	Luechtefeld	Sandack
Brady	Hunter	Maloney	Sandoval
Clayborne	Hutchinson	Martinez	Schmidt
Collins, A.	Jacobs	McCann	Schoenberg
Collins, J.	Johnson, C.	McCarter	Silverstein

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Crotty	Johnson, T.	Millner	Steans
Cultra	Jones, E.	Mulroe	Sullivan
Delgado	Jones, J.	Muñoz	Syverson
Dillard	Koehler	Murphy	Trotter
Duffy	Kotowski	Noland	Wilhelmi
Forby	LaHood	Pankau	Mr. President
Frerichs	Landek	Radogno	
Garrett	Lauzen	Raoul	

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

Ordered that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Trotter, **House Bill No. 507** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Schmidt, **House Bill No. 508** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Link	Sandack
Bivins	Harmon	Maloney	Sandoval
Bomke	Holmes	Martinez	Schmidt
Brady	Hunter	McCann	Schoenberg
Clayborne	Hutchinson	McCarter	Silverstein
Collins, A.	Jacobs	Millner	Steans

Collins, J.	Johnson, C.	Mulroe	Sullivan
Crotty	Johnson, T.	Muñoz	Syverson
Cultra	Jones, E.	Murphy	Trotter
Delgado	Koehler	Noland	Wilhelmi
Dillard	Kotowski	Pankau	Mr. President
Duffy	LaHood	Radogno	
Forby	Landek	Raoul	
Frerichs	Laufen	Rezin	
Garrett	Lightford	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Harmon, **House Bill No. 588** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 38; NAYS 16.

The following voted in the affirmative:

Althoff	Hunter	Maloney	Schoenberg
Bomke	Hutchinson	Martinez	Silverstein
Collins, A.	Johnson, C.	Millner	Stears
Collins, J.	Jones, E.	Mulroe	Sullivan
Crotty	Jones, J.	Muñoz	Syverson
Delgado	Koehler	Noland	Trotter
Forby	Kotowski	Radogno	Wilhelmi
Frerichs	Lightford	Raoul	Mr. President
Haine	Link	Sandack	
Harmon	Luechtefeld	Sandoval	

The following voted in the negative:

Bivins	Johnson, T.	McCarter	Schmidt
Cultra	LaHood	Murphy	
Duffy	Landek	Pankau	
Garrett	Laufen	Rezin	
Holmes	McCann	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Trotter, **House Bill No. 691** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 40; NAYS 18.

The following voted in the affirmative:

Althoff	Harmon	Lightford	Sandoval
Bomke	Holmes	Link	Silverstein

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Brady	Hunter	Luechtefeld	Steans
Clayborne	Hutchinson	Maloney	Sullivan
Collins, A.	Jacobs	Martinez	Trotter
Collins, J.	Jones, E.	McCann	Wilhelmi
Crotty	Jones, J.	Millner	Mr. President
Delgado	Koehler	Mulroe	
Dillard	Kotowski	Muñoz	
Forby	Landek	Noland	
Frerichs	Lauzen	Raoul	

The following voted in the negative:

Bivins	Johnson, C.	Pankau	Schmidt
Cultra	Johnson, T.	Radogno	Schoenberg
Duffy	LaHood	Rezin	Syverson
Garrett	McCarter	Righter	
Haine	Murphy	Sandack	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Koehler, **House Bill No. 1708** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Harmon, **House Bill No. 1927** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

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

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

Ordered that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Hutchinson, **House Bill No. 1958** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 44; NAYS 10.

The following voted in the affirmative:

Althoff	Holmes	Maloney	Schoenberg
Clayborne	Hunter	Martinez	Silverstein
Collins, A.	Hutchinson	McCann	Steans
Collins, J.	Jacobs	Mulroe	Sullivan
Crotty	Johnson, C.	Muñoz	Syverson
Delgado	Jones, E.	Murphy	Trotter
Dillard	Koehler	Noland	Wilhelmi
Forby	Kotowski	Pankau	Mr. President
Frerichs	Landek	Raoul	
Garrett	Lauzen	Sandack	
Haine	Lightford	Sandoval	
Harmon	Link	Schmidt	

The following voted in the negative:

Bivins	Duffy	LaHood	Righter
Bomke	Johnson, T.	McCarter	
Cultra	Jones, J.	Radogno	

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

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILL RECALLED

[November 29, 2011]

On motion of Senator Link, **House Bill No. 3375** was recalled from the order of third reading to the order of second reading.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 3375

AMENDMENT NO. 2. Amend House Bill 3375, AS AMENDED, immediately above Section 5, by inserting the following:

"Section 3. The Illinois Pension Code is amended by changing Section 14-111 as follows:
(40 ILCS 5/14-111) (from Ch. 108 1/2, par. 14-111)

Sec. 14-111. Re-entry After retirement.

(a) An annuitant who re-enters the service of a department and receives compensation on a regular payroll shall receive no payments of the retirement annuity during the time he is so employed, with the following exceptions:

(1) An annuitant who is employed by a department while he or she is a continuing participant in the General Assembly Retirement System under Sections 2-117.1 and 14-105.4 will not be considered to have made a re-entry after retirement within the meaning of this Section for the duration of such continuing participation. Any person who is a continuing participant under Sections 2-117.1 and 14-105.4 on the effective date of this amendatory Act of 1991 and whose retirement annuity has been suspended under this Section shall be entitled to receive from the System a sum equal to the annuity payments that have been withheld under this Section, and shall receive the benefit of this amendment without regard to Section 1-103.1.

(2) An annuitant who accepts temporary employment from such a department (i) for a period not exceeding 75 working days in any calendar year or (ii) for total compensation of less than \$30,000 during a calendar year is not considered to make a re-entry after retirement within the meaning of this Section. Any part of a day on temporary employment is considered a full day of employment.

(b) If such person re-enters the service of a department, not as a temporary employee, contributions to the system shall begin as of the date of re-employment and additional creditable service shall begin to accrue. He shall assume the status of a member entitled to all rights and privileges in the system, including death and disability benefits, excluding a refund of contributions.

Upon subsequent retirement, his retirement annuity shall consist of:

(1) the amounts of the annuities terminated by re-entry into service; and

(2) the amount of the additional retirement annuity earned by the member during the period of additional membership service which shall not be subject to reversionary annuity if any.

The total retirement annuity shall not, however, exceed the maximum applicable to the member at the time of original retirement. In the computation of any such retirement annuity, the time that the member was on retirement shall not interrupt the continuity of service for the computation of final average compensation and the additional membership service shall be considered, together with service rendered before the previous retirement, in establishing final average compensation.

A person who re-enters the service of a department within 3 years after retiring may qualify to have the retirement annuity computed as though the member had not previously retired by paying to the System, within 5 years after re-entry and prior to subsequent retirement, in a lump sum or in installment payments in accordance with such rules as may be adopted by the Board, an amount equal to all retirement payments received, including any payments received in accordance with subsection (c) or (d) of Section 14-130, plus regular interest from the date retirement payments were suspended to the date of repayment.

(Source: P.A. 86-1488; 87-794.)"

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Link, **House Bill No. 3375** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

[November 29, 2011]

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

YEAS 43; NAYS 13.

The following voted in the affirmative:

Althoff	Garrett	Landek	Raoul
Bivins	Haine	Lightford	Sandoval
Bomke	Harmon	Link	Schmidt
Brady	Holmes	Luechtefeld	Schoenberg
Clayborne	Hunter	Maloney	Silverstein
Collins, A.	Hutchinson	Martinez	Steans
Collins, J.	Jacobs	Mulroe	Sullivan
Crotty	Johnson, C.	Muñoz	Trotter
Delgado	Jones, E.	Noland	Wilhelmi
Forby	Koehler	Pankau	Mr. President
Frerichs	Kotowski	Radogno	

The following voted in the negative:

Cultra	Jones, J.	McCarter	Syverson
Dillard	LaHood	Murphy	
Duffy	Lauzen	Rezin	
Johnson, T.	McCann	Sandack	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

At the hour of 3:34 o'clock p.m., Senator Harmon, presiding.

On motion of Senator Koehler, **House Bill No. 3788** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Althoff, **House Bill No. 3840** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

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

On motion of Senator Sullivan, **Senate Bill No. 1640**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lightford	Rezin
Bivins	Harmon	Link	Righter
Bomke	Holmes	Luechtefeld	Sandack
Brady	Hunter	Maloney	Sandoval
Clayborne	Hutchinson	Martinez	Schmidt
Collins, A.	Jacobs	McCann	Schoenberg
Collins, J.	Johnson, C.	McCarter	Silverstein
Crotty	Johnson, T.	Millner	Steans
Cultra	Jones, E.	Mulroe	Sullivan
Delgado	Jones, J.	Muñoz	Syverson
Dillard	Koehler	Murphy	Trotter

Duffy	Kotowski	Noland	Wilhelmi
Forby	LaHood	Pankau	Mr. President
Frerichs	Landek	Radogno	
Garrett	Laufen	Raoul	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 1640**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Jacobs moved that **Senate Resolution No. 352**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Jacobs moved that Senate Resolution No. 352 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Raoul moved that **House Joint Resolution No. 41**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Raoul moved that House Joint Resolution No. 41 be adopted.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

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

On motion of Senator Haine, **Senate Bill No. 1538**, with House Amendments numbered 1 and 3 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 58; NAYS None.

The following voted in the affirmative:

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

The motion prevailed.

[November 29, 2011]

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 3 to **Senate Bill No. 1538**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Holmes, **Senate Bill No. 2188**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 57; NAYS None.

The following voted in the affirmative:

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

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2188**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 471

Offered by Senator Cullerton and all Senators:

Mourns the death of Margaret "Maggie" Daley of Chicago.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

REPORT FROM STANDING COMMITTEE

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

The motion prevailed.

EXECUTIVE SESSION

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 170, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

[November 29, 2011]

Appointment Message No. 170

Title of Office: Assistant Director

Agency or Other Body: Illinois Department of Veterans' Affairs

Start Date: October 11, 2011

End Date: January 21, 2013

Name: Rodrigo Garcia

Residence: 721 Lindsey Lane, Bolingbrook, IL 60440

Annual Compensation: \$98,543

Per diem: Not Applicable

Nominee's Senator: Senator A. J. Wilhelmi

Most Recent Holder of Office: Sergio Estrada, Jr.

Superseded Appointment Message: Not Applicable

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

YEAS 54; NAYS None; Present 1.

The following voted in the affirmative:

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

The following voted present:

Duffy

The motion prevailed.

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

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 247, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 247

[November 29, 2011]

Title of Office: Secretary

Agency or Other Body: Illinois Department of Transportation

Start Date: October 28, 2011

End Date: January 21, 2013

Name: Ann L. Schneider

Residence: 17483 Lebanan Cemetery Rd., Petersburg, IL 62675

Annual Compensation: \$150,228

Per diem: Not Applicable

Nominee's Senator: Senator Larry K. Bomke

Most Recent Holder of Office: Gary Hannig

Superseded Appointment Message: Not Applicable

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

YEAS 53; NAYS None; Present 1.

The following voted in the affirmative:

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

The following voted present:

Duffy

The motion prevailed.

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

Pursuant to Motion in Writing filed earlier today, Senator Muñoz moved to compile the following Appointment Messages to be acted on together by a single vote of the Senate.

AM's 130, 131, 132, 133 (Health Facilities Services & Review Board)

AM's 134, 135, 136 (Central Illinois Economic Development Authority)

[November 29, 2011]

The motion prevailed.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 130, 131, 132, 133, 134, 135 and 136, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

Appointment Message No. 130

Title of Office: Member

Agency or Other Body: Health Facilities and Services Review Board

Start Date: June 2, 2011

End Date: July 1, 2011

Name: Richard H. Sewell

Residence: 1410 East 48th St., Chicago, IL 60615

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Kwame Raoul

Most Recent Holder of Office: Courtney Avery

Superseded Appointment Message: Not Applicable

Appointment Message No. 131

Title of Office: Member

Agency or Other Body: Health Facilities and Services Review Board

Start Date: June 2, 2011

End Date: July 1, 2012

Name: Kathryn J. Olson

Residence: 1100 Tilton Park Dr., Rochelle, IL 61068

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Christine J. Johnson

Most Recent Holder of Office: Donald Yost

Superseded Appointment Message: Not Applicable

Appointment Message No. 132

Title of Office: Member

[November 29, 2011]

Agency or Other Body: Health Facilities and Services Review Board

Start Date: July 2, 2011

End Date: July 1, 2014

Name: James J. Burden, M.D.

Residence: 915 Pleasant Lane, Glenview, IL 60025

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Jeffrey M. Schoenberg

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 133

Title of Office: Member

Agency or Other Body: Health Facilities and Services Review Board

Start Date: July 2, 2011

End Date: July 1, 2014

Name: David Penn

Residence: 207 Willard Ave., Bloomington, IL 61701

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Bill Brady

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 134

Title of Office: Member

Agency or Other Body: Central Illinois Economic Development Authority

Start Date: June 3, 2011

End Date: January 19, 2015

Name: Rachel Joy

Residence: 520 N. Virginia Ave., Decatur, IL 62522

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Bill Brady

Most Recent Holder of Office: Original Appointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 135

Title of Office: Member

Agency or Other Body: Central Illinois Economic Development Authority

Start Date: June 3, 2011

End Date: January 20, 2014

Name: Everett Allen Lash

Residence: P.O. Box 285, Jerseyville, IL 62052

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Wm. Sam McCann

Most Recent Holder of Office: Original Appointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 136

Title of Office: Member

Agency or Other Body: Central Illinois Economic Development Authority

Start Date: June 3, 2011

End Date: January 21, 2013

Name: Edward Heck

Residence: 812 Webster St., Nokomis, IL 62075

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Wm. Sam McCann

Most Recent Holder of Office: Original Appointment

[November 29, 2011]

Superseded Appointment Message: Not Applicable

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

YEAS 54; NAYS None; Present 1.

The following voted in the affirmative:

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

The following voted present:

McCarter

The motion prevailed.

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

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

Senator Harmon, presiding.

At the hour of 3:58 o'clock p.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 4:12 o'clock p.m. the Senate resumed consideration of business.

Senator Trotter, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 29, 2011 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committee of the Senate:

Executive: **Motion to Concur in House Amendment 1 to Senate Bill 1701**
Motion to Concur in House Amendments 1 and 2 to Senate Bill 1762

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 29, 2011 meeting, reported the following Appointment Messages have been assigned to the indicated Standing Committee of the Senate:

Executive Appointments: **Appointment Messages Numbered 301, 302, 303 and 304.**

[November 29, 2011]

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 29, 2011 meeting, reported that the following Legislative Measure has been approved for consideration:

Motion to Concur with House Amendments 1 and 2 to Senate Bill 1609

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

POSTING NOTICES WAIVED

Senator Silverstein moved to waive the six-day posting requirement on **Senate Bill No. 1701** so that the bill may be heard in the Committee on Executive that is scheduled to meet today.

The motion prevailed.

Senator Dillard moved to waive the six-day posting requirement on **Senate Bill No. 1762** so that the bill may be heard in the Committee on Executive that is scheduled to meet today.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The Chair announced the following committee to meet upon recess:

Executive in Room 212

At the hour of 4:13 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 5:38 o'clock a.m., the Senate resumed consideration of business.

Senator Harmon, presiding.

REPORT FROM STANDING COMMITTEE

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

Motion to Concur in House Amendment 1 to Senate Bill 1701; Motion to Concur in House Amendments 1 and 2 to Senate Bill 1762

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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 472

Offered by Senator Link and all Senators:

Mourns the death of Robert G. Welch of North Chicago.

SENATE RESOLUTION NO. 473

Offered by Senator Link and all Senators:

Mourns the death of Elizabeth Agnes Philyaw "Betsy" Boettle of Waukegan.

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

INTRODUCTION OF BILLS

SENATE BILL NO. 2535. Introduced by Senator Silverstein, a bill for AN ACT concerning elections.

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

SENATE BILL NO. 2536. Introduced by Senator Silverstein, a bill for AN ACT concerning civil law.

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

SENATE BILL NO. 2537. Introduced by Senator Silverstein, a bill for AN ACT concerning criminal law, which may be referred to as Caylee's law.

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

SENATE BILL NO. 2538. Introduced by Senator Silverstein, a bill for AN ACT concerning criminal law.

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

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

On motion of Senator Silverstein, **Senate Bill No. 1701**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 54; NAYS None.

The following voted in the affirmative:

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

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1701**.

Ordered that the Secretary inform the House of Representatives thereof.

[November 29, 2011]

On motion of Senator Kotowski, **Senate Bill No. 1609**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 53; NAYS None.

The following voted in the affirmative:

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

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 1609**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Dillard, **Senate Bill No. 1762**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 56; NAYS None.

The following voted in the affirmative:

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

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 1762**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

MESSAGE FROM THE PRESIDENT

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

JOHN J. CULLERTON
SENATE PRESIDENT

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

November 29, 2011

Ms. Jillayne Rock
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby establish December 31, 2011 as the 3rd Reading deadline for HB 3848.

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

cc: Senate Republican Leader Christine Radogno

At the hour of 6:46 o'clock p.m., Senator Schoenberg, presiding.

MESSAGE FROM THE HOUSE

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 1311

A bill for AN ACT concerning finance.

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

House Amendment No. 2 to SENATE BILL NO. 1311

House Amendment No. 3 to SENATE BILL NO. 1311

Passed the House, as amended, November 29, 2011.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 1311

AMENDMENT NO. 2. Amend Senate Bill 1311 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Promotion Act is amended by changing Section 4a as follows:
(20 ILCS 665/4a) (from Ch. 127, par. 200-24a)

[November 29, 2011]

Sec. 4a. Funds.

(1) All moneys deposited in the Tourism Promotion Fund pursuant to this subsection are allocated to the Department for utilization, as appropriated, in the performance of its powers under Section 4.

As soon as possible after the first day of each month, beginning July 1, 1997, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Tourism Promotion Fund an amount equal to 13% of the net revenue realized from the Hotel Operators' Occupation Tax Act plus an amount equal to 13% of the net revenue realized from any tax imposed under Section 4.05 of the Chicago World's Fair-1992 Authority Act during the preceding month. "Net revenue realized for a month" means the revenue collected by the State under that Act during the previous month less the amount paid out during that same month as refunds to taxpayers for overpayment of liability under that Act.

(1.1) (Blank).

(2) As soon as possible after the first day of each month, beginning July 1, 1997, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Tourism Promotion Fund an amount equal to 8% of the net revenue realized from the Hotel Operators' Occupation Tax plus an amount equal to 8% of the net revenue realized from any tax imposed under Section 4.05 of the Chicago World's Fair-1992 Authority Act during the preceding month. "Net revenue realized for a month" means the revenue collected by the State under that Act during the previous month less the amount paid out during that same month as refunds to taxpayers for overpayment of liability under that Act.

All monies deposited in the Tourism Promotion Fund under this subsection (2) shall be used solely as provided in this subsection to advertise and promote tourism throughout Illinois. Appropriations of monies deposited in the Tourism Promotion Fund pursuant to this subsection (2) shall be used solely for advertising to promote tourism, including but not limited to advertising production and direct advertisement costs, but shall not be used to employ any additional staff, finance any individual event, or lease, rent or purchase any physical facilities. The Department shall coordinate its advertising under this subsection (2) with other public and private entities in the State engaged in similar promotion activities. Print or electronic media production made pursuant to this subsection (2) for advertising promotion shall not contain or include the physical appearance of or reference to the name or position of any public officer. "Public officer" means a person who is elected to office pursuant to statute, or who is appointed to an office which is established, and the qualifications and duties of which are prescribed, by statute, to discharge a public duty for the State or any of its political subdivisions.

(3) Notwithstanding anything in this Section to the contrary, amounts transferred from the General Revenue Fund to the Tourism Promotion Fund pursuant to this Section shall not exceed \$26,300,000 in State fiscal year 2012.

(Source: P.A. 91-472, eff. 8-10-99; 92-38, eff. 6-28-01.)

Section 10. The State Finance Act is amended by changing Sections 6p-2, 6z-32, 6z-63, 6z-64, 6z-81, 8.49, 8g, and 8o and adding Section 8.51 as follows:

(30 ILCS 105/6p-2) (from Ch. 127, par. 142p2)

Sec. 6p-2. The Communications Revolving Fund shall be initially financed by a transfer of funds from the General Revenue Fund. Thereafter, all fees and other monies received by the Department of Central Management Services in payment for communications services rendered pursuant to the Department of Central Management Services Law or sale of surplus State communications equipment shall be paid into the Communications Revolving Fund. Except as otherwise provided in this Section, the money in this fund shall be used by the Department of Central Management Services as reimbursement for expenditures incurred in relation to communications services.

On the effective date of this amendatory Act of the 93rd General Assembly, or as soon as practicable thereafter, the State Comptroller shall order transferred and the State Treasurer shall transfer \$3,000,000 from the Communications Revolving Fund to the Emergency Public Health Fund to be used for the purposes specified in Section 55.6a of the Environmental Protection Act.

In addition to any other transfers that may be provided for by law, on July 1, 2011, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$5,000,000 from the General Revenue Fund to the Communications Revolving Fund.

(Source: P.A. 92-316, eff. 8-9-01; 93-32, eff. 6-20-03; 93-52, eff. 6-30-03.)

(30 ILCS 105/6z-32)

Sec. 6z-32. Partners for Planning and Conservation.

(a) The Partners for Conservation Fund (formerly known as the Conservation 2000 Fund) and the Partners for Conservation Projects Fund (formerly known as the Conservation 2000 Projects Fund) are

[November 29, 2011]

created as special funds in the State Treasury. These funds shall be used to establish a comprehensive program to protect Illinois' natural resources through cooperative partnerships between State government and public and private landowners. Moneys in these Funds may be used, subject to appropriation, by the Department of Natural Resources, Environmental Protection Agency, and the Department of Agriculture for purposes relating to natural resource protection, planning, recreation, tourism, and compatible agricultural and economic development activities. Without limiting these general purposes, moneys in these Funds may be used, subject to appropriation, for the following specific purposes:

- (1) To foster sustainable agriculture practices and control soil erosion and sedimentation, including grants to Soil and Water Conservation Districts for conservation practice cost-share grants and for personnel, educational, and administrative expenses.
- (2) To establish and protect a system of ecosystems in public and private ownership through conservation easements, incentives to public and private landowners, natural resource restoration and preservation, water quality protection and improvement, land use and watershed planning, technical assistance and grants, and land acquisition provided these mechanisms are all voluntary on the part of the landowner and do not involve the use of eminent domain.
- (3) To develop a systematic and long-term program to effectively measure and monitor natural resources and ecological conditions through investments in technology and involvement of scientific experts.
- (4) To initiate strategies to enhance, use, and maintain Illinois' inland lakes through education, technical assistance, research, and financial incentives.
- (5) To partner with private landowners and with units of State, federal, and local government and with not-for-profit organizations in order to integrate State and federal programs with Illinois' natural resource protection and restoration efforts and to meet requirements to obtain federal and other funds for conservation or protection of natural resources.

(b) The State Comptroller and State Treasurer shall automatically transfer on the last day of each month, beginning on September 30, 1995 and ending on June 30, 2021, from the General Revenue Fund to the Partners for Conservation Fund, an amount equal to 1/10 of the amount set forth below in fiscal year 1996 and an amount equal to 1/12 of the amount set forth below in each of the other specified fiscal years:

Fiscal Year	Amount
1996	\$ 3,500,000
1997	\$ 9,000,000
1998	\$10,000,000
1999	\$11,000,000
2000	\$12,500,000
2001 through 2004	\$14,000,000
2005	\$7,000,000
2006	\$11,000,000
2007	\$0
2008 through 2011 2021	\$14,000,000
<u>2012</u>	<u>\$12,200,000</u>
<u>2013 through 2021</u>	<u>\$14,000,000</u>

(c) Notwithstanding any other provision of law to the contrary and in addition to any other transfers that may be provided for by law, on the last day of each month beginning on July 31, 2006 and ending on June 30, 2007, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer \$1,000,000 from the Open Space Lands Acquisition and Development Fund to the Conservation 2000 Fund.

(d) There shall be deposited into the Partners for Conservation Projects Fund such bond proceeds and other moneys as may, from time to time, be provided by law.

(Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-139, eff. 1-1-08.)

(30 ILCS 105/6z-63)

Sec. 6z-63. The Professional Services Fund.

(a) The Professional Services Fund is created as a revolving fund in the State treasury. The following moneys shall be deposited into the Fund:

(1) amounts authorized for transfer to the Fund from the General Revenue Fund and other State funds (except for funds classified by the Comptroller as federal trust funds or State trust funds) pursuant to State law or Executive Order;

(2) federal funds received by the Department of Central Management Services (the "Department") as a result of expenditures from the Fund;

- (3) interest earned on moneys in the Fund; and
- (4) receipts or inter-fund transfers resulting from billings issued by the Department to State agencies for the cost of professional services rendered by the Department that are not compensated through the specific fund transfers authorized by this Section.
- (b) Moneys in the Fund may be used by the Department for reimbursement or payment for:
- (1) providing professional services to State agencies or other State entities;
 - (2) rendering other services to State agencies at the Governor's direction or to other State entities upon agreement between the Director of Central Management Services and the appropriate official or governing body of the other State entity; or
 - (3) providing for payment of administrative and other expenses incurred by the Department in providing professional services.
- (c) State agencies or other State entities may direct the Comptroller to process inter-fund transfers or make payment through the voucher and warrant process to the Professional Services Fund in satisfaction of billings issued under subsection (a) of this Section.
- (d) Reconciliation. For the fiscal year beginning on July 1, 2004 only, the Director of Central Management Services (the "Director") shall order that each State agency's payments and transfers made to the Fund be reconciled with actual Fund costs for professional services provided by the Department on no less than an annual basis. The Director may require reports from State agencies as deemed necessary to perform this reconciliation.
- (e) The following amounts are authorized for transfer into the Professional Services Fund for the fiscal year beginning July 1, 2004:

General Revenue Fund.....	\$5,440,431
Road Fund.....	\$814,468
Motor Fuel Tax Fund.....	\$263,500
Child Support Administrative Fund.....	\$234,013
Professions Indirect Cost Fund.....	\$276,800
Capital Development Board Revolving Fund.....	\$207,610
Bank & Trust Company Fund.....	\$200,214
State Lottery Fund.....	\$193,691
Insurance Producer Administration Fund.....	\$174,672
Insurance Financial Regulation Fund.....	\$168,327
Illinois Clean Water Fund.....	\$124,675
Clean Air Act (CAA) Permit Fund.....	\$91,803
Statistical Services Revolving Fund.....	\$90,959
Financial Institution Fund.....	\$109,428
Horse Racing Fund.....	\$71,127
Health Insurance Reserve Fund.....	\$66,577
Solid Waste Management Fund.....	\$61,081
Guardianship and Advocacy Fund.....	\$1,068
Agricultural Premium Fund.....	\$493
Wildlife and Fish Fund.....	\$247
Radiation Protection Fund.....	\$33,277
Nuclear Safety Emergency Preparedness Fund.....	\$25,652
Tourism Promotion Fund.....	\$6,814

All of these transfers shall be made on July 1, 2004, or as soon thereafter as practical. These transfers shall be made notwithstanding any other provision of State law to the contrary.

(e-5) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2005 and through June 30, 2006, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Director of Central Management Services, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Professional Services Fund from the designated funds not exceeding the following totals:

Food and Drug Safety Fund.....	\$3,249
Financial Institution Fund.....	\$12,942
General Professions Dedicated Fund.....	\$8,579
Illinois Department of Agriculture Laboratory Services Revolving Fund.....	\$1,963
Illinois Veterans' Rehabilitation Fund.....	\$11,275
State Boating Act Fund.....	\$27,000
State Parks Fund.....	\$22,007

Agricultural Premium Fund.....	\$59,483
Fire Prevention Fund.....	\$29,862
Mental Health Fund.....	\$78,213
Illinois State Pharmacy Disciplinary Fund.....	\$2,744
Radiation Protection Fund.....	\$16,034
Solid Waste Management Fund.....	\$37,669
Illinois Gaming Law Enforcement Fund.....	\$7,260
Subtitle D Management Fund.....	\$4,659
Illinois State Medical Disciplinary Fund.....	\$8,602
Department of Children and Family Services Training Fund.....	\$29,906
Facility Licensing Fund.....	\$1,083
Youth Alcoholism and Substance Abuse Prevention Fund.....	\$2,783
Plugging and Restoration Fund.....	\$1,105
State Crime Laboratory Fund.....	\$1,353
Motor Vehicle Theft Prevention Trust Fund.....	\$9,190
Weights and Measures Fund.....	\$4,932
Solid Waste Management Revolving Loan Fund.....	\$2,735
Illinois School Asbestos Abatement Fund.....	\$2,166
Violence Prevention Fund.....	\$5,176
Capital Development Board Revolving Fund.....	\$14,777
DCFS Children's Services Fund.....	\$1,256,594
State Police DUI Fund.....	\$1,434
Illinois Health Facilities Planning Fund.....	\$3,191
Emergency Public Health Fund.....	\$7,996
Fair and Exposition Fund.....	\$3,732
Nursing Dedicated and Professional Fund.....	\$5,792
Optometric Licensing and Disciplinary Board Fund.....	\$1,032
Underground Resources Conservation Enforcement Fund.....	\$1,221
State Rail Freight Loan Repayment Fund.....	\$6,434
Drunk and Drugged Driving Prevention Fund.....	\$5,473
Illinois Affordable Housing Trust Fund.....	\$118,222
Community Water Supply Laboratory Fund.....	\$10,021
Used Tire Management Fund.....	\$17,524
Natural Areas Acquisition Fund.....	\$15,501
Open Space Lands Acquisition and Development Fund.....	\$49,105
Working Capital Revolving Fund.....	\$126,344
State Garage Revolving Fund.....	\$92,513
Statistical Services Revolving Fund.....	\$181,949
Paper and Printing Revolving Fund.....	\$3,632
Air Transportation Revolving Fund.....	\$1,969
Communications Revolving Fund.....	\$304,278
Environmental Laboratory Certification Fund.....	\$1,357
Public Health Laboratory Services Revolving Fund.....	\$5,892
Provider Inquiry Trust Fund.....	\$1,742
Lead Poisoning Screening, Prevention, and Abatement Fund.....	\$8,200
Drug Treatment Fund.....	\$14,028
Feed Control Fund.....	\$2,472
Plumbing Licensure and Program Fund.....	\$3,521
Insurance Premium Tax Refund Fund.....	\$7,872
Tax Compliance and Administration Fund.....	\$5,416
Appraisal Administration Fund.....	\$2,924
Trauma Center Fund.....	\$40,139
Alternate Fuels Fund.....	\$1,467
Illinois State Fair Fund.....	\$13,844

State Asset Forfeiture Fund.....	\$8,210
Federal Asset Forfeiture Fund.....	\$6,471
Department of Corrections Reimbursement and Education Fund.....	\$78,965
Health Facility Plan Review Fund.....	\$3,444
LEADS Maintenance Fund.....	\$6,075
State Offender DNA Identification System Fund.....	\$1,712
Illinois Historic Sites Fund.....	\$4,511
Public Pension Regulation Fund.....	\$2,313
Workforce, Technology, and Economic Development Fund.....	\$5,357
Renewable Energy Resources Trust Fund.....	\$29,920
Energy Efficiency Trust Fund.....	\$8,368
Pesticide Control Fund.....	\$6,687
Conservation 2000 Fund.....	\$30,764
Wireless Carrier Reimbursement Fund.....	\$91,024
International Tourism Fund.....	\$13,057
Public Transportation Fund.....	\$701,837
Horse Racing Fund.....	\$18,589
Death Certificate Surcharge Fund.....	\$1,901
State Police Wireless Service Emergency Fund.....	\$1,012
Downstate Public Transportation Fund.....	\$112,085
Motor Carrier Safety Inspection Fund.....	\$6,543
State Police Whistleblower Reward and Protection Fund.....	\$1,894
Illinois Standardbred Breeders Fund.....	\$4,412
Illinois Thoroughbred Breeders Fund.....	\$6,635
Illinois Clean Water Fund.....	\$17,579
Independent Academic Medical Center Fund.....	\$5,611
Child Support Administrative Fund.....	\$432,527
Corporate Headquarters Relocation Assistance Fund.....	\$4,047
Local Initiative Fund.....	\$58,762
Tourism Promotion Fund.....	\$88,072
Digital Divide Elimination Fund.....	\$11,593
Presidential Library and Museum Operating Fund.....	\$4,624
Metro-East Public Transportation Fund.....	\$47,787
Medical Special Purposes Trust Fund.....	\$11,779
Dram Shop Fund.....	\$11,317
Illinois State Dental Disciplinary Fund.....	\$1,986
Hazardous Waste Research Fund.....	\$1,333
Real Estate License Administration Fund.....	\$10,886
Traffic and Criminal Conviction Surcharge Fund.....	\$44,798
Criminal Justice Information Systems Trust Fund.....	\$5,693
Design Professionals Administration and Investigation Fund.....	\$2,036
State Surplus Property Revolving Fund.....	\$6,829
Illinois Forestry Development Fund.....	\$7,012
State Police Services Fund.....	\$47,072
Youth Drug Abuse Prevention Fund.....	\$1,299
Metabolic Screening and Treatment Fund.....	\$15,947
Insurance Producer Administration Fund.....	\$30,870
Coal Technology Development Assistance Fund.....	\$43,692
Rail Freight Loan Repayment Fund.....	\$1,016
Low-Level Radioactive Waste	

Facility Development and Operation Fund.....	\$1,989
Environmental Protection Permit and Inspection Fund.....	\$32,125
Park and Conservation Fund.....	\$41,038
Local Tourism Fund.....	\$34,492
Illinois Capital Revolving Loan Fund.....	\$10,624
Illinois Equity Fund.....	\$1,929
Large Business Attraction Fund.....	\$5,554
Illinois Beach Marina Fund.....	\$5,053
International and Promotional Fund.....	\$1,466
Public Infrastructure Construction Loan Revolving Fund.....	\$3,111
Insurance Financial Regulation Fund.....	\$42,575
Total	\$4,975,487

(e-7) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2006 and through June 30, 2007, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Director of Central Management Services, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Professional Services Fund from the designated funds not exceeding the following totals:

Food and Drug Safety Fund.....	\$3,300
Financial Institution Fund.....	\$13,000
General Professions Dedicated Fund.....	\$8,600
Illinois Department of Agriculture Laboratory Services Revolving Fund.....	\$2,000
Illinois Veterans' Rehabilitation Fund.....	\$11,300
State Boating Act Fund.....	\$27,200
State Parks Fund.....	\$22,100
Agricultural Premium Fund.....	\$59,800
Fire Prevention Fund.....	\$30,000
Mental Health Fund.....	\$78,700
Illinois State Pharmacy Disciplinary Fund.....	\$2,800
Radiation Protection Fund.....	\$16,100
Solid Waste Management Fund.....	\$37,900
Illinois Gaming Law Enforcement Fund.....	\$7,300
Subtitle D Management Fund.....	\$4,700
Illinois State Medical Disciplinary Fund.....	\$8,700
Facility Licensing Fund.....	\$1,100
Youth Alcoholism and Substance Abuse Prevention Fund.....	\$2,800
Plugging and Restoration Fund.....	\$1,100
State Crime Laboratory Fund.....	\$1,400
Motor Vehicle Theft Prevention Trust Fund.....	\$9,200
Weights and Measures Fund.....	\$5,000
Illinois School Asbestos Abatement Fund.....	\$2,200
Violence Prevention Fund.....	\$5,200
Capital Development Board Revolving Fund.....	\$14,900
DCFS Children's Services Fund.....	\$1,294,000
State Police DUI Fund.....	\$1,400
Illinois Health Facilities Planning Fund.....	\$3,200
Emergency Public Health Fund.....	\$8,000
Fair and Exposition Fund.....	\$3,800
Nursing Dedicated and Professional Fund.....	\$5,800
Optometric Licensing and Disciplinary Board Fund.....	\$1,000
Underground Resources Conservation Enforcement Fund.....	\$1,200
State Rail Freight Loan Repayment Fund.....	\$6,500
Drunk and Drugged Driving Prevention Fund.....	\$5,500
Illinois Affordable Housing Trust Fund.....	\$118,900
Community Water Supply Laboratory Fund.....	\$10,100
Used Tire Management Fund.....	\$17,600

Natural Areas Acquisition Fund.....	\$15,600
Open Space Lands Acquisition and Development Fund.....	\$49,400
Working Capital Revolving Fund.....	\$127,100
State Garage Revolving Fund.....	\$93,100
Statistical Services Revolving Fund.....	\$183,000
Paper and Printing Revolving Fund.....	\$3,700
Air Transportation Revolving Fund.....	\$2,000
Communications Revolving Fund.....	\$306,100
Environmental Laboratory Certification Fund.....	\$1,400
Public Health Laboratory Services Revolving Fund.....	\$5,900
Provider Inquiry Trust Fund.....	\$1,800
Lead Poisoning Screening, Prevention, and Abatement Fund.....	\$8,200
Drug Treatment Fund.....	\$14,100
Feed Control Fund.....	\$2,500
Plumbing Licensure and Program Fund.....	\$3,500
Insurance Premium Tax Refund Fund.....	\$7,900
Tax Compliance and Administration Fund.....	\$5,400
Appraisal Administration Fund.....	\$2,900
Trauma Center Fund.....	\$40,400
Alternate Fuels Fund.....	\$1,500
Illinois State Fair Fund.....	\$13,900
State Asset Forfeiture Fund.....	\$8,300
Department of Corrections Reimbursement and Education Fund.....	\$79,400
Health Facility Plan Review Fund.....	\$3,500
LEADS Maintenance Fund.....	\$6,100
State Offender DNA Identification System Fund.....	\$1,700
Illinois Historic Sites Fund.....	\$4,500
Public Pension Regulation Fund.....	\$2,300
Workforce, Technology, and Economic Development Fund.....	\$5,400
Renewable Energy Resources Trust Fund.....	\$30,100
Energy Efficiency Trust Fund.....	\$8,400
Pesticide Control Fund.....	\$6,700
Conservation 2000 Fund.....	\$30,900
Wireless Carrier Reimbursement Fund.....	\$91,600
International Tourism Fund.....	\$13,100
Public Transportation Fund.....	\$705,900
Horse Racing Fund.....	\$18,700
Death Certificate Surcharge Fund.....	\$1,900
State Police Wireless Service Emergency Fund.....	\$1,000
Downstate Public Transportation Fund.....	\$112,700
Motor Carrier Safety Inspection Fund.....	\$6,600
State Police Whistleblower Reward and Protection Fund.....	\$1,900
Illinois Standardbred Breeders Fund.....	\$4,400
Illinois Thoroughbred Breeders Fund.....	\$6,700
Illinois Clean Water Fund.....	\$17,700
Child Support Administrative Fund.....	\$435,100
Tourism Promotion Fund.....	\$88,600
Digital Divide Elimination Fund.....	\$11,700
Presidential Library and Museum Operating Fund.....	\$4,700
Metro-East Public Transportation Fund.....	\$48,100
Medical Special Purposes Trust Fund.....	\$11,800
Dram Shop Fund.....	\$11,400
Illinois State Dental Disciplinary Fund.....	\$2,000

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Hazardous Waste Research Fund.....	\$1,300
Real Estate License Administration Fund.....	\$10,900
Traffic and Criminal Conviction Surcharge Fund.....	\$45,100
Criminal Justice Information Systems Trust Fund.....	\$5,700
Design Professionals Administration and Investigation Fund.....	\$2,000
State Surplus Property Revolving Fund.....	\$6,900
State Police Services Fund.....	\$47,300
Youth Drug Abuse Prevention Fund.....	\$1,300
Metabolic Screening and Treatment Fund.....	\$16,000
Insurance Producer Administration Fund.....	\$31,100
Coal Technology Development Assistance Fund.....	\$43,900
Low-Level Radioactive Waste Facility Development and Operation Fund.....	\$2,000
Environmental Protection Permit and Inspection Fund.....	\$32,300
Park and Conservation Fund.....	\$41,300
Local Tourism Fund.....	\$34,700
Illinois Capital Revolving Loan Fund.....	\$10,700
Illinois Equity Fund.....	\$1,900
Large Business Attraction Fund.....	\$5,600
Illinois Beach Marina Fund.....	\$5,100
International and Promotional Fund.....	\$1,500
Public Infrastructure Construction Loan Revolving Fund.....	\$3,100
Insurance Financial Regulation Fund.....	\$42,800
Total	\$4,918,200

(e-10) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, on the first day of each calendar quarter of the fiscal year beginning July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from each designated fund into the Professional Services Fund amounts equal to one-fourth of each of the following totals:

General Revenue Fund.....	\$4,440,000
Road Fund.....	\$5,324,411
Total	\$9,764,411

(e-15) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, the State Comptroller shall direct and the State Treasurer shall transfer from the funds specified into the Professional Services Fund according to the schedule specified herein as follows:

General Revenue Fund.....	\$4,466,000
Road Fund.....	\$5,355,500
Total	\$9,821,500

One-fourth of the specified amount shall be transferred on each of July 1 and October 1, 2006, or as soon as may be practical thereafter, and one-half of the specified amount shall be transferred on January 1, 2007, or as soon as may be practical thereafter.

(e-20) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2010 and through June 30, 2011, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Director of Central Management Services, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Professional Services Fund from the designated funds not exceeding the following totals:

Grade Crossing Protection Fund.....	\$55,300
Financial Institution Fund.....	\$10,000
General Professions Dedicated Fund.....	\$11,600
Illinois Veterans' Rehabilitation Fund.....	\$10,800
State Boating Act Fund.....	\$23,500
State Parks Fund.....	\$21,200
Agricultural Premium Fund.....	\$55,400
Fire Prevention Fund.....	\$46,100
Mental Health Fund.....	\$45,200

Illinois State Pharmacy Disciplinary Fund.....	\$300
Radiation Protection Fund.....	\$12,900
Solid Waste Management Fund.....	\$48,100
Illinois Gaming Law Enforcement Fund.....	\$2,900
Subtitle D Management Fund.....	\$6,300
Illinois State Medical Disciplinary Fund.....	\$9,200
Weights and Measures Fund.....	\$6,700
Violence Prevention Fund.....	\$4,000
Capital Development Board Revolving Fund.....	\$7,900
DCFS Children's Services Fund.....	\$804,800
Illinois Health Facilities Planning Fund.....	\$4,000
Emergency Public Health Fund.....	\$7,600
Nursing Dedicated and Professional Fund.....	\$5,600
State Rail Freight Loan Repayment Fund.....	\$1,700
Drunk and Drugged Driving Prevention Fund.....	\$4,600
Community Water Supply Laboratory Fund.....	\$3,100
Used Tire Management Fund.....	\$15,200
Natural Areas Acquisition Fund.....	\$33,400
Open Space Lands Acquisition and Development Fund.....	\$62,100
Working Capital Revolving Fund.....	\$91,700
State Garage Revolving Fund.....	\$89,600
Statistical Services Revolving Fund.....	\$277,700
Communications Revolving Fund.....	\$248,100
Facilities Management Revolving Fund.....	\$472,600
Public Health Laboratory Services Revolving Fund.....	\$5,900
Lead Poisoning Screening, Prevention, and Abatement Fund.....	\$7,900
Drug Treatment Fund.....	\$8,700
Tax Compliance and Administration Fund.....	\$8,300
Trauma Center Fund.....	\$34,800
Illinois State Fair Fund.....	\$12,700
Department of Corrections Reimbursement and Education Fund.....	\$77,600
Illinois Historic Sites Fund.....	\$4,200
Pesticide Control Fund.....	\$7,000
Partners for Conservation Fund.....	\$25,000
International Tourism Fund.....	\$14,100
Horse Racing Fund.....	\$14,800
Motor Carrier Safety Inspection Fund.....	\$4,500
Illinois Standardbred Breeders Fund.....	\$3,400
Illinois Thoroughbred Breeders Fund.....	\$5,200
Illinois Clean Water Fund.....	\$19,400
Child Support Administrative Fund.....	\$398,000
Tourism Promotion Fund.....	\$75,300
Digital Divide Elimination Fund.....	\$11,800
Presidential Library and Museum Operating Fund.....	\$25,900
Medical Special Purposes Trust Fund.....	\$10,800
Dram Shop Fund.....	\$12,700
Cycle Rider Safety Training Fund.....	\$7,100
State Police Services Fund.....	\$43,600
Metabolic Screening and Treatment Fund.....	\$23,900
Insurance Producer Administration Fund.....	\$16,800
Coal Technology Development Assistance Fund.....	\$43,700
Environmental Protection Permit and Inspection Fund.....	\$21,600
Park and Conservation Fund.....	\$38,100
Local Tourism Fund.....	\$31,800

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Illinois Capital Revolving Loan Fund.....	\$5,800
Large Business Attraction Fund.....	\$300
Adeline Jay Geo-Karis Illinois Beach Marina Fund.....	\$5,000
Insurance Financial Regulation Fund.....	\$23,000
Total	\$3,547,900

(e-25) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, the State Comptroller shall direct and the State Treasurer shall transfer from the funds specified into the Professional Services Fund according to the schedule specified as follows:

General Revenue Fund.....	\$4,600,000
Road Fund.....	\$4,852,500
Total	\$9,452,500

One fourth of the specified amount shall be transferred on each of July 1 and October 1, 2010, or as soon as may be practical thereafter, and one half of the specified amount shall be transferred on January 1, 2011, or as soon as may be practical thereafter.

(e-30) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, the State Comptroller shall direct and the State Treasurer shall transfer from the funds specified into the Professional Services Fund according to the schedule specified as follows:

General Revenue Fund.....	\$4,600,000
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One-fourth of the specified amount shall be transferred on each of July 1 and October 1, 2011, or as soon as may be practical thereafter, and one-half of the specified amount shall be transferred on January 1, 2012, or as soon as may be practical thereafter.

(f) The term "professional services" means services rendered on behalf of State agencies and other State entities pursuant to Section 405-293 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois.

(Source: P.A. 96-959, eff. 7-1-10.)

(30 ILCS 105/6z-64)

Sec. 6z-64. The Workers' Compensation Revolving Fund.

(a) The Workers' Compensation Revolving Fund is created as a revolving fund, not subject to fiscal year limitations, in the State treasury. The following moneys shall be deposited into the Fund:

(1) amounts authorized for transfer to the Fund from the General Revenue Fund and other State funds (except for funds classified by the Comptroller as federal trust funds or State trust funds) pursuant to State law or Executive Order;

(2) federal funds received by the Department of Central Management Services (the "Department") as a result of expenditures from the Fund;

(3) interest earned on moneys in the Fund;

(4) receipts or inter-fund transfers resulting from billings issued by the Department to State agencies and universities for the cost of workers' compensation services rendered by the Department that are not compensated through the specific fund transfers authorized by this Section, if any;

(5) amounts received from a State agency or university for workers' compensation payments for temporary total disability, as provided in Section 405-105 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois; and

(6) amounts recovered through subrogation in workers' compensation and workers' occupational disease cases.

(b) Moneys in the Fund may be used by the Department for reimbursement or payment for:

(1) providing workers' compensation services to State agencies and State universities;

or

(2) providing for payment of administrative and other expenses incurred by the Department in providing workers' compensation services.

(c) State agencies may direct the Comptroller to process inter-fund transfers or make payment through the voucher and warrant process to the Workers' Compensation Revolving Fund in satisfaction of billings issued under subsection (a) of this Section.

(d) Reconciliation. For the fiscal year beginning on July 1, 2004 only, the Director of Central Management Services (the "Director") shall order that each State agency's payments and transfers made to the Fund be reconciled with actual Fund costs for workers' compensation services provided by the Department and attributable to the State agency and relevant fund on no less than an

annual basis. The Director may require reports from State agencies as deemed necessary to perform this reconciliation.

(d-5) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2005 and until June 30, 2006, in addition to any other transfers that may be provided for by law, at the direction of and upon notification of the Director of Central Management Services, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Workers' Compensation Revolving Fund from the designated funds not exceeding the following totals:

Mental Health Fund.....	\$17,694,000
Statistical Services Revolving Fund.....	\$1,252,600
Department of Corrections Reimbursement and Education Fund.....	\$1,198,600
Communications Revolving Fund.....	\$535,400
Child Support Administrative Fund.....	\$441,900
Health Insurance Reserve Fund.....	\$238,900
Fire Prevention Fund.....	\$234,100
Park and Conservation Fund.....	\$142,000
Motor Fuel Tax Fund.....	\$132,800
Illinois Workers' Compensation Commission Operations Fund.....	\$123,900
State Boating Act Fund.....	\$112,300
Public Utility Fund.....	\$106,500
State Lottery Fund.....	\$101,300
Traffic and Criminal Conviction Surcharge Fund.....	\$88,500
State Surplus Property Revolving Fund.....	\$82,700
Natural Areas Acquisition Fund.....	\$65,600
Securities Audit and Enforcement Fund.....	\$65,200
Agricultural Premium Fund.....	\$63,400
Capital Development Fund.....	\$57,500
State Gaming Fund.....	\$54,300
Underground Storage Tank Fund.....	\$53,700
Illinois State Medical Disciplinary Fund.....	\$53,000
Personal Property Tax Replacement Fund.....	\$53,000
General Professions Dedicated Fund.....	\$51,900
Total	\$23,003,100

(d-10) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, on the first day of each calendar quarter of the fiscal year beginning July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from each designated fund into the Workers' Compensation Revolving Fund amounts equal to one-fourth of each of the following totals:

General Revenue Fund.....	\$34,000,000
Road Fund.....	\$25,987,000
Total	\$59,987,000

(d-12) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, on the effective date of this amendatory Act of the 94th General Assembly, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from each designated fund into the Workers' Compensation Revolving Fund the following amounts:

General Revenue Fund.....	\$10,000,000
Road Fund.....	\$5,000,000
Total	\$15,000,000

(d-15) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from each designated fund into the Workers' Compensation Revolving Fund the following amounts:

General Revenue Fund.....	\$44,028,200
Road Fund.....	\$28,084,000
Total	\$72,112,200

(d-20) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2006 and

until June 30, 2007, in addition to any other transfers that may be provided for by law, at the direction of and upon notification of the Director of Central Management Services, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Workers' Compensation Revolving Fund from the designated funds not exceeding the following totals:

Mental Health Fund.....	\$19,121,800
Statistical Services Revolving Fund.....	\$1,353,700
Department of Corrections Reimbursement and Education Fund.....	\$1,295,300
Communications Revolving Fund.....	\$578,600
Child Support Administrative Fund.....	\$477,600
Health Insurance Reserve Fund.....	\$258,200
Fire Prevention Fund.....	\$253,000
Park and Conservation Fund.....	\$153,500
Motor Fuel Tax Fund.....	\$143,500
Illinois Workers' Compensation Commission Operations Fund.....	\$133,900
State Boating Act Fund.....	\$121,400
Public Utility Fund.....	\$115,100
State Lottery Fund.....	\$109,500
Traffic and Criminal Conviction Surcharge Fund.....	\$95,700
State Surplus Property Revolving Fund.....	\$89,400
Natural Areas Acquisition Fund.....	\$70,800
Securities Audit and Enforcement Fund.....	\$70,400
Agricultural Premium Fund.....	\$68,500
State Gaming Fund.....	\$58,600
Underground Storage Tank Fund.....	\$58,000
Illinois State Medical Disciplinary Fund.....	\$57,200
Personal Property Tax Replacement Fund.....	\$57,200
General Professions Dedicated Fund.....	\$56,100
Total	\$24,797,000

(d-25) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, on July 1, 2009, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from each designated fund into the Workers' Compensation Revolving Fund the following amounts:

General Revenue Fund.....	\$55,000,000
Road Fund.....	\$34,803,000
Total	\$89,803,000

(d-30) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2009 and until June 30, 2010, in addition to any other transfers that may be provided for by law, at the direction of and upon notification of the Director of Central Management Services, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Workers' Compensation Revolving Fund from the designated funds not exceeding the following totals:

Food and Drug Safety Fund.....	\$13,900
Teacher Certificate Fee Revolving Fund.....	\$6,500
Transportation Regulatory Fund.....	\$14,500
Financial Institution Fund.....	\$25,200
General Professions Dedicated Fund.....	\$25,300
Illinois Veterans' Rehabilitation Fund.....	\$64,600
State Boating Act Fund.....	\$177,100
State Parks Fund.....	\$104,300
Lobbyist Registration Administration Fund.....	\$14,400
Agricultural Premium Fund.....	\$79,100
Fire Prevention Fund.....	\$360,200
Mental Health Fund.....	\$9,725,200
Illinois State Pharmacy Disciplinary Fund.....	\$5,600
Public Utility Fund.....	\$40,900
Radiation Protection Fund.....	\$14,200
Firearm Owner's Notification Fund.....	\$1,300
Solid Waste Management Fund.....	\$74,100

Illinois Gaming Law Enforcement Fund.....	\$17,800
Subtitle D Management Fund.....	\$14,100
Illinois State Medical Disciplinary Fund.....	\$26,500
Facility Licensing Fund.....	\$11,700
Plugging and Restoration Fund.....	\$9,100
Explosives Regulatory Fund.....	\$2,300
Aggregate Operations Regulatory Fund.....	\$5,000
Coal Mining Regulatory Fund.....	\$1,900
Registered Certified Public Accountants'	
Administration and Disciplinary Fund.....	\$1,500
Weights and Measures Fund.....	\$56,100
Division of Corporations Registered	
Limited Liability Partnership Fund.....	\$3,900
Illinois School Asbestos Abatement Fund.....	\$14,000
Secretary of State Special License Plate Fund.....	\$30,700
Capital Development Board Revolving Fund.....	\$27,000
DCFS Children's Services Fund.....	\$69,300
Asbestos Abatement Fund.....	\$17,200
Illinois Health Facilities Planning Fund.....	\$26,800
Emergency Public Health Fund.....	\$5,600
Nursing Dedicated and Professional Fund.....	\$10,000
Optometric Licensing and Disciplinary	
Board Fund.....	\$1,600
Underground Resources Conservation	
Enforcement Fund.....	\$11,500
Drunk and Drugged Driving Prevention Fund.....	\$18,200
Long Term Care Monitor/Receiver Fund.....	\$35,400
Community Water Supply Laboratory Fund.....	\$5,600
Securities Investors Education Fund.....	\$2,000
Used Tire Management Fund.....	\$32,400
Natural Areas Acquisition Fund.....	\$101,200
Open Space Lands Acquisition	
and Development Fund.....	\$28,400
Working Capital Revolving Fund.....	\$489,100
State Garage Revolving Fund.....	\$791,900
Statistical Services Revolving Fund.....	\$3,984,700
Communications Revolving Fund.....	\$1,432,800
Facilities Management Revolving Fund.....	\$1,911,600
Professional Services Fund.....	\$483,600
Motor Vehicle Review Board Fund.....	\$15,000
Environmental Laboratory Certification Fund.....	\$3,000
Public Health Laboratory Services	
Revolving Fund.....	\$2,500
Lead Poisoning Screening, Prevention,	
and Abatement Fund.....	\$28,200
Securities Audit and Enforcement Fund.....	\$258,400
Department of Business Services	
Special Operations Fund.....	\$111,900
Feed Control Fund.....	\$20,800
Tanning Facility Permit Fund.....	\$5,400
Plumbing Licensure and Program Fund.....	\$24,400
Tax Compliance and Administration Fund.....	\$27,200
Appraisal Administration Fund.....	\$2,400
Small Business Environmental Assistance Fund.....	\$2,200
Illinois State Fair Fund.....	\$31,400
Secretary of State Special Services Fund.....	\$317,600
Department of Corrections Reimbursement	
and Education Fund.....	\$324,500
Health Facility Plan Review Fund.....	\$31,200

Illinois Historic Sites Fund.....	\$11,500
Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund.....	\$18,500
Public Pension Regulation Fund.....	\$5,600
Illinois Charity Bureau Fund.....	\$11,400
Renewable Energy Resources Trust Fund.....	\$6,700
Energy Efficiency Trust Fund.....	\$3,600
Pesticide Control Fund.....	\$56,800
Attorney General Whistleblower Reward and Protection Fund.....	\$14,200
Partners for Conservation Fund.....	\$36,900
Capital Litigation Trust Fund.....	\$800
Motor Vehicle License Plate Fund.....	\$99,700
Horse Racing Fund.....	\$18,900
Death Certificate Surcharge Fund.....	\$12,800
Auction Regulation Administration Fund.....	\$500
Motor Carrier Safety Inspection Fund.....	\$55,800
Assisted Living and Shared Housing Regulatory Fund.....	\$900
Illinois Thoroughbred Breeders Fund.....	\$9,200
Illinois Clean Water Fund.....	\$42,300
Secretary of State DUI Administration Fund.....	\$16,100
Child Support Administrative Fund.....	\$1,037,900
Secretary of State Police Services Fund.....	\$1,200
Tourism Promotion Fund.....	\$34,400
IMSA Income Fund.....	\$12,700
Presidential Library and Museum Operating Fund.....	\$83,000
Dram Shop Fund.....	\$44,500
Illinois State Dental Disciplinary Fund.....	\$5,700
Cycle Rider Safety Training Fund.....	\$8,700
Traffic and Criminal Conviction Surcharge Fund.....	\$106,100
Design Professionals Administration and Investigation Fund.....	\$4,500
State Police Services Fund.....	\$276,100
Metabolic Screening and Treatment Fund.....	\$90,800
Insurance Producer Administration Fund.....	\$45,600
Coal Technology Development Assistance Fund.....	\$11,700
Hearing Instrument Dispenser Examining and Disciplinary Fund.....	\$1,900
Low-Level Radioactive Waste Facility Development and Operation Fund.....	\$1,000
Environmental Protection Permit and Inspection Fund.....	\$66,900
Park and Conservation Fund.....	\$199,300
Local Tourism Fund.....	\$2,400
Illinois Capital Revolving Loan Fund.....	\$10,000
Large Business Attraction Fund.....	\$100
Adeline Jay Geo-Karis Illinois Beach Marina Fund.....	\$27,200
Public Infrastructure Construction Loan Revolving Fund.....	\$1,700
Insurance Financial Regulation Fund.....	\$69,200
Total	\$24,197,800

(d-35) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, on July 1, 2010, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from each designated fund into the Workers' Compensation Revolving Fund the following amounts:

General Revenue Fund.....	\$55,000,000
Road Fund.....	\$50,955,300

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Total \$105,955,300

(d-40) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2010 and until June 30, 2011, in addition to any other transfers that may be provided for by law, at the direction of and upon notification of the Director of Central Management Services, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Workers' Compensation Revolving Fund from the designated funds not exceeding the following totals:

Food and Drug Safety Fund.....	\$8,700
Financial Institution Fund.....	\$44,500
General Professions Dedicated Fund.....	\$51,400
Live and Learn Fund.....	\$10,900
Illinois Veterans' Rehabilitation Fund.....	\$106,000
State Boating Act Fund.....	\$288,200
State Parks Fund.....	\$185,900
Wildlife and Fish Fund.....	\$1,550,300
Lobbyist Registration Administration Fund.....	\$18,100
Agricultural Premium Fund.....	\$176,100
Mental Health Fund.....	\$291,900
Firearm Owner's Notification Fund.....	\$2,300
Illinois Gaming Law Enforcement Fund.....	\$11,300
Illinois State Medical Disciplinary Fund.....	\$42,300
Facility Licensing Fund.....	\$14,200
Plugging and Restoration Fund.....	\$15,600
Explosives Regulatory Fund.....	\$4,800
Aggregate Operations Regulatory Fund.....	\$6,000
Coal Mining Regulatory Fund.....	\$7,200
Registered Certified Public Accountants' Administration and Disciplinary Fund.....	\$1,900
Weights and Measures Fund.....	\$105,200
Division of Corporations Registered Limited Liability Partnership Fund.....	\$5,300
Illinois School Asbestos Abatement Fund.....	\$19,900
Secretary of State Special License Plate Fund.....	\$38,700
DCFS Children's Services Fund.....	\$123,100
Illinois Health Facilities Planning Fund.....	\$29,700
Emergency Public Health Fund.....	\$6,800
Nursing Dedicated and Professional Fund.....	\$13,500
Optometric Licensing and Disciplinary Board Fund.....	\$1,800
Underground Resources Conservation Enforcement Fund.....	\$16,500
Mandatory Arbitration Fund.....	\$5,400
Drunk and Drugged Driving Prevention Fund.....	\$26,400
Long Term Care Monitor/Receiver Fund.....	\$43,800
Securities Investors Education Fund.....	\$28,500
Used Tire Management Fund.....	\$6,300
Natural Areas Acquisition Fund.....	\$185,000
Open Space Lands Acquisition and Development Fund.....	\$46,800
Working Capital Revolving Fund.....	\$741,500
State Garage Revolving Fund.....	\$356,200
Statistical Services Revolving Fund.....	\$1,775,900
Communications Revolving Fund.....	\$630,600
Facilities Management Revolving Fund.....	\$870,800
Professional Services Fund.....	\$275,500
Motor Vehicle Review Board Fund.....	\$12,900
Public Health Laboratory Services Revolving Fund.....	\$5,300
Lead Poisoning Screening, Prevention, and Abatement Fund.....	\$42,100

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Securities Audit and Enforcement Fund.....	\$162,700
Department of Business Services	
Special Operations Fund.....	\$143,700
Feed Control Fund.....	\$32,300
Tanning Facility Permit Fund.....	\$3,900
Plumbing Licensure and Program Fund.....	\$32,600
Tax Compliance and Administration Fund.....	\$48,400
Appraisal Administration Fund.....	\$3,600
Illinois State Fair Fund.....	\$30,200
Secretary of State Special Services Fund.....	\$214,400
Department of Corrections Reimbursement and Education Fund.....	\$438,300
Health Facility Plan Review Fund.....	\$29,900
Public Pension Regulation Fund.....	\$9,900
Pesticide Control Fund.....	\$107,500
Partners for Conservation Fund.....	\$189,300
Motor Vehicle License Plate Fund.....	\$143,800
Horse Racing Fund.....	\$20,900
Death Certificate Surcharge Fund.....	\$16,800
Auction Regulation Administration Fund.....	\$1,000
Motor Carrier Safety Inspection Fund.....	\$56,800
Assisted Living and Shared Housing Regulatory Fund.....	\$2,200
Illinois Thoroughbred Breeders Fund.....	\$18,100
Secretary of State DUI Administration Fund.....	\$19,800
Child Support Administrative Fund.....	\$1,809,500
Secretary of State Police Services Fund.....	\$2,500
Medical Special Purposes Trust Fund.....	\$20,400
Dram Shop Fund.....	\$57,200
Illinois State Dental Disciplinary Fund.....	\$9,500
Cycle Rider Safety Training Fund.....	\$12,200
Traffic and Criminal Conviction Surcharge Fund.....	\$128,900
Design Professionals Administration and Investigation Fund.....	\$7,300
State Police Services Fund.....	\$335,700
Metabolic Screening and Treatment Fund.....	\$81,600
Insurance Producer Administration Fund.....	\$77,000
Hearing Instrument Dispenser Examining and Disciplinary Fund.....	\$1,900
Park and Conservation Fund.....	\$361,500
Adeline Jay Geo-Karis Illinois Beach Marina Fund.....	\$42,800
Insurance Financial Regulation Fund.....	\$108,000
Total	\$13,033,200

(d-45) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, on July 1, 2011, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$45,000,000 from the General Revenue Fund into the Workers' Compensation Revolving Fund.

(e) The term "workers' compensation services" means services, claims expenses, and related administrative costs incurred in performing the duties under Sections 405-105 and 405-411 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois. (Source: P.A. 95-744, eff. 7-18-08; 96-45, eff. 7-15-09; 96-959, eff. 7-1-10.)

(30 ILCS 105/6z-81)

Sec. 6z-81. Healthcare Provider Relief Fund.

(a) There is created in the State treasury a special fund to be known as the Healthcare Provider Relief Fund.

(b) The Fund is created for the purpose of receiving and disbursing moneys in accordance with this Section. Disbursements from the Fund shall be made only as follows:

(1) Subject to appropriation, for payment by the Department of Healthcare and

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Family Services or by the Department of Human Services of medical bills and related expenses, including administrative expenses, for which the State is responsible under Titles XIX and XXI of the Social Security Act, the Illinois Public Aid Code, the Children's Health Insurance Program Act, the Covering ALL KIDS Health Insurance Act, and the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act.

(2) For repayment of funds borrowed from other State funds or from outside sources, including interest thereon.

(c) The Fund shall consist of the following:

(1) Moneys received by the State from short-term borrowing pursuant to the Short Term Borrowing Act on or after the effective date of this amendatory Act of the 96th General Assembly.

(2) All federal matching funds received by the Illinois Department of Healthcare and Family Services as a result of expenditures made by the Department that are attributable to moneys deposited in the Fund.

(3) All federal matching funds received by the Illinois Department of Healthcare and Family Services as a result of federal approval of Title XIX State plan amendment transmittal number 07-09.

(4) All other moneys received for the Fund from any other source, including interest earned thereon.

(d) In addition to any other transfers that may be provided for by law, on the effective date of this amendatory Act of the 97th General Assembly, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$365,000,000 from the General Revenue Fund into the Healthcare Provider Relief Fund.

(e) In addition to any other transfers that may be provided for by law, on July 1, 2011, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$160,000,000 from the General Revenue Fund to the Healthcare Provider Relief Fund.

(Source: P.A. 96-820, eff. 11-18-09; 96-1100, eff. 1-1-11; 97-44, eff. 6-28-11.)

(30 ILCS 105/8.49)

Sec. 8.49. Special fund transfers.

(a) In order to maintain the integrity of special funds and improve stability in the General Revenue Fund, the following transfers are authorized from the designated funds into the General Revenue Fund:

Food and Drug Safety Fund.....	\$6,800
Penny Severns Breast, Cervical, and Ovarian Cancer Research Fund.....	\$33,300
Transportation Regulatory Fund.....	\$2,122,000
General Professions Dedicated Fund.....	\$3,511,900
Economic Research and Information Fund.....	\$1,120
Illinois Department of Agriculture Laboratory Services Revolving Fund.....	\$12,825
Drivers Education Fund.....	\$2,244,000
Aeronautics Fund.....	\$25,360
Fire Prevention Fund.....	\$10,400,000
Rural/Downstate Health Access Fund.....	\$1,700
Mental Health Fund.....	\$24,560,000
Illinois State Pharmacy Disciplinary Fund.....	\$2,054,100
Public Utility Fund.....	\$960,175
Alzheimer's Disease Research Fund.....	\$112,500
Radiation Protection Fund.....	\$92,250
Natural Heritage Endowment Trust Fund.....	\$250,000
Firearm Owner's Notification Fund.....	\$256,400
EPA Special State Projects Trust Fund.....	\$3,760,000
Solid Waste Management Fund.....	\$1,200,000
Illinois Gaming Law Enforcement Fund.....	\$141,000
Subtitle D Management Fund.....	\$375,000
Illinois State Medical Disciplinary Fund.....	\$11,277,200
Cemetery Consumer Protection Fund.....	\$658,000
Assistance to the Homeless Fund.....	\$13,800
Accessible Electronic Information Service Fund.....	\$10,000

CDLIS/AAMVAnet Trust Fund.....	\$110,000
Comptroller's Audit Expense Revolving Fund.....	\$31,200
Community Health Center Care Fund.....	\$450,000
Safe Bottled Water Fund.....	\$15,000
Facility Licensing Fund.....	\$363,600
Hansen-Therkelsen Memorial Deaf Student College Fund.....	\$503,700
Illinois Underground Utility Facilities Damage Prevention Fund.....	\$29,600
School District Emergency Financial Assistance Fund.....	\$2,059,200
Mental Health Transportation Fund.....	\$859
Registered Certified Public Accountants' Administration and Disciplinary Fund.....	\$34,600
State Crime Laboratory Fund.....	\$142,880
Agrichemical Incident Response Trust Fund.....	\$80,000
General Assembly Computer Equipment Revolving Fund.....	\$101,600
Weights and Measures Fund.....	\$625,000
Illinois School Asbestos Abatement Fund.....	\$299,600
Injured Workers' Benefit Fund.....	\$3,290,560
Violence Prevention Fund.....	\$79,500
Professional Regulation Evidence Fund.....	\$5,000
IP TIP Administrative Trust Fund.....	\$500,000
Diabetes Research Checkoff Fund.....	\$8,800
Ticket For The Cure Fund.....	\$1,200,000
Capital Development Board Revolving Fund.....	\$346,000
Professions Indirect Cost Fund.....	\$2,144,500
State Police DUI Fund.....	\$166,880
Medicaid Fraud and Abuse Prevention Fund.....	\$20,000
Illinois Health Facilities Planning Fund.....	\$1,392,400
Emergency Public Health Fund.....	\$875,000
TOMA Consumer Protection Fund.....	\$50,000
ISAC Accounts Receivable Fund.....	\$24,240
Fair and Exposition Fund.....	\$1,257,920
Department of Labor Special State Trust Fund.....	\$409,000
Public Health Water Permit Fund.....	\$24,500
Nursing Dedicated and Professional Fund.....	\$9,988,400
Optometric Licensing and Disciplinary Board Fund.....	\$995,800
Water Revolving Fund.....	\$4,960
Methamphetamine Law Enforcement Fund.....	\$50,000
Long Term Care Monitor/Receiver Fund.....	\$1,700,000
Home Care Services Agency Licensure Fund.....	\$48,000
Community Water Supply Laboratory Fund.....	\$600,000
Motor Fuel and Petroleum Standards Fund.....	\$41,416
Fertilizer Control Fund.....	\$162,520
Regulatory Fund.....	\$307,824
Used Tire Management Fund.....	\$8,853,552
Natural Areas Acquisition Fund.....	\$1,000,000
Working Capital Revolving Fund.....	\$6,450,000
Tax Recovery Fund.....	\$29,680
Professional Services Fund.....	\$3,500,000
Treasurer's Rental Fee Fund.....	\$155,000
Public Health Laboratory Services Revolving Fund.....	\$450,000
Provider Inquiry Trust Fund.....	\$200,000
Audit Expense Fund.....	\$5,972,190
Law Enforcement Camera Grant Fund.....	\$2,631,840

Child Labor and Day and Temporary Labor Services Enforcement Fund.....	\$490,000
Lead Poisoning Screening, Prevention, and Abatement Fund.....	\$100,000
Health and Human Services Medicaid Trust Fund.....	\$6,920,000
Prisoner Review Board Vehicle and Equipment Fund.....	\$147,900
Drug Treatment Fund.....	\$4,400,000
Feed Control Fund.....	\$625,000
Tanning Facility Permit Fund.....	\$20,000
Innovations in Long-Term Care Quality Demonstration Grants Fund.....	\$300,000
Plumbing Licensure and Program Fund.....	\$1,585,600
State Treasurer's Bank Services Trust Fund.....	\$6,800,000
State Police Motor Vehicle Theft Prevention Trust Fund.....	\$46,500
Insurance Premium Tax Refund Fund.....	\$58,700
Appraisal Administration Fund.....	\$378,400
Small Business Environmental Assistance Fund.....	\$24,080
Regulatory Evaluation and Basic Enforcement Fund.....	\$125,000
Gaining Early Awareness and Readiness for Undergraduate Programs Fund.....	\$15,000
Trauma Center Fund.....	\$4,000,000
EMS Assistance Fund.....	\$110,000
State College and University Trust Fund.....	\$20,204
University Grant Fund.....	\$5,608
DCEO Projects Fund.....	\$1,000,000
Alternate Fuels Fund.....	\$2,000,000
Multiple Sclerosis Research Fund.....	\$27,200
Livestock Management Facilities Fund.....	\$81,920
Second Injury Fund.....	\$615,680
Agricultural Master Fund.....	\$136,984
High Speed Internet Services and Information Technology Fund.....	\$3,300,000
Illinois Tourism Tax Fund.....	\$250,000
Human Services Priority Capital Program Fund.....	\$7,378,400
Warrant Escheat Fund.....	\$1,394,161
State Asset Forfeiture Fund.....	\$321,600
Police Training Board Services Fund.....	\$8,000
Federal Asset Forfeiture Fund.....	\$1,760
Department of Corrections Reimbursement and Education Fund.....	\$250,000
Health Facility Plan Review Fund.....	\$1,543,600
Domestic Violence Abuser Services Fund.....	\$11,500
LEADS Maintenance Fund.....	\$166,800
State Offender DNA Identification System Fund.....	\$615,040
Illinois Historic Sites Fund.....	\$250,000
Comptroller's Administrative Fund.....	\$134,690
Workforce, Technology, and Economic Development	\$2,000,000
Pawnbroker Regulation Fund.....	\$26,400
Renewable Energy Resources Trust Fund.....	\$13,408,328
Charter Schools Revolving Loan Fund.....	\$82,000
School Technology Revolving Loan Fund.....	\$1,230,000
Energy Efficiency Trust Fund.....	\$1,490,000
Pesticide Control Fund.....	\$625,000

Juvenile Accountability Incentive Block	
Grant Fund.....	\$10,000
Multiple Sclerosis Assistance Fund.....	\$8,000
Temporary Relocation Expenses Revolving	
Grant Fund.....	\$460,000
Partners for Conservation Fund.....	\$8,200,000
Fund For Illinois' Future.....	\$3,000,000
Wireless Carrier Reimbursement Fund.....	\$13,650,000
International Tourism Fund.....	\$5,043,344
Illinois Racing Quarterhorse Breeders Fund.....	\$1,448
Death Certificate Surcharge Fund.....	\$900,000
State Police Wireless Service	
Emergency Fund.....	\$1,329,280
Illinois Adoption Registry and	
Medical Information Exchange Fund.....	\$8,400
Auction Regulation Administration Fund.....	\$361,600
DHS State Projects Fund.....	\$193,900
Auction Recovery Fund.....	\$4,600
Motor Carrier Safety Inspection Fund.....	\$389,840
Coal Development Fund.....	\$320,000
State Off-Set Claims Fund.....	\$400,000
Illinois Student Assistance Commission	
Contracts and Grants Fund.....	\$128,850
DHS Private Resources Fund.....	\$1,000,000
Assisted Living and Shared Housing	
Regulatory Fund.....	\$122,400
State Police Whistleblower Reward	
and Protection Fund.....	\$3,900,000
Illinois Standardbred Breeders Fund.....	\$134,608
Post Transplant Maintenance and	
Retention Fund.....	\$85,800
Spinal Cord Injury Paralysis Cure	
Research Trust Fund.....	\$300,000
Organ Donor Awareness Fund.....	\$115,000
Community Mental Health Medicaid Trust Fund.....	\$1,030,900
Illinois Clean Water Fund.....	\$8,649,600
Tobacco Settlement Recovery Fund.....	\$10,000,000
Alternative Compliance Market Account Fund.....	\$9,984
Group Workers' Compensation Pool	
Insolvency Fund.....	\$42,800
Medicaid Buy-In Program Revolving Fund.....	\$1,000,000
Home Inspector Administration Fund.....	\$1,225,200
Real Estate Audit Fund.....	\$1,200
Marine Corps Scholarship Fund.....	\$69,000
Tourism Promotion Fund.....	\$30,000,000
Oil Spill Response Fund.....	\$4,800
Presidential Library and Museum	
Operating Fund.....	\$169,900
Nuclear Safety Emergency Preparedness Fund.....	\$6,000,000
DCEO Energy Projects Fund.....	\$2,176,200
Dram Shop Fund.....	\$500,000
Illinois State Dental Disciplinary Fund.....	\$187,300
Hazardous Waste Fund.....	\$800,000
Natural Resources Restoration Trust Fund.....	\$7,700
State Fair Promotional Activities Fund.....	\$1,672
Continuing Legal Education Trust Fund.....	\$10,550
Environmental Protection Trust Fund.....	\$625,000
Real Estate Research and Education Fund.....	\$1,081,000
Federal Moderate Rehabilitation	

Housing Fund.....	\$44,960
Domestic Violence Shelter and Service Fund.....	\$55,800
Snowmobile Trail Establishment Fund.....	\$5,300
Drug Traffic Prevention Fund.....	\$11,200
Traffic and Criminal Conviction Surcharge Fund.....	\$5,400,000
Design Professionals Administration and Investigation Fund.....	\$73,200
Public Health Special State Projects Fund.....	\$1,900,000
Petroleum Violation Fund.....	\$1,080
State Police Services Fund.....	\$7,082,080
Illinois Wildlife Preservation Fund.....	\$9,900
Youth Drug Abuse Prevention Fund.....	\$133,500
Insurance Producer Administration Fund.....	\$12,170,000
Coal Technology Development Assistance Fund.....	\$1,856,000
Child Abuse Prevention Fund.....	\$250,000
Hearing Instrument Dispenser Examining and Disciplinary Fund.....	\$50,400
Low-Level Radioactive Waste Facility Development and Operation Fund.....	\$1,000,000
Environmental Protection Permit and Inspection Fund.....	\$755,775
Landfill Closure and Post-Closure Fund.....	\$2,480
Narcotics Profit Forfeiture Fund.....	\$86,900
Illinois State Podiatric Disciplinary Fund.....	\$200,000
Vehicle Inspection Fund.....	\$5,000,000
Local Tourism Fund.....	\$10,999,280
Illinois Capital Revolving Loan Fund.....	\$3,856,904
Illinois Equity Fund.....	\$3,520
Large Business Attraction Fund.....	\$13,560
International and Promotional Fund.....	\$42,040
Public Infrastructure Construction Loan Revolving Fund.....	\$2,811,232
Insurance Financial Regulation Fund.....	\$5,881,180
TOTAL	\$351,738,973

All of these transfers shall be made in equal quarterly installments with the first made on July 1, 2009, or as soon thereafter as practical, and with the remaining transfers to be made on October 1, January 1, and April 1, or as soon thereafter as practical. These transfers shall be made notwithstanding any other provision of State law to the contrary until June 30, 2010.

(b) On and after the effective date of this amendatory Act of the 96th General Assembly through June 30, 2010, when any of the funds listed in subsection (a) have insufficient cash from which the State Comptroller may make expenditures properly supported by appropriations from the fund, then the State Treasurer and State Comptroller shall transfer from the General Revenue Fund to the fund such amount as is immediately necessary to satisfy outstanding expenditure obligations on a timely basis, subject to the provisions of the State Prompt Payment Act.

(c) If the Director of the Governor's Office of Management and Budget determines that any transfer to the General Revenue Fund from a special fund under subsection (a) either (i) jeopardizes federal funding based on a written communication from a federal official or (ii) violates an order of a court of competent jurisdiction, then the Director may order the State Treasurer and State Comptroller, in writing, to transfer from the General Revenue Fund to that listed special fund all or part of the amounts transferred from that special fund under subsection (a).

(d) In addition to any other transfers that may be provided for by law, on December 1, 2010, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the following amounts from the General Revenue Fund to the designated funds:

Hansen-Therkelsen Memorial Deaf Student College Fund.....	\$503,700
DHS Private Resources Fund.....	\$1,000,000

(Source: P.A. 96-44, eff. 7-15-09; 96-45, eff. 7-15-09; 96-150, eff. 8-7-09; 96-1000, eff. 7-2-10; 96-1503, eff. 1-27-11.)

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(30 ILCS 105/8.51 new)

Sec. 8.51. Transfers to the FY12 Hospital Relief Fund.

(a) The FY12 Hospital Relief Fund is created as a special fund in the State treasury. Amounts may be expended from the Fund only pursuant to specific authorization by appropriation.

(b) Notwithstanding any other State law to the contrary, the State Comptroller shall order transferred and the State Treasurer shall transfer \$140,000,000 to the FY12 Hospital Relief Fund from the General Revenue Fund in equal quarterly installments with the first transfer to be made on the effective date of this amendatory Act of the 97th General Assembly, or as soon thereafter as practical, and with each of the remaining transfers to be made on February 1, 2012, April 1, 2012, and June 1, 2012, or as soon thereafter as practical.

(30 ILCS 105/8g)

Sec. 8g. Fund transfers.

(a) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$10,000,000 from the General Revenue Fund to the Motor Vehicle License Plate Fund created by Senate Bill 1028 of the 91st General Assembly.

(b) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$25,000,000 from the General Revenue Fund to the Fund for Illinois' Future created by Senate Bill 1066 of the 91st General Assembly.

(c) In addition to any other transfers that may be provided for by law, on August 30 of each fiscal year's license period, the Illinois Liquor Control Commission shall direct and the State Comptroller and State Treasurer shall transfer from the General Revenue Fund to the Youth Alcoholism and Substance Abuse Prevention Fund an amount equal to the number of retail liquor licenses issued for that fiscal year multiplied by \$50.

(d) The payments to programs required under subsection (d) of Section 28.1 of the Horse Racing Act of 1975 shall be made, pursuant to appropriation, from the special funds referred to in the statutes cited in that subsection, rather than directly from the General Revenue Fund.

Beginning January 1, 2000, on the first day of each month, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from the General Revenue Fund to each of the special funds from which payments are to be made under Section 28.1(d) of the Horse Racing Act of 1975 an amount equal to 1/12 of the annual amount required for those payments from that special fund, which annual amount shall not exceed the annual amount for those payments from that special fund for the calendar year 1998. The special funds to which transfers shall be made under this subsection (d) include, but are not necessarily limited to, the Agricultural Premium Fund; the Metropolitan Exposition Auditorium and Office Building Fund; the Fair and Exposition Fund; the Standardbred Breeders Fund; the Thoroughbred Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

(e) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$15,000,000 from the General Revenue Fund to the Fund for Illinois' Future.

(f) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$70,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(f-1) In fiscal year 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$160,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(g) In addition to any other transfers that may be provided for by law, on July 1, 2001, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(h) In each of fiscal years 2002 through 2004, but not thereafter, in addition to any other transfers that may be provided for by law, the State Comptroller shall direct and the State Treasurer shall transfer \$5,000,000 from the General Revenue Fund to the Tourism Promotion Fund.

(i) On or after July 1, 2001 and until May 1, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the

General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2002.

(i-1) On or after July 1, 2002 and until May 1, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2003.

(j) On or after July 1, 2001 and no later than June 30, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

From the General Revenue Fund.....	\$8,450,000
From the Public Utility Fund.....	1,700,000
From the Transportation Regulatory Fund.....	2,650,000
From the Title III Social Security and Employment Fund.....	3,700,000
From the Professions Indirect Cost Fund.....	4,050,000
From the Underground Storage Tank Fund.....	550,000
From the Agricultural Premium Fund.....	750,000
From the State Pensions Fund.....	200,000
From the Road Fund.....	2,000,000
From the Health Facilities Planning Fund.....	1,000,000
From the Savings and Residential Finance Regulatory Fund.....	130,800
From the Appraisal Administration Fund.....	28,600
From the Pawnbroker Regulation Fund.....	3,600
From the Auction Regulation Administration Fund.....	35,800
From the Bank and Trust Company Fund.....	634,800
From the Real Estate License Administration Fund.....	313,600

(k) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 92nd General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-1) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-2) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-3) On or after July 1, 2002 and no later than June 30, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

Appraisal Administration Fund.....	\$150,000
General Revenue Fund.....	10,440,000
Savings and Residential Finance Regulatory Fund.....	200,000
State Pensions Fund.....	100,000
Bank and Trust Company Fund.....	100,000
Professions Indirect Cost Fund.....	3,400,000
Public Utility Fund.....	2,081,200
Real Estate License Administration Fund.....	150,000

Title III Social Security and Employment Fund.....	1,000,000
Transportation Regulatory Fund.....	3,052,100
Underground Storage Tank Fund.....	50,000

(l) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$3,000,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(m) In addition to any other transfers that may be provided for by law, on July 1, 2002 and on the effective date of this amendatory Act of the 93rd General Assembly, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(n) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$6,800,000 from the General Revenue Fund to the DHS Recoveries Trust Fund.

(o) On or after July 1, 2003, and no later than June 30, 2004, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Vehicle Inspection Fund:

From the Underground Storage Tank Fund	\$35,000,000.
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(p) On or after July 1, 2003 and until May 1, 2004, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2004.

(q) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$5,000,000 from the General Revenue Fund to the Illinois Military Family Relief Fund.

(r) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,922,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(s) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$4,800,000 from the Statewide Economic Development Fund to the General Revenue Fund.

(t) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$50,000,000 from the General Revenue Fund to the Budget Stabilization Fund.

(u) On or after July 1, 2004 and until May 1, 2005, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2005.

(v) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(w) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$6,445,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(x) In addition to any other transfers that may be provided for by law, on January 15, 2005, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer to the General Revenue Fund the following sums:

From the State Crime Laboratory Fund, \$200,000;

From the State Police Wireless Service Emergency Fund, \$200,000;

From the State Offender DNA Identification System Fund, \$800,000; and

From the State Police Whistleblower Reward and Protection Fund, \$500,000.

(y) Notwithstanding any other provision of law to the contrary, in addition to any other transfers that may be provided for by law on June 30, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the designated funds into the General Revenue Fund and any future deposits that would otherwise be made into these funds must instead be made into the General Revenue Fund:

- (1) the Keep Illinois Beautiful Fund;
- (2) the Metropolitan Fair and Exposition Authority Reconstruction Fund;
- (3) the New Technology Recovery Fund;
- (4) the Illinois Rural Bond Bank Trust Fund;
- (5) the ISBE School Bus Driver Permit Fund;
- (6) the Solid Waste Management Revolving Loan Fund;
- (7) the State Postsecondary Review Program Fund;
- (8) the Tourism Attraction Development Matching Grant Fund;
- (9) the Patent and Copyright Fund;
- (10) the Credit Enhancement Development Fund;
- (11) the Community Mental Health and Developmental Disabilities Services Provider Participation Fee Trust Fund;
- (12) the Nursing Home Grant Assistance Fund;
- (13) the By-product Material Safety Fund;
- (14) the Illinois Student Assistance Commission Higher EdNet Fund;
- (15) the DORS State Project Fund;
- (16) the School Technology Revolving Fund;
- (17) the Energy Assistance Contribution Fund;
- (18) the Illinois Building Commission Revolving Fund;
- (19) the Illinois Aquaculture Development Fund;
- (20) the Homelessness Prevention Fund;
- (21) the DCFS Refugee Assistance Fund;
- (22) the Illinois Century Network Special Purposes Fund; and
- (23) the Build Illinois Purposes Fund.

(z) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(aa) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$9,000,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(bb) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$6,803,600 from the General Revenue Fund to the Securities Audit and Enforcement Fund.

(cc) In addition to any other transfers that may be provided for by law, on or after July 1, 2005 and until May 1, 2006, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2006.

(dd) In addition to any other transfers that may be provided for by law, on April 1, 2005, or as soon thereafter as may be practical, at the direction of the Director of Public Aid (now Director of Healthcare and Family Services), the State Comptroller shall direct and the State Treasurer shall transfer from the Public Aid Recoveries Trust Fund amounts not to exceed \$14,000,000 to the Community Mental Health Medicaid Trust Fund.

(ee) Notwithstanding any other provision of law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the Illinois Civic Center Bond Fund to the Illinois Civic Center Bond Retirement and Interest Fund.

(ff) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until June 30, 2007, at the direction of and upon notification from the Director of the Governor's Office of Management and Budget, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$1,900,000 from the General Revenue Fund to the Illinois Capital

Revolving Loan Fund.

(gg) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until May 1, 2007, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2007.

(hh) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until June 30, 2007, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts from the Illinois Affordable Housing Trust Fund to the designated funds not exceeding the following amounts:

DCFS Children's Services Fund.....	\$2,200,000
Department of Corrections Reimbursement and Education Fund.....	\$1,500,000
Supplemental Low-Income Energy Assistance Fund.....	\$75,000

(ii) In addition to any other transfers that may be provided for by law, on or before August 31, 2006, the Governor and the State Comptroller may agree to transfer the surplus cash balance from the General Revenue Fund to the Budget Stabilization Fund and the Pension Stabilization Fund in equal proportions. The determination of the amount of the surplus cash balance shall be made by the Governor, with the concurrence of the State Comptroller, after taking into account the June 30, 2006 balances in the general funds and the actual or estimated spending from the general funds during the lapse period. Notwithstanding the foregoing, the maximum amount that may be transferred under this subsection (ii) is \$50,000,000.

(ij) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$8,250,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(kk) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,400,000 from the General Revenue Fund to the Violence Prevention Fund.

(ll) In addition to any other transfers that may be provided for by law, on the first day of each calendar quarter of the fiscal year beginning July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer from the General Revenue Fund amounts equal to one-fourth of \$20,000,000 to the Renewable Energy Resources Trust Fund.

(mm) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,320,000 from the General Revenue Fund to the I-FLY Fund.

(nn) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$3,000,000 from the General Revenue Fund to the African-American HIV/AIDS Response Fund.

(oo) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until June 30, 2007, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts identified as net receipts from the sale of all or part of the Illinois Student Assistance Commission loan portfolio from the Student Loan Operating Fund to the General Revenue Fund. The maximum amount that may be transferred pursuant to this Section is \$38,800,000. In addition, no transfer may be made pursuant to this Section that would have the effect of reducing the available balance in the Student Loan Operating Fund to an amount less than the amount remaining unexpended and unreserved from the total appropriations from the Fund estimated to be expended for the fiscal year. The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practical after receiving the direction to transfer from the Governor.

(pp) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$2,000,000 from the General Revenue Fund to the Illinois Veterans Assistance Fund.

(qq) In addition to any other transfers that may be provided for by law, on and after July 1, 2007 and until May 1, 2008, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery

Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2008.

(rr) In addition to any other transfers that may be provided for by law, on and after July 1, 2007 and until June 30, 2008, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts from the Illinois Affordable Housing Trust Fund to the designated funds not exceeding the following amounts:

DCFS Children's Services Fund.....	\$2,200,000
Department of Corrections Reimbursement and Education Fund.....	\$1,500,000
Supplemental Low-Income Energy Assistance Fund.....	\$75,000

(ss) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$8,250,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(tt) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,400,000 from the General Revenue Fund to the Violence Prevention Fund.

(uu) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,320,000 from the General Revenue Fund to the I-FLY Fund.

(vv) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$3,000,000 from the General Revenue Fund to the African-American HIV/AIDS Response Fund.

(ww) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$3,500,000 from the General Revenue Fund to the Predatory Lending Database Program Fund.

(xx) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$5,000,000 from the General Revenue Fund to the Digital Divide Elimination Fund.

(yy) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$4,000,000 from the General Revenue Fund to the Digital Divide Elimination Infrastructure Fund.

(zz) In addition to any other transfers that may be provided for by law, on July 1, 2008, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$5,000,000 from the General Revenue Fund to the Digital Divide Elimination Fund.

(aaa) In addition to any other transfers that may be provided for by law, on and after July 1, 2008 and until May 1, 2009, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2009.

(bbb) In addition to any other transfers that may be provided for by law, on and after July 1, 2008 and until June 30, 2009, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts from the Illinois Affordable Housing Trust Fund to the designated funds not exceeding the following amounts:

DCFS Children's Services Fund.....	\$2,200,000
Department of Corrections Reimbursement and Education Fund.....	\$1,500,000
Supplemental Low-Income Energy Assistance Fund.....	\$75,000

(ccc) In addition to any other transfers that may be provided for by law, on July 1, 2008, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$7,450,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(ddd) In addition to any other transfers that may be provided for by law, on July 1, 2008, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,400,000 from the General Revenue Fund to the Violence Prevention Fund.

(eee) In addition to any other transfers that may be provided for by law, on July 1, 2009, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of

\$5,000,000 from the General Revenue Fund to the Digital Divide Elimination Fund.

(fff) In addition to any other transfers that may be provided for by law, on and after July 1, 2009 and until May 1, 2010, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2010.

(ggg) In addition to any other transfers that may be provided for by law, on July 1, 2009, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$7,450,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(hhh) In addition to any other transfers that may be provided for by law, on July 1, 2009, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,400,000 from the General Revenue Fund to the Violence Prevention Fund.

(iii) In addition to any other transfers that may be provided for by law, on July 1, 2009, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$100,000 from the General Revenue Fund to the Heartsaver AED Fund.

(jjj) In addition to any other transfers that may be provided for by law, on and after July 1, 2009 and until June 30, 2010, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$17,000,000 from the General Revenue Fund to the DCFS Children's Services Fund.

(lll) In addition to any other transfers that may be provided for by law, on July 1, 2009, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$5,000,000 from the General Revenue Fund to the Communications Revolving Fund.

(mmm) In addition to any other transfers that may be provided for by law, on July 1, 2009, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$9,700,000 from the General Revenue Fund to the Senior Citizens Real Estate Deferred Tax Revolving Fund.

(nnn) In addition to any other transfers that may be provided for by law, on July 1, 2009, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$565,000 from the FY09 Budget Relief Fund to the Horse Racing Fund.

(ooo) In addition to any other transfers that may be provided for by law, on July 1, 2009, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$600,000 from the General Revenue Fund to the Temporary Relocation Expenses Revolving Fund.

(ppp) In addition to any other transfers that may be provided for by law, on July 1, 2010, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$5,000,000 from the General Revenue Fund to the Digital Divide Elimination Fund.

(qqq) In addition to any other transfers that may be provided for by law, on and after July 1, 2010 and until May 1, 2011, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2011.

(rrr) In addition to any other transfers that may be provided for by law, on July 1, 2010, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$6,675,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(sss) In addition to any other transfers that may be provided for by law, on July 1, 2010, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,400,000 from the General Revenue Fund to the Violence Prevention Fund.

(ttt) In addition to any other transfers that may be provided for by law, on July 1, 2010, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$100,000 from the General Revenue Fund to the Heartsaver AED Fund.

(uuu) In addition to any other transfers that may be provided for by law, on July 1, 2010, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$5,000,000 from the General Revenue Fund to the Communications Revolving Fund.

(vvv) In addition to any other transfers that may be provided for by law, on July 1, 2010, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$3,000,000 from the General Revenue Fund to the Illinois Capital Revolving Loan Fund.

(www) In addition to any other transfers that may be provided for by law, on July 1, 2010, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$17,000,000 from the General Revenue Fund to the DCFS Children's Services Fund.

(xxx) In addition to any other transfers that may be provided for by law, on July 1, 2010, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$2,000,000 from the Digital Divide Elimination Infrastructure Fund, of which \$1,000,000 shall go to the Workforce, Technology, and Economic Development Fund and \$1,000,000 to the Public Utility Fund.

(yyy) In addition to any other transfers that may be provided for by law, on and after July 1, 2011 and until May 1, 2012, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2012.

(zzz) In addition to any other transfers that may be provided for by law, on July 1, 2011, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,000,000 from the General Revenue Fund to the Illinois Veterans Assistance Fund.

(aaaa) In addition to any other transfers that may be provided for by law, on July 1, 2011, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$8,000,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(bbbb) In addition to any other transfers that may be provided for by law, on July 1, 2011, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,400,000 from the General Revenue Fund to the Violence Prevention Fund.

(cccc) In addition to any other transfers that may be provided for by law, on July 1, 2011, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$14,100,000 from the General Revenue Fund to the State Garage Revolving Fund.

(dddd) In addition to any other transfers that may be provided for by law, on July 1, 2011, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$4,000,000 from the General Revenue Fund to the Digital Divide Elimination Fund.

(eeee) In addition to any other transfers that may be provided for by law, on July 1, 2011, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$500,000 from the General Revenue Fund to the Senior Citizens Real Estate Deferred Tax Revolving Fund.

(Source: P.A. 96-45, eff. 7-15-09; 96-820, eff. 11-18-09; 96-959, eff. 7-1-10; 97-72, eff. 7-1-11.)

(30 ILCS 105/8o)

Sec. 8o. Transfer to the University of Illinois Income Fund.

(a) Immediately upon the effective date of this Section, the State Comptroller shall direct and the State Treasurer shall transfer \$15,826,499 from the General Revenue Fund to the University of Illinois Income Fund.

(b) In addition to any other transfers that may be provided for by law, on the first day of each calendar quarter of the fiscal year beginning July 1, 2009, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer an amount equal to one-fourth of \$15,826,499 from the General Revenue Fund to the University of Illinois Income Fund.

(c) In addition to any other transfers that may be provided for by law, on the first day of each calendar quarter of the fiscal year beginning July 1, 2010, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer an amount equal to one fourth of \$15,826,499 from the General Revenue Fund to the University of Illinois Income Fund.

(d) In addition to any other transfers that may be provided for by law, on the first day of each calendar quarter of the fiscal year beginning July 1, 2011, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer an amount equal to one fourth of \$15,826,499 from the General Revenue Fund to the University of Illinois Income Fund.

(Source: P.A. 95-728, eff. 7-1-08; 96-45, eff. 7-15-09; 96-959, eff. 7-1-10.)

Section 15. The Downstate Public Transportation Act is amended by changing Section 2-3 as follows:
(30 ILCS 740/2-3) (from Ch. 111 2/3, par. 663)

Sec. 2-3. (a) As soon as possible after the first day of each month, beginning July 1, 1984, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, from the General Revenue Fund to a special fund in the State Treasury which is hereby created, to be known as the "Downstate Public Transportation Fund", an amount equal to 2/32

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(beginning July 1, 2005, 3/32) of the net revenue realized from the "Retailers' Occupation Tax Act", as now or hereafter amended, the "Service Occupation Tax Act", as now or hereafter amended, the "Use Tax Act", as now or hereafter amended, and the "Service Use Tax Act", as now or hereafter amended, from persons incurring municipal or county retailers' or service occupation tax liability for the benefit of any municipality or county located wholly within the boundaries of each participant other than any Metro-East Transit District participant certified pursuant to subsection (c) of this Section during the preceding month, except that the Department shall pay into the Downstate Public Transportation Fund 2/32 (beginning July 1, 2005, 3/32) of 80% of the net revenue realized under the State tax Acts named above within any municipality or county located wholly within the boundaries of each participant, other than any Metro-East participant, for tax periods beginning on or after January 1, 1990. Net revenue realized for a month shall be the revenue collected by the State pursuant to such Acts during the previous month from persons incurring municipal or county retailers' or service occupation tax liability for the benefit of any municipality or county located wholly within the boundaries of a participant, less the amount paid out during that same month as refunds or credit memoranda to taxpayers for overpayment of liability under such Acts for the benefit of any municipality or county located wholly within the boundaries of a participant.

(b) As soon as possible after the first day of each month, beginning July 1, 1989, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, from the General Revenue Fund to a special fund in the State Treasury which is hereby created, to be known as the "Metro-East Public Transportation Fund", an amount equal to 2/32 of the net revenue realized, as above, from within the boundaries of Madison, Monroe, and St. Clair Counties, except that the Department shall pay into the Metro-East Public Transportation Fund 2/32 of 80% of the net revenue realized under the State tax Acts specified in subsection (a) of this Section within the boundaries of Madison, Monroe and St. Clair Counties for tax periods beginning on or after January 1, 1990. A local match equivalent to an amount which could be raised by a tax levy at the rate of .05% on the assessed value of property within the boundaries of Madison County is required annually to cause a total of 2/32 of the net revenue to be deposited in the Metro-East Public Transportation Fund. Failure to raise the required local match annually shall result in only 1/32 being deposited into the Metro-East Public Transportation Fund after July 1, 1989, or 1/32 of 80% of the net revenue realized for tax periods beginning on or after January 1, 1990.

(b-5) As soon as possible after the first day of each month, beginning July 1, 2005, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, from the General Revenue Fund to the Downstate Public Transportation Fund, an amount equal to 3/32 of 80% of the net revenue realized from within the boundaries of Monroe and St. Clair Counties under the State Tax Acts specified in subsection (a) of this Section and provided further that, beginning July 1, 2005, the provisions of subsection (b) shall no longer apply with respect to such tax receipts from Monroe and St. Clair Counties.

(b-6) As soon as possible after the first day of each month, beginning July 1, 2008, upon certification by the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer, from the General Revenue Fund to the Downstate Public Transportation Fund, an amount equal to 3/32 of 80% of the net revenue realized from within the boundaries of Madison County under the State Tax Acts specified in subsection (a) of this Section and provided further that, beginning July 1, 2008, the provisions of subsection (b) shall no longer apply with respect to such tax receipts from Madison County.

(c) The Department shall certify to the Department of Revenue the eligible participants under this Article and the territorial boundaries of such participants for the purposes of the Department of Revenue in subsections (a) and (b) of this Section.

(d) For the purposes of this Article, beginning in fiscal year 2009 the General Assembly shall appropriate an amount from the Downstate Public Transportation Fund equal to the sum total funds projected to be paid to the participants pursuant to Section 2-7. If the General Assembly fails to make appropriations sufficient to cover the amounts projected to be paid pursuant to Section 2-7, this Act shall constitute an irrevocable and continuing appropriation from the Downstate Public Transportation Fund of all amounts necessary for those purposes.

(e) Notwithstanding anything in this Section to the contrary, amounts transferred from the General Revenue Fund to the Downstate Public Transportation Fund pursuant to this Section shall not exceed \$169,000,000 in State fiscal year 2012.

(Source: P.A. 94-70, eff. 6-22-05; 95-708, eff. 1-18-08.)

Section 20. The Regional Transportation Authority Act is amended by changing Section 4.03.3 as

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follows:

(70 ILCS 3615/4.03.3)

Sec. 4.03.3. Distribution of Revenues. This Section applies only after the Department begins administering and enforcing an increased tax under Section 4.03(m) as authorized by this amendatory Act of the 95th General Assembly. After providing for payment of its obligations with respect to bonds and notes issued under the provisions of Section 4.04 and obligations related to those bonds and notes, the Authority shall disburse the remaining proceeds from taxes it has received from the Department of Revenue under this Article IV and the remaining proceeds it has received from the State under Section 4.09(a) as follows:

(a) With respect to taxes imposed by the Authority under Section 4.03, after withholding 15% of 80% of the receipts from those taxes collected in Cook County at a rate of 1.25%, 15% of 75% of the receipts from those taxes collected in Cook County at the rate of 1%, 15% of one-half of the receipts from those taxes collected in DuPage, Kane, Lake, McHenry, and Will Counties, and 15% of money received by the Authority from the Regional Transportation Authority Occupation and Use Tax Replacement Fund or from the Regional Transportation Authority tax fund created in Section 4.03(n), the Board shall allocate the proceeds and money remaining to the Service Boards as follows:

(1) an amount equal to (i) 85% of 80% of the receipts from those taxes collected within the City of Chicago at a rate of 1.25%, (ii) 85% of 75% of the receipts from those taxes collected in the City of Chicago at the rate of 1%, and (iii) 85% of the money received by the Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund or to the Regional Transportation Authority tax fund created in Section 4.03(n) from the County and Mass Transit District Fund attributable to retail sales within the City of Chicago shall be allocated to the Chicago Transit Authority;

(2) an amount equal to (i) 85% of 80% of the receipts from those taxes collected within Cook County outside of the City of Chicago at a rate of 1.25%, (ii) 85% of 75% of the receipts from those taxes collected within Cook County outside of the City of Chicago at a rate of 1%, and (iii) 85% of the money received by the Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund or to the Regional Transportation Authority tax fund created in Section 4.03(n) from the County and Mass Transit District Fund attributable to retail sales within Cook County outside of the City of Chicago shall be allocated 30% to the Chicago Transit Authority, 55% to the Commuter Rail Board, and 15% to the Suburban Bus Board; and

(3) an amount equal to 85% of one-half of the receipts from the taxes collected within the Counties of DuPage, Kane, Lake, McHenry, and Will shall be allocated 70% to the Commuter Rail Board and 30% to the Suburban Bus Board.

(b) Moneys received by the Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the State and Local Sales Tax Reform Fund shall be allocated among the Authority and the Service Boards as follows: 15% of such moneys shall be retained by the Authority and the remaining 85% shall be transferred to the Service Boards as soon as may be practicable after the Authority receives payment. Moneys which are distributable to the Service Boards pursuant to the preceding sentence shall be allocated among the Service Boards on the basis of each Service Board's distribution ratio. The term "distribution ratio" means, for purposes of this subsection (b), the ratio of the total amount distributed to a Service Board pursuant to subsection (a) of Section 4.03.3 for the immediately preceding calendar year to the total amount distributed to all of the Service Boards pursuant to subsection (a) of Section 4.03.3 for the immediately preceding calendar year.

(c)(i) 20% of the receipts from those taxes collected in Cook County under Section 4.03 at the rate of 1.25%, (ii) 25% of the receipts from those taxes collected in Cook County under Section 4.03 at the rate of 1%, (iii) 50% of the receipts from those taxes collected in DuPage, Kane, Lake, McHenry, and Will Counties under Section 4.03, and (iv) amounts received from the State under Section 4.09 (a)(2) and items (i), (ii), and (iii) of Section 4.09 (a)(3) shall be allocated as follows: the amount required to be deposited into the ADA Paratransit Fund described in Section 2.01d, the amount required to be deposited into the Suburban Community Mobility Fund described in Section 2.01e, and the amount required to be deposited into the Innovation, Coordination and Enhancement Fund described in Section 2.01c, and the balance shall be allocated 48% to the Chicago Transit Authority, 39% to the Commuter Rail Board, and 13% to the Suburban Bus Board.

(d) Amounts received from the State under Section 4.09 (a)(3)(iv) shall be distributed 100% to the Chicago Transit Authority.

(e) With respect to those taxes collected in DuPage, Kane, Lake, McHenry, and Will Counties and paid directly to the counties under Section 4.03, the County Board of each county shall use those amounts to fund operating and capital costs of public safety and public transportation services or

facilities or to fund operating, capital, right-of-way, construction, and maintenance costs of other transportation purposes, including road, bridge, public safety, and transit purposes intended to improve mobility or reduce congestion in the county. The receipt of funding by such counties pursuant to this paragraph shall not be used as the basis for reducing any funds that such counties would otherwise have received from the State of Illinois, any agency or instrumentality thereof, the Authority, or the Service Boards.

(f) The Authority by ordinance adopted by 12 of its then Directors shall apportion to the Service Boards funds provided by the State of Illinois under Section 4.09(a)(1) as it shall determine and shall make payment of the amounts to each Service Board as soon as may be practicable upon their receipt provided the Authority has adopted a balanced budget as required by Section 4.01 and further provided the Service Board is in compliance with the requirements in Section 4.11.

(g) Beginning January 1, 2009, before making any payments, transfers, or expenditures under this Section to a Service Board, the Authority must first comply with Section 4.02a or 4.02b of this Act, whichever may be applicable.

(h) Moneys may be appropriated from the Public Transportation Fund to the Office of the Executive Inspector General for the costs incurred by the Executive Inspector General while serving as the inspector general for the Authority and each of the Service Boards. Beginning December 31, 2012, and each year thereafter, the Office of the Executive Inspector General shall annually report to the General Assembly the expenses incurred while serving as the inspector general for the Authority and each of the Service Boards.

(Source: P.A. 97-399, eff. 8-16-11.)

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

AMENDMENT NO. 3 TO SENATE BILL 1311

AMENDMENT NO. 3. Amend Senate Bill 1311, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, on page 93, immediately below line 8, by inserting the following:

"Section 25. The School Code is amended by changing Section 27A-7.5 as follows:

(105 ILCS 5/27A-7.5)

Sec. 27A-7.5. State Charter School Commission.

(a) A State Charter School Commission is established as an independent State agency with statewide chartering jurisdiction and authority.

(b) The Commission is responsible for authorizing high-quality charter schools throughout this State, particularly schools designed to expand opportunities for at-risk students, consistent with the purposes of this Article.

(c) The Commission shall consist of 9 members, appointed by the State Board. The State Board shall make these appointments from a slate of candidates proposed by the Governor, within 60 days after the effective date of this amendatory Act of the 97th General Assembly with respect to the initial Commission members. In making the appointments, the State Board shall ensure statewide geographic diversity among Commission members. The Governor shall propose a slate of candidates to the State Board within 60 days after the effective date of this amendatory Act of the 97th General Assembly and 60 days prior to the expiration of the term of a member thereafter. If the Governor fails to timely propose a slate of candidates according to the provisions of this subsection (c), then the State Board may appoint the member or members of the Commission.

(d) Members appointed to the Commission shall collectively possess strong experience and expertise in public and nonprofit governance, management and finance, public school leadership, higher education, assessments, curriculum and instruction, and public education law. All members of the Commission shall have demonstrated understanding of and a commitment to public education, including without limitation charter schooling. At least 3 members must have past experience with urban charter schools.

(e) To establish staggered terms of office, the initial term of office for 3 Commission members shall be 4 years and thereafter shall be 4 years; the initial term of office for another 3 members shall be 3 years and thereafter shall be 4 years; and the initial term of office for the remaining 3 members shall be 2 years and thereafter shall be 4 years. The initial appointments must be made no later than October 1, 2011.

(f) Whenever a vacancy on the Commission exists, the State Board shall appoint a member for the remaining portion of the term.

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(g) Subject to the State Officials and Employees Ethics Act, the Commission is authorized to receive and expend gifts, grants, and donations of any kind from any public or private entity to carry out the purposes of this Article, subject to the terms and conditions under which they are given, provided that all such terms and conditions are permissible under law. Funds received under this subsection (g) must be deposited into the State Charter School Commission Fund.

The State Charter School Commission Fund is created as a special fund in the State treasury. All money in the Fund shall be used, subject to appropriation, by the Commission for operational and administrative costs of the Commission.

Subject to appropriation, any funds appropriated for use by the State Charter School Commission may be used for the following purposes, without limitation: personal services, contractual services, and other operational and administrative costs. The State Charter School Commission is further authorized to make expenditures with respect to any other amounts deposited in accordance with law into the State Charter School Commission Fund.

(h) The Commission shall operate with dedicated resources and staff qualified to execute the day-to-day responsibilities of charter school authorizing in accordance with this Article.

(i) Every 2 years, the Commission shall provide to the State Board and local school boards a report on best practices in charter school authorizing, including without limitation evaluating applications, oversight of charters, and renewal of charter schools.

(j) The Commission may charge a charter school that it authorizes a fee, not to exceed 3% of the revenue provided to the school, to cover the cost of undertaking the ongoing administrative responsibilities of the eligible chartering authority with respect to the school. This fee must be deposited into the State Charter School Commission Fund.

(k) Any charter school authorized by the State Board prior to this amendatory Act of the 97th General Assembly shall have its authorization transferred to the Commission upon a vote of the State Board, which shall then become the school's authorizer for all purposes under this Article. However, in no case shall such transfer take place later than July 1, 2012. At this time, all of the powers, duties, assets, liabilities, contracts, property, records, and pending business of the State Board as the school's authorizer must be transferred to the Commission. Any charter school authorized by a local school board or boards may seek transfer of authorization to the Commission during its current term only with the approval of the local school board or boards. At the end of its charter term, a charter school authorized by a local school board or boards must reapply to the board or boards before it may apply for authorization to the Commission under the terms of this amendatory Act of the 97th General Assembly.

On the effective date of this amendatory Act of the 97th General Assembly, all rules of the State Board applicable to matters falling within the responsibility of the Commission shall be applicable to the actions of the Commission. The Commission shall thereafter have the authority to propose to the State Board modifications to all rules applicable to matters falling within the responsibility of the Commission. The State Board shall retain rulemaking authority for the Commission, but shall work jointly with the Commission on any proposed modifications. Upon recommendation of proposed rule modifications by the Commission and pursuant to the Illinois Administrative Procedure Act, the State Board shall consider such changes within the intent of this amendatory Act of the 97th General Assembly and grant any and all changes consistent with that intent.

(l) The Commission shall have the responsibility to consider appeals under this Article immediately upon appointment of the initial members of the Commission under subsection (c) of this Section. Appeals pending at the time of initial appointment shall be determined by the Commission; the Commission may extend the time for review as necessary for thorough review, but in no case shall the extension exceed the time that would have been available had the appeal been submitted to the Commission on the date of appointment of its initial members. In any appeal filed with the Commission under this Article, both the applicant and the school district in which the charter school plans to locate shall have the right to request a hearing before the Commission. If more than one entity requests a hearing, then the Commission may hold only one hearing, wherein the applicant and the school district shall have an equal opportunity to present their respective positions.

(Source: P.A. 97-152, eff. 7-20-11.)

Section 30. The State's Attorneys Appellate Prosecutor's Act is amended by changing Section 4.10 as follows:

(725 ILCS 210/4.10) (from Ch. 14, par. 204.10)

Sec. 4.10. The Office may conduct and charge tuition for training programs for State's Attorneys, Assistant State's Attorneys and other law enforcement officers. The Office shall conduct training programs and provide technical trial assistance for Illinois State's Attorneys, Assistant State's Attorneys,

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~~state's attorneys, assistant state's attorneys and law enforcement officers on : (1) constitutional, statutory, and case law issues; (2) forensic evidence; (3) prosecutorial ethics and professional responsibility; and (4) a continuum of trial advocacy techniques and methods, including an emphasis on the elimination of or reduction in of eliminating or reducing the trauma of testifying in criminal proceedings for vulnerable populations including seniors, disabled persons, and children who serve as witnesses in such proceedings. The Office may make grants for these purposes.~~ In addition, the Office may publish, disseminate and sell publications and newsletters which digest current Appellate and Supreme Court cases and legislative developments of importance to prosecutors and law enforcement officials. The moneys collected by the Office from the programs and publications provided for in this Section shall be deposited in the Continuing Legal Education Trust Fund, which special fund is hereby created in the State Treasury. In addition, such appropriations, gifts or grants of money as the Office may secure from any public or private source for the purposes described in this Section shall be deposited in the Continuing Legal Education Trust Fund. The General Assembly shall make appropriations from the Continuing Legal Education Trust Fund for the expenses of the Office incident to conducting the programs and publishing the materials provided for in this Section.
(Source: P.A. 84-1340)."

Under the rules, the foregoing **Senate Bill No. 1311**, with House Amendments numbered 2 and 3, was referred to the Secretary's Desk.

JOINT ACTION MOTION FILED

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

Motion to Concur in House Amendments 2 and 3 to Senate Bill 1311

At the hour of 6:48 o'clock p.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 6:54 o'clock p.m. the Senate resumed consideration of business.
Senator Schoenberg, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 29, 2011 meeting, reported that the following Legislative Measure has been approved for consideration:

Motion to Concur with House Amendments 2 and 3 to Senate Bill 1311

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

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

On motion of Senator Steans, **Senate Bill No. 1311**, with House Amendments numbered 2 and 3 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 44; NAYS 8.

The following voted in the affirmative:

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Althoff	Harmon	Martinez	Schoenberg
Bomke	Holmes	McCann	Silverstein
Brady	Johnson, C.	Mulroe	Steans
Clayborne	Jones, E.	Muñoz	Sullivan
Collins, A.	Jones, J.	Noland	Syverson
Collins, J.	Koehler	Pankau	Trotter
Crotty	Kotowski	Radogno	Wilhelmi
Delgado	Landek	Raoul	Mr. President
Forby	Lightford	Rezin	
Frerichs	Link	Righter	
Garrett	Luechtefeld	Sandoval	
Haine	Maloney	Schmidt	

The following voted in the negative:

Cultra	LaHood	Murphy
Dillard	Lauzen	Sandack
Duffy	McCarter	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 2 and 3 to **Senate Bill No. 1311**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Hutchinson asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 1311**.

MESSAGE FROM THE HOUSE

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 2412

A bill for AN ACT concerning appropriations.

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

House Amendment No. 1 to SENATE BILL NO. 2412

House Amendment No. 2 to SENATE BILL NO. 2412

House Amendment No. 3 to SENATE BILL NO. 2412

Passed the House, as amended, November 29, 2011.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 SENATE BILL 2412

AMENDMENT NO. 1. Amend Senate Bill 2412 by replacing everything after the enacting clause with the following:

“Section 5. The amount of \$2, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the Department of Children and Family Services for its ordinary and contingent expenses.

Section 99. Effective date. This Act takes effect July 1, 2011.”.

AMENDMENT NO. 2 SENATE BILL 2412

AMENDMENT NO. 2. Amend Senate Bill 2412, AS AMENDED, by deleting everything after the enacting clause and inserting the following:

“ARTICLE 1

Section 5. “AN ACT making appropriations”, Public Act 97-0054, approved June 30, 2011, is amended by changing Sections 5 and 10 as follows:

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(P.A. 97-0054, Sec. 5)

Sec. 5. The sum of ~~\$230,000,000~~ ~~\$135,000,000~~, minus the amount transferred to the State Universities Retirement System pursuant to continuing appropriation authorized by the State Pension Funds Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the State Universities Retirement System pursuant to the provisions of Section 8.12 of the State Finance Act.

(P.A. 97-0054, Sec. 10)

Sec. 10. The sum of ~~\$750,485,000~~ ~~\$845,485,000~~, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of the State Universities Retirement System for the State's contribution, as provided by law.

ARTICLE 2

Section 5. "AN ACT making appropriations", Public Act 97-0056, approved June 30, 2011, is amended by adding new Section 43 to Article 1 as follows:

(P.A. 97-0056, Art. 1, Sec. 43 new)

Sec. 43. The amount of \$3,500,000, or so much thereof as may be necessary, is appropriated from the Attorney General Tobacco Fund to the Office of the Attorney General for the oversight, enforcement, and implementation of the Master Settlement Agreement entered in the case of People of the State of Illinois v. Philip Morris, et al (Circuit Court of Cook County, No. 96L13146), for the administration and enforcement of the Tobacco Product Manufacturers' Escrow Act, for the handling of tobacco-related litigation, and for other law enforcement activities of the Attorney General.

Section 10. "AN ACT making appropriations", Public Act 97-0056, approved June 30, 2011, is amended by changing Section 60 of Article 7 as follows:

(P.A. 97-0056, Art. 7, Sec. 60)

Sec. 60. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Joint Committee on Administrative Rules:

For Personal Services	862,000 825,000
For Employee Retirement Contributions	
Paid by Employer.....	33,000
For State Contributions to State Employees' Retirement System.....	0
For State Contribution to Social Security	63,000
For Contractual Services.....	25,900 42,900
For Travel.....	15,000 20,000
For Commodities	15,000
Interest Penalty Prompt Pay	500
For Equipment	20,000 25,000
For Telecommunications Services.....	6,300
Total	\$1,040,700

Section 15. "AN ACT making appropriations", Public Act 97-0056, approved June 30, 2011, is amended by changing Section 5 of Article 12 and adding new Section 70 to Article 12 as follows:

(P.A. 97-0056, Art. 12, Sec. 5)

Sec. 5. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated to the Office of the State Treasurer to meet the ordinary and contingent expenses of the Office of the State Treasurer:

For Personal Services:	
From General Revenue Fund.....	5,224,600
From State Pensions Fund.....	2,715,800
For Employee Retirement Contribution (pickup):	
From General Revenue Fund.....	141,800
From State Pensions Fund.....	69,300
For State Contributions to State Employees' Retirement System:	
From State Pensions Fund.....	821,600
For State Contribution to Social Security:	
From General Revenue Fund.....	399,700

From State Pensions Fund	207,800	
For Group Insurance:		
From State Pensions Fund	826,800	
For Contractual Services:		
From General Revenue Fund	<u>731,600</u>	871,000
From State Pensions Fund	2,543,000	
For Travel:		
From General Revenue Fund	114,400	
From State Pensions Fund	56,400	
For Commodities:		
From General Revenue Fund	<u>58,100</u>	60,100
From State Pensions Fund	32,100	
For Printing:		
From General Revenue Fund	<u>16,500</u>	18,500
From State Pensions Fund	15,000	
For Equipment:		
From General Revenue Fund	<u>12,100</u>	14,100
From State Pensions Fund	30,600	
For Electronic Data Processing:		
From General Revenue Fund	1,171,400	
From State Pensions Fund	1,156,130	
For Telecommunications Services:		
From General Revenue Fund	<u>117,300</u>	140,300
From State Pensions Fund	63,700	
For Operation of Automotive Equipment:		
From General Revenue Fund	8,900	
From State Pensions Fund	<u>5,700</u>	
Total, This Section	<u>\$16,540,330</u>	\$16,708,730

(P.A. 97-0056, Art. 12, Sec. 70 new)

Sec. 70. The following named amounts, or so much thereof as may be necessary, respectively are appropriated to the Office of the State Treasurer:

Payable from the Charitable Trust Stabilization Fund:

For a block grant to the Charitable Trust Stabilization Committee to be used for grants to public and private entities in the State for purposes set out in the Charitable Trust Stabilization Act and for operational expenses related to the administration of the Fund by the Committee 2,500,000

ARTICLE 3

Section 5. "AN ACT making appropriations", Public Act 97-0057, approved June 30, 2011, is amended by changing Section 5 of Article 4 as follows:

(P.A. 97-0057, Art. 4, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the State Civil Service Commission:

For Personal Services	<u>248,700</u>	207,478
For State Contributions to Social Security	<u>19,050</u>	15,872
For Contractual Services	<u>61,750</u>	54,150
For Travel	18,388	
For Commodities	1,500	
For Printing	800	
For Equipment	900	
For Telecommunications Services	<u>3,701</u>	
Total	<u>\$354,789</u>	\$302,789

Section 10. "AN ACT making appropriations", Public Act 97-0057, approved June 30, 2011, is amended by changing Sections 30, 45, 75, and 80 of Article 5 as follows:

(P.A. 97-0057, Art. 5, Sec. 30)

Sec. 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

OFFICE OF ENTREPRENEURSHIP, INNOVATION AND TECHNOLOGY
GRANTS

Payable from the General Revenue Fund:

For grants, contracts, and administrative expenses associated with the Illinois Office of Entrepreneurship, Innovation and Technology, including prior year costs.....	3,996,000
For grants, contracts, and administrative Expenses associated with DCEO Technology-Based Programs, including prior year Costs	900,000
Total	\$4,896,000

Payable from the Small Business Environmental Assistance Fund:

For grants and administrative expenses of the Small Business Environmental Assistance Program, Including prior year costs	425,000
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Payable from the High Speed Internet Services and Information Technology Fund:

For grants, contracts, awards and administrative expenses, including prior year costs.....	500,000
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Payable from the Workforce, Technology, and Economic Development Fund:

For Grants, Contracts, and Administrative Expenses Pursuant to 20 ILCS 605/605-420, Including Prior Year Costs.....	3,000,000
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Payable from the Commerce and Community Affairs Assistance Fund:

For grants, contracts and administrative expenses of the Procurement Technical Assistance Center Program, including prior year costs.....	750,000
For Grants, Contracts, and Administrative Expenses Pursuant to 20 ILCS 605/605-500, Including Prior Year Costs.....	14,000,000
For Grants, Contracts, and Administrative Expenses Pursuant to 20 ILCS 605/605-30, Including Prior Year Costs	4,000,000
Total	<u>\$18,750,000</u> \$14,750,000

Payable from the Federal Research and Technology Fund:

For Grants, Contracts and Administrative Expenses to promote economic development within the State, including refunds and prior year costs.....	3,000,000
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Payable from the Digital Divide

Elimination Fund:

For the Community Technology Center Grant Program, Pursuant to 30 ILCS 780, including prior year costs	5,500,000
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(P.A. 97-0057, Art. 5, Sec. 45)

Sec. 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

OFFICE OF BUSINESS DEVELOPMENT
GRANTS

Payable from the General Revenue Fund:	
For the Purpose of Grants, Contracts, and Administrative Expenses associated with DCEO Job Training Programs, including prior year costs	11,082,150
Payable from the Corporate Headquarters Relocation Assistance Fund:	
For Grants Pursuant to the Corporate Headquarters Relocation Act, including prior year costs.....	3,000,000
Payable from the Intermodal Facilities Promotion Fund:	
For the purpose of promoting construction of intermodal transportation facilities Including Reimbursement of Prior Year Costs.....	3,000,000
Payable from the Metropolitan Pier and Exposition Authority Incentive Fund:	
For the purpose of incentive grants to attract large conventions, meetings and trade shows, Including Prior Year Costs	20,000,000
Payable from the Illinois Capital Revolving Loan Fund:	
For the Purpose of Contracts, Grants, Loans, Investments and Administrative Expenses in Accordance with the Provisions of the Small Business Development Act pursuant to 30 ILCS 750/9.....	10,500,000
For the Purpose of Contracts, Grants, Loans, Investments and Administrative Expenses in Accordance with the High Growth And Emerging Small Business Loan and Grant Program, including prior year costs	<u>2,375,000</u>
Total	\$12,875,000
Payable from the Illinois Equity Fund:	
For the purpose of Grants, Loans, and Investments in Accordance with the Provisions of the Small Business Development Act.....	1,000,000
Payable from the Large Business Attraction Fund:	
For the purpose of Grants, Loans, Investments, and Administrative Expenses in Accordance with Article 10 of the Build Illinois Act.....	1,500,000
Payable from the Public Infrastructure Construction Loan Revolving Fund:	
For the Purpose of Grants, Loans, Investments, and Administrative Expenses in Accordance with Article 8 of the Build Illinois Act	12,000,000
Payable from the State Small Business Credit Initiative Fund:	
For the Purpose of Contracts, Grants, Loans, Investments and Administrative Expenses in Accordance with the State Small Business Credit Initiative Program, including prior year costs	<u>78,500,000</u> 78,000,000
(P.A. 97-0057, Art. 5, Sec. 75)	

Sec. 75. The following named amounts, or so much thereof as may be necessary, respectively are appropriated to the Department of Commerce and Economic Opportunity:

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OFFICE OF COMMUNITY DEVELOPMENT
GRANTS

Payable from the General Revenue Fund:		
For Grants, Contracts, and Administrative Expenses associated with DCEO Community Programs, Including prior year costs	675,000	
Payable from the Agricultural Premium Fund:		
For the Ordinary and Contingent Expenses of the Rural Affairs Institute at Western Illinois University.....	160,000	
Payable from the Charitable Trust Stabilization Fund:		
 For a block grant to the Charitable Trust Stabilization Committee to be used for Grants to public and private entities in the State for purposes set out in the Charitable Trust Stabilization Act and for operational expenses related to the administration of the Fund by the Committee.....	2,500,000	
Payable from the Federal Moderate Rehabilitation Housing Fund:		
For Grants, Contracts and Administrative Expenses associated with for Housing Assistance Payments, including refunds and prior year costs	2,000,000	
Payable from the Community Services Block Grant Fund:		
For Administrative Expenses and Grants to Eligible Recipients as Defined in the Community Services Block Grant Act, including refunds and prior year costs.....	75,000,000	
Payable from the Community Development Small Cities Block Grant Fund:		
For Grants to Local Units of Government or Other Eligible Recipients and for contracts and administrative expenses, as Defined in the Community Development Act of 1974, or by U.S. HUD Notice approving Supplemental allocation For the Illinois CDBG Program, including refunds and prior year costs.....	220,000,000	
For Administrative and Grant Expenses Relating to Training, Technical Assistance and Administration of the Community Development Assistance Programs, and for Grants to Local Units of Government or Other Eligible Recipients as Defined in the Community Development Act of 1974, as amended, for Illinois Cities with populations under 50,000, Including Refunds, and prior year costs.....	200,000,000	
Total	\$417,500,000	\$420,000,000

(P.A. 97-0057, Art. 5, Sec. 80)

Sec. 80. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

ILLINOIS ENERGY OFFICE
GRANTS

Payable from the Solid Waste Management Fund:
 For Grants, Contracts and Administrative Expenses Associated with Providing Financial Assistance for Recycling and Reuse in Accordance with Section 22.15 of the

Environmental Protection Act, the Illinois Solid Waste Management Act and the Solid Waste Planning and Recycling Act, including prior year costs	10,000,000
Payable from the Alternate Fuels Fund:	
For Administration and Grant Expenses of the Ethanol Fuel Research Program, Including Prior Year Costs	1,000,000
Payable from the Renewable Energy Resources Trust Fund:	
For Grants, Loans, Investments and Administrative Expenses of the Renewable Energy Resources Program, and the Illinois Renewable Fuels Development Program, and the Illinois Green Economy Network, Including Prior Year Costs	<u>12,500,000</u> 9,000,000
Payable from the Energy Efficiency Trust Fund:	
For Grants and Administrative Expenses Relating to Projects that Promote Energy Efficiency, including prior year costs	6,000,000
Payable from the DCEO Energy Projects Fund:	
For Expenses and Grants Connected with Energy Programs, including prior year Costs	5,000,000
Payable from the Federal Energy Fund:	
For Expenses and Grants Connected with the State Energy Program, including prior year costs	3,000,000
Payable from the Petroleum Violation Fund:	
For Expenses and Grants Connected with Energy Programs, including prior year Costs 1,000,000	
Payable from the Energy Efficiency Portfolio Standards Fund:	
For Grants, Contracts, and Administrative Expenses associated with Energy Efficiency Programs, including refunds and prior year costs	95,000,000
Section 15. "AN ACT making appropriations", Public Act 97-0057, approved June 30, 2011, is amended by adding new Section 50 to Article 6 as follows:	
(P.A. 97-0057, Art. 6, Sec. 50 new)	
<u>Sec. 50. The amount of \$2,908,000, or so much thereof as may be necessary, is appropriated to the Illinois Commerce Commission from the Wireless Carrier Reimbursement Fund for deposit into the Public Utility Fund.</u>	
Section 20. "AN ACT making appropriations", Public Act 97-0057, approved June 30, 2011, is amended by adding new Section 25 to Article 10 as follows:	
(P.A. 97-0057, Art. 10, Sec. 25 new)	
<u>Sec. 25. The following named amounts, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the State Board of Elections:</u>	
<u>For the ongoing support costs of the Illinois Voter Registration System</u>	<u>1,000,000</u>
<u>For reimbursement to counties for Election Day Judges only</u>	<u>1,000,000</u>
Total	\$2,000,000
Section 25. "AN ACT making appropriations", Public Act 97-0057, approved June 30, 2011, is amended by adding new Section 10 to Article 13 as follows:	
(P.A. 97-0057, Art. 13, Sec. 10 new)	
<u>Sec. 10. The amount of \$2,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Executive Inspector General to meet its</u>	

operational expenses for the fiscal year ending June 30, 2012.

Section 30. “AN ACT making appropriations”, Public Act 97-0057, approved June 30, 2011, is amended by changing Section 5 of Article 16 as follows:

(P.A. 97-0057, Art. 16, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Illinois Labor Relations Board for the objects and purposes hereinafter named:

OPERATIONS

For Personal Services	1,034,000	
For State Contributions to		
Social Security	79,100	
For Contractual Services.....	<u>90,600</u>	65,600
For Travel.....	7,500	
For Commodities	900	
For Printing	400	
For Equipment	500	
For Electronic Data Processing	18,200	
For Telecommunications Services.....	27,600	
For Agency Operations.....	<u>150,600</u>	
Total	<u>\$1,409,400</u>	\$1,384,400

Section 35. “AN ACT making appropriations”, Public Act 97-0057, approved June 30, 2011, is amended by changing Section 5 of Article 18 as follows:

(P.A. 97-0057, Art. 18, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund for the ordinary and contingent expenses of the Governor’s Office of Management and Budget in the Executive Office of the Governor:

GENERAL OFFICE

For Personal Services	1,503,300	
For State Contributions to		
Social Security	122,500	
For Contractual Services	<u>423,800</u>	423,800
For Travel	70,800	
For Commodities	3,000	
For Printing	9,800	
For Equipment	4,500	
For Electronic Data Processing	51,000	
For Telecommunications Services	<u>52,500</u>	
Total	<u>\$2,241,200</u>	\$1,941,200

Section 40. “AN ACT making appropriations”, Public Act 97-0057, approved June 30, 2011, is amended by changing Section 5 of Article 19 as follows:

(P.A. 97-0057, Art. 19, Sec. 5)

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

FOR OPERATIONS – ALL DIVISIONS

Payable from General Revenue Fund:

For Personal Services	<u>31,229,700</u>	30,216,200
For State Contributions to		
Social Security	<u>2,039,800</u>	1,962,200
For Contractual Services.....	6,606,600	
For Travel.....	282,200	
For Commodities	897,600	
For Printing	127,600	
For Equipment	112,400	
For Telecommunications Services.....	1,019,500	
For Operation of Auto Equipment.....	1,332,600	
For Electronic Data Processing	854,500	
For Refunds.....	<u>1,400</u>	

Total \$44,920,600 ~~\$43,412,800~~

Section 45. "AN ACT making appropriations", Public Act 97-0057, approved June 30, 2011, is amended by changing Sections 5, 40, and 50 of Article 20 as follows:
(P.A. 97-0057, Art. 20, Sec. 5)

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

GOVERNMENT SERVICES
PAYABLE FROM GENERAL REVENUE FUND:

For Refund of certain taxes in lieu of credit memoranda, where such refunds are authorized by law..... 3,125,000
 For a portion of the state's share of state's attorneys' and assistant state's attorneys' salaried, including prior year costs..... 7,714,000
 For a portion of the state's share of county public defenders' salaries pursuant to 55 ILCS 5/3-4007..... 3,770,000
 Total \$14,609,000

PAYABLE FROM THE PERSONAL PROPERTY TAX REPLACEMENT FUND:

For a portion of the state's share of state's attorneys' and assistant state's attorneys' salaried, including prior year costs..... 5,586,000
 For a portion of the state's share of county public defenders' salaries pursuant to 55 ILCS 5/3-4007..... 2,730,000
 For the State's share of county supervisors of assessments or county assessors' salaries, as provided by law..... 3,000,000
 For additional compensation for local assessors, as provided by Sections 2.3 and 2.6 of the "Revenue Act of 1939", as amended..... 350,000
 For additional compensation for local assessors, as provided by Section 2.7 of the "Revenue Act of 1939", as amended..... 660,000
 For additional compensation for county treasurers, pursuant to Public Act 84-1432, as amended..... 663,000
 For the annual stipend for sheriffs as provided in subsection (d) of Section 4-6300 and Section 4-8002 of the counties code..... 663,000
 For the annual stipend to county coroners pursuant to 55 ILCS 5/4-6002 including prior year costs..... 663,000
 For additional compensation for county auditors, pursuant to Public Act 95-0782, including prior year costs..... 110,500
 Total \$14,425,500

PAYABLE FROM MOTOR FUEL TAX FUND

For Reimbursement to International Fuel Tax Agreement Member States..... 11,750,000
 For Refunds..... 27,000,000

Total	\$38,750,000
PAYABLE FROM UNDERGROUND STORAGE TANK FUND	
For Refunds as provided for in Section 13a.8 of the Motor Fuel Tax Act	12,000
PAYABLE FROM STATE AND LOCAL SALES TAX REFORM FUND	
For allocation to Chicago for additional 1.25% Use Tax pursuant to P.A. 86-0928	51,600,000
PAYABLE FROM THE MUNICIPAL TELECOMMUNICATIONS FUND	
For refunds associated with the Simplified Municipal Telecommunications Act	12,000
PAYABLE FROM LOCAL GOVERNMENT DISTRIBUTIVE FUND	
For allocation to local governments for additional 1.25% Use Tax pursuant to P.A. 86-0928	141,000,000
PAYABLE FROM LOCAL GOVERNMENT VIDEO GAMING DISTRIBUTIVE FUND	
For allocation to local governments of the net terminal income tax per the Video Gaming Act	60,000,000
PAYABLE FROM R.T.A. OCCUPATION AND USE TAX REPLACEMENT FUND	
For allocation to RTA for 10% of the 1.25% Use Tax pursuant to P.A. 86-0928	26,000,000
PAYABLE FROM SENIOR CITIZENS' REAL ESTATE TAX REVOLVING FUND	
For payments to counties as required by the Senior Citizens Real Estate Tax Deferral Act, <u>including prior year costs</u>	7,200,000
PAYABLE FROM ILLINOIS TAX INCREMENT FUND	
For distribution to Local Tax Increment Finance Districts	21,420,600
PAYABLE FROM RENTAL HOUSING SUPPORT PROGRAM FUND	
For administration of the Rental Housing Support Program	1,100,000
For rental assistance to the Rental Housing Support Program, administered by the Illinois Housing Development Authority	25,000,000
Total	\$26,100,000
PAYABLE FROM ILLINOIS AFFORDABLE HOUSING TRUST FUND	
For administration of the Illinois Affordable Housing Act	2,500,000
PAYABLE FROM ILLINOIS GAMING LAW ENFORCEMENT FUND	
For a Grant for Allocation to Local Law Enforcement Agencies for joint state and local efforts in Administration of the Charitable Games, Pull Tabs and Jar Games Act	1,100,000
(P.A. 97-0057, Art. 20, Sec. 40)	
Sec. 40. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Revenue:	
TAX ADMINISTRATION AND ENFORCEMENT PAYABLE FROM GENERAL REVENUE FUND	
For Personal Services	73,858,400 63,726,400
For State Contributions to Social Security	5,650,100 4,414,600
For Contractual Services	6,352,600 5,238,600

For Travel.....	1,622,400	1,522,400
For Commodities.....	602,100	517,100
For Printing.....		378,700
For Equipment.....		139,700
For Electronic Data Processing.....	19,467,900	16,449,100
For Telecommunications Services.....		1,008,700
For Operation of Automotive Equipment.....	46,100	28,600
Total.....	\$109,126,700	\$93,423,900
PAYABLE FROM MOTOR FUEL TAX FUND		
For Personal Services.....		17,525,600
For State Contributions to State		
Employees' Retirement System.....		5,992,000
For State Contributions to Social Security.....		1,340,700
For Group Insurance.....		3,312,500
For Contractual Services.....		1,545,600
For Travel.....		783,200
For Commodities.....		58,400
For Printing.....		140,700
For Equipment.....		15,000
For Electronic Data Processing.....		11,495,600
For Telecommunications Services.....		767,000
For Operation of Automotive Equipment.....		61,900
For Administrative Costs Associated		
With the Motor Fuel Tax Enforcement		
Grant from USDOT.....		300,000
Total.....		\$43,338,200
PAYABLE FROM UNDERGROUND STORAGE TANK FUND		
For Personal Services.....		776,800
For State Contributions to State		
Employees' Retirement System.....		265,600
For State Contributions to Social Security.....		59,400
For Group Insurance.....		165,000
For Travel.....		30,200
For Commodities.....		2,100
For Printing.....		1,500
For Electronic Data Processing.....		224,000
For Telecommunications Services.....		61,400
Total.....		\$1,586,000
PAYABLE FROM ILLINOIS GAMING LAW ENFORCEMENT FUND		
For Personal Services.....		424,900
For State Contributions to State		
Employees' Retirement System.....		145,300
For State Contributions to Social Security.....		32,500
For Group Insurance.....		105,000
For Contractual Services.....		4,300
For Travel.....		50,200
For Commodities.....		2,900
For Printing.....		1,500
For Electronic Data Processing.....		392,400
For Telecommunications Services.....		14,500
For Operation of Automotive Equipment.....		28,600
Total.....		\$1,202,100
PAYABLE FROM COUNTY OPTION MOTOR FUEL TAX FUND		
For Personal Services.....		508,200
For State Contributions to State		
Employees' Retirement System.....		173,800
For State Contributions to Social Security.....		38,900
For Group Insurance.....		105,000
For Travel.....		30,300

For Commodities	2,400
For Electronic Data Processing	193,600
For Telecommunications Services.....	<u>41,600</u>
Total	\$1,093,800
PAYABLE FROM TAX COMPLIANCE AND ADMINISTRATION FUND	
For Personal Services	670,100
For State Contributions to State Employees' Retirement System	229,100
For State Contributions to Social Security	51,300
For Group Insurance	150,000
For Electronic Data Processing	4,667,000
For Telecommunications Services.....	35,100
For Administration of the Illinois Petroleum Education and Marketing Act	9,000
For Administration of the Dry Cleaners Environmental Response Trust Fund Act	92,300
For Administration of the Simplified Telecommunications Act	2,165,300
For administrative costs associated with the Municipality Sales Tax as directed in Public Act 93-1053	<u>128,300</u>
Total	\$8,197,500
PAYABLE FROM PERSONAL PROPERTY TAX REPLACEMENT FUND	
For Personal Services	10,803,000
or State Contributions to State Employees' Retirement System	3,693,500
For State Contributions to Social Security	826,400
For Group Insurance	2,437,400
For Contractual services	1,217,500
For Travel.....	243,900
For Commodities	52,500
For Printing	27,100
For Equipment	12,900
For Electronic Data Processing	7,223,700
For Telecommunications Services.....	561,100
For Operation of Automotive Equipment	<u>22,000</u>
Total	\$27,121,000
PAYABLE FROM HOME RULE MUNICIPAL RETAILERS OCCUPATION TAX FUND	
For Personal Services	503,100
For State Contributions to State Employees' Retirement System	172,000
For State Contributions to Social Security	38,500
For Group Insurance	90,000
For Travel.....	50,800
For Electronic Data Processing	277,200
For Telecommunications Services.....	<u>30,100</u>
Total	\$1,161,700
PAYABLE FROM ILLINOIS TAX INCREMENT FUND	
For Personal Services	277,700
For State Contributions to State Employees' Retirement System	95,000
For State Contributions to Social Security	21,300
For Group Insurance	66,800
For Electronic Data Processing	135,000
For Telecommunications Services.....	<u>18,700</u>
Total	\$614,500
PAYABLE FROM ILLINOIS DEPARTMENT OF REVENUE	

FEDERAL TRUST FUND

For Administrative Costs Associated
with the Illinois Department of
Revenue Federal Trust Fund 150,000

PAYABLE FROM THE DEBT COLLECTION FUND

For Administrative Costs Associated
with Statewide Debt Collection 20,000
(P.A. 97-0057, Art. 20, Sec. 50)

Sec. 50. The following named sums, or so much thereof as may be necessary, respectively,
for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent
expenses of the Department of Revenue:

PAYABLE FROM THE GENERAL REVENUE FUND

For costs and expenses related to or in
support of a Government Services
shared services center 1,974,400 ~~1,677,200~~

PAYABLE FROM MOTOR FUEL TAX FUND

For costs and expenses related to or in
support of a Government Services
shared services center 783,400

PAYABLE FROM DRAM SHOP FUND

For costs and expenses related
to or in support of a Government
Services shared services center 129,200

STATE LOTTERY FUND

For costs and expenses related to
or in support of a Government
Services shared services center 466,400
Total \$3,353,400 ~~\$3,056,200~~

ARTICLE 4

Section 5. "AN ACT making appropriations", Public Act 97-0059, approved June 30, 2011,
is amended by changing Sections 15 and 20 and adding new Sections 65 and 70 as follows:
(P.A. 97-0059, Sec. 15)

Sec. 15. The following amounts or so much thereof as may be necessary, are appropriated
to the Illinois State Board of Education for the fiscal year beginning July 1, 2011:

From the State Board of Education Federal
Agency Services Fund:

For Learn and Serve America 2,500,000

From the State Board of Education Federal
Department of Agriculture Fund:

For Child Nutrition 725,000,000

From the State Board of Education
Federal Department of Education Fund:

For Title I 750,000,000

For Title II, Teacher/Principal Training 157,000,000

For Title III, English Language
Acquisition 40,000,000

For Title IV, 21st Century/Community
Service Programs 60,500,000

For Title IV, Safe and Drug Free Schools 15,000,000

For Title VI, Rural and Low Income
Students 2,000,000

For Title X, Homeless Education 5,000,000

For Enhancing Education through Technology 20,000,000

For Individuals with Disabilities Act,
Deaf/Blind 450,000

For Individuals with Disabilities Act,
IDEA 650,000,000

For Individuals with Disabilities Act,
Improvement Program 3,700,000

For Individuals with Disabilities Act, Model Outreach Program Grants	400,000	
For Individuals with Disabilities Act, Pre-School	25,000,000	
For Grants for Vocational Education – Basic	55,000,000	
For Grants for Vocational Education – Technical Preparation	5,000,000	
For Charter Schools	9,000,000	
For Advanced Placement Fee	3,000,000	
For Math/Science Partnerships	12,000,000	
For Striving Readers	50,000,000	
For ONPAR	2,000,000	
For Longitudinal Data System	8,900,000	
For Special Federal Congressional Projects	2,000,000	5,000,000
Total	<u>\$1,875,950,000</u>	\$1,878,950,000

(P.A. 97-0059, Sec. 20)

Sec. 20. In addition to any other amounts appropriated for such purposes, the following named amounts, or so much thereof as may be necessary, are appropriated from the State Board of Education Federal Department of Education Fund, pursuant to the American Recovery and Reinvestment Act of 2009, to the Illinois State Board of Education for the fiscal year beginning July 1, 2011:

For Title I	381,125,200	
For Title II, Technology	18,566,200	
For Title X, Homeless Education	645,400	
For Individuals with Disabilities Education Act, IDEA	354,535,900	
For Individuals with Disabilities Education Act, Preschool	12,818,000	
For Longitudinal Data System	7,300,000	4,300,000
Total	<u>\$774,990,700</u>	\$771,990,700

(P.A. 97-0059, Sec. 65 new)

Sec. 65. In addition to any other amounts appropriated for such purposes, the following named amounts, or so much thereof as may be necessary, are appropriated from the State Board of Education Federal Department of Education Fund, to the Illinois State Board of Education for all costs associated with related activities, for the fiscal year beginning July 1, 2011:

<u>For Race to the Top</u>	<u>50,000,000</u>
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(P.A. 97-0059, Sec. 70 new)

Sec. 70. In addition to any other amounts appropriated for such purposes, the following named amounts, or so much thereof as may be necessary, are appropriated from the State Board of Education Federal Department of Education Fund, to the Illinois State Board of Education for all costs associated with related activities, for the fiscal year beginning July 1, 2011:

<u>For the Early Learning Challenge</u>	<u>70,000,000</u>
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Section 10. The amount of \$300,000, or so much thereof as may be necessary, is appropriated from the State Charter School Commission Fund to the State Charter School Commission for ordinary and contingent operations.

ARTICLE 5

Section 5. “AN ACT making appropriations”, Public Act 97-0060, approved June 30, 2011, with item reductions, is amended by changing Section 10 of Article 1 as follows:

(P.A. 97-0060, Article 1, Sec. 10)

Sec. 10. The following amounts or so much thereof as may be necessary, which shall be used by the Illinois State Board of Education exclusively for the foregoing purposes and not, under any circumstances, for personal services expenditures or other operational or administrative costs, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2011:

From the General Revenue Fund:

For General State Aid	309,631,375
For Blind/Dyslexic Persons	816,600
For Disabled Student Personnel	

Reimbursement	465,700,000	
For Disabled Student Transportation Reimbursement	436,800,000	
For Disabled Student Tuition, Private Tuition	177,743,700	
For District Consolidation Costs/ Supplemental Payments to School Districts, 18-8.2, 18-18.3, 18-8.5, 18-8.05(l) of the School Code	1,800,000	
For Extraordinary Funding for Children Requiring Special Education, 14-7.02b of the School Code	343,375,700	
For Arts and Foreign Language	1,000,000	
For the Philip J. Rock Center and School	3,577,800	
For Reimbursement for the Free Breakfast/ Lunch Program	26,300,000	
For Tax-Equivalent Grants, 18-4.4	222,600	
For Teachers and Administrators Mentoring Program	1	
For Principal Mentoring Program	1	
For Summer School Payments, 18-4.3 of the School Code	11,200,000	
For Transportation-Regular/Vocational Common School Transportation Reimbursement, 29-5 of the School Code	205,808,850	
For Visually Impaired/Educational Materials Coordinating Unit, 14-11.01 of the School Code	1,421,100	
For Regular Education Reimbursement Per 18-3 of the School Code	13,000,000	
For Special Education Reimbursement Per 14-7.03 of the School Code	101,700,000	
For all costs associated with Alternative Education/Regional Safe Schools	9,341,900	
For Truant Alternative and Optional Education Program	14,059,000	
For costs associated with Teach for America	1,225,000	
For grants to Local Education Agencies to conduct Agriculture Education Programs	1,800,000	
For Career and Technical Education	38,562,100	
For National Board Certified Teachers	1,000,000	
Total	<u>\$2,166,085,727</u>	<u>\$6,368,759,716</u>
From the Education Assistance Fund:		
For General State Aid	309,631,376	
For Disabled Student Personnel Reimbursement	0	
For Disabled Student Transportation Reimbursement	0	
For Disabled Student Tuition, Private Tuition	0	
For Funding for Children Requiring Special Education, 14-7.02b of the School Code	0	
For Transportation-Regular/Vocational Common School Transportation Reimbursement, 29-5 of the School Code	0	
From the Common School Fund:		

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For General State Aid 3,828,841,763

ARTICLE 6

Section 5. "AN ACT concerning appropriations", Public Act 97-0061, approved June 30, 2011, is amended by changing Section 5 as follows:

(P.A. 97-0061, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Illinois Educational Labor Relations Board for the objects and purposes hereinafter named:

OPERATIONS

For Personal Services	823,200	\$753,700
For State Contributions to		
Social Security	63,200	57,700
For Contractual Services.....		122,700
For Travel.....		10,400
For Commodities		3,000
For Printing		2,000
For Equipment.....		1,000
For Electronic Data Processing		1,800
For Telecommunications Services.....		15,000
For Operation of Automotive Equipment		1,000
Total	\$1,043,300	\$968,300

ARTICLE 7

Section 5. "AN ACT concerning appropriations", Public Act 97-0062, approved June 30, 2011, is amended by changing Section 30 of Article 6 as follows:

(P.A. 97-0062, Art. 6, Sec. 30)

Sec. 30. The sum of ~~\$3,545,500~~ ~~\$2,685,500~~, or so much thereof as may be necessary, is appropriated from the Senior Health Insurance Program Fund to the Department of Insurance for the administration of the Senior Health Insurance Program.

Section 10. "AN ACT concerning appropriations", Public Act 97-0062, approved June 30, 2011, is amended by adding new Sections 175 and 180 to Article 7 as follows:

(P.A. 97-0062, Art. 7, Sec. 175 new)

Sec. 175. The sum of \$400,000, or so much thereof as may be necessary, is appropriated from the Athletics Supervision and Regulation Fund to the Department of Financial and Professional Regulation for all costs associated with administration of the Boxing and Full-contact Martial Arts Act.

(P.A. 97-0062, Art. 7, Sec. 180 new)

Sec. 180. The sum of \$1,400,000, or so much thereof as may be necessary, is appropriated from the Savings Institutions Regulatory Fund to the Department of Financial and Professional Regulation for the ordinary and contingent expenses of the Department of Financial and Professional Regulation and the Division of Banking, or their successors, in administering and enforcing the Illinois Savings and Loan Act of 1985, the Savings Bank Act, and other laws, rules, and regulations as may apply to the administration and enforcement of the foregoing laws, rules, and regulations, as amended from time to time.

ARTICLE 8

Section 5. "AN ACT concerning appropriations", Public Act 97-0063, approved June 30, 2011, is amended by changing Section 5 and adding new Sections 6, 7, and 8 to Article 2 as follows:

(P.A. 97-0063, Art. 2, Sec. 5)

Sec. 5. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the Office of the State's Attorney Appellate Prosecutor for the objects and purposes hereinafter named to meet its ordinary and contingent expenses for the fiscal year ending June 30, 2012:

For Personal Services:

Payable from General Revenue Fund for		
Collective Bargaining Unit.....		3,448,400
Payable from General Revenue Fund for		
Administrative Unit		880,900
Payable from State's Attorney Appellate		
Prosecutor's County Fund.....		757,050
For State Contribution to the State Employees'		

Retirement System Pick Up:	
Payable from General Revenue Fund for	
Collective Bargaining Unit.....	137,800
Payable from General Revenue Fund for	
Administrative Unit.....	35,200
Payable from State's Attorneys Appellate	
Prosecutor's County Fund.....	30,300
For State Contribution to the State Employees' Retirement System:	
Payable from General Revenue Fund for	
Collective Bargaining Unit.....	0
Payable from General Revenue Fund for	
Administrative Unit.....	0
Payable from State's Attorneys Appellate	
Prosecutor's County Fund.....	258,850
For State Contribution to Social Security:	
Payable from General Revenue Fund for	
Collective Bargaining Unit.....	263,800
Payable from General Revenue Fund for	
Administrative Unit.....	67,400
Payable from State's Attorneys Appellate	
Prosecutor's County Fund.....	57,950
For County Reimbursement to State for Group Insurance:	
Payable from State's Attorneys Appellate	
Prosecutor's County Fund.....	157,500
For Contractual Services:	
Payable from General Revenue Fund.....	468,600
Payable from State's Attorneys Appellate	
Prosecutor's County Fund.....	652,135
For Contractual Services for Tax Objection Casework:	
Payable from General Revenue Fund.....	98,700
Payable from State's Attorneys Appellate	
Prosecutor's County Fund.....	35,328
For Contractual Services for Rental of Real Property:	
Payable from General Revenue Fund.....	240,200
Payable from State's Attorneys Appellate	
Prosecutor's County Fund.....	143,597
For Travel:	
Payable from General Revenue Fund.....	25,000
Payable from State's Attorneys Appellate	
Prosecutor's County Fund.....	15,000
For Commodities:	
Payable from General Revenue Fund.....	19,000
Payable from State's Attorneys Appellate	
Prosecutor's County Fund.....	10,000
For Printing:	
Payable from General Revenue Fund.....	8,000
Payable from State's Attorneys Appellate	
Prosecutor's County Fund.....	4,600
For Equipment:	
Payable from General Revenue Fund.....	50,000
Payable from State's Attorneys Appellate	
Prosecutor's County Fund.....	40,900
For Electronic Data Processing:	
Payable from General Revenue Fund.....	32,500
Payable from State's Attorneys Appellate	
Prosecutor's County Fund.....	31,400
For Telecommunications:	
Payable from General Revenue Fund.....	35,900
Payable from State's Attorneys Appellate	

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Prosecutor's County Fund.....	40,100
For Operation of Automotive Equipment:	
Payable from General Revenue Fund.....	21,600
Payable from State's Attorneys Appellate Prosecutor's County Fund.....	16,000
For Law Intern Program:	
Payable from General Revenue Fund.....	40,000
Payable from State's Attorneys Appellate Prosecutor's County Fund.....	27,400
For Continuing Legal Education:	
Payable from General Revenue Fund.....	125,000
Payable from Continuing Legal Education Trust Fund.....	150,000
For Legal Publications:	
Payable from General Revenue Fund.....	2,500
Payable from State's Attorneys Appellate Prosecutor's County Fund.....	13,900
For expenses for assisting County State's Attorneys for services provided under the Illinois Public Labor Relations Act:	
For Personal Services:	
Payable from General Revenue Fund.....	125,100
Payable from State's Attorneys Appellate Prosecutor's County Fund.....	68,300
For State Contribution to the State Employees' Retirement System Pick Up:	
Payable from General Revenue Fund.....	5,000
Payable from State's Attorneys Appellate Prosecutor's County Fund.....	2,800
For State Contribution to the State Employees' Retirement System:	
Payable from General Revenue Fund.....	0
Payable from State's Attorneys Appellate Prosecutor's County Fund.....	24,200
For Contribution to Social Security:	
Payable from General Revenue Fund.....	9,600
Payable from State's Attorneys Appellate Prosecutor's County Fund.....	5,300
For County Reimbursement to State for Group Insurance:	
Payable from State's Attorneys Appellate Prosecutor's County Fund.....	15,000
For Contractual Services:	
Payable from General Revenue Fund.....	7,700
Payable from State's Attorneys Appellate Prosecutor's County Fund.....	278,615
For Travel:	
Payable from General Revenue Fund.....	1,500
Payable from State's Attorneys Appellate Prosecutor's County Fund.....	1,200
For Commodities:	
Payable from General Revenue Fund.....	1,000
Payable from State's Attorneys Appellate Prosecutor's County Fund.....	900
For Equipment:	
Payable from General Revenue Fund.....	1,000
Payable from State's Attorneys Appellate Prosecutor's County Fund.....	1,500
For Operation of Automotive Equipment:	
Payable from General Revenue Fund.....	1,500

Payable from State's Attorneys Appellate Prosecutor's County Fund.....	1,200
For expenses pursuant to Narcotics Profit Forfeiture Act: Payable from Narcotics Profit Forfeiture Fund.....	0
For Expenses Pursuant to Drug Asset Forfeiture Procedure Act: Payable from Narcotics Profit Forfeiture Fund	<u>1,750,000</u> 1,350,000
For Expenses Pursuant to P.A. 84-1340, which requires the Office of the State's Attorneys Appellate Prosecutor to conduct training programs for Illinois State's Attorneys, Assistant State's Attorneys and Law Enforcement Officers on techniques and methods of eliminating or reducing the trauma of testifying in criminal proceedings for children who serve as witnesses in such proceedings; and other authorized criminal justice training programs: Payable from General Revenue Fund.....	60,000
For Expenses Related to federally assisted Programs to assist local State's Attorneys including special appeals, drug related cases and cases arising under the Narcotics Profit Forfeiture Act on the request of the State's Attorney: Payable from Special Federal Grant Project Fund.....	2,200,000
For Local Matching Purposes: Payable from State's Attorneys Appellate Prosecutor's County Fund.....	0
For State Matching Purposes: Payable from General Revenue Fund.....	85,800
For Expenses Pursuant to Grant Agreements For Training Grant Programs: Payable from General Revenue Fund.....	100,000
For Expenses Pursuant to the Capital Crimes Litigation Act: Payable from the Capital Litigation Trust Fund.....	600,000
For Appropriation to the State Treasurer for Expenses Incurred by State's Attorneys other than Cook County: Payable from the Capital Litigation Trust Fund.....	1,000,000
For Appropriation to the State's Attorneys Appellate Prosecutor for a grant to the Cook County State's Attorney for expenses incurred in filing appeals in Cook County	2,000,000
For Appropriation to the State's Attorneys Appellate Prosecutor for Federal Grants.....	100,000
(Total, \$16,389,725; General Revenue Fund, \$8,398,700;	
Office of the State's Attorneys Appellate Prosecutor's County Fund, \$2,691,025; Continuing Legal Education Trust Fund, \$600,000 150,000 ; Narcotics Profit Forfeiture Fund, \$1,750,000 1,350,000 ;	
Special Federal Grant Project Funds, \$2,200,000; Capital Litigation Trust Fund, \$450,000 1,600,000) (P.A. 97-0063, Art. 2, Sec.6 new)	
<u>Sec. 6. The amount of \$900,000. is appropriated to the Office of the State's Attorneys Appellate Prosecutor from the Capital Litigation Trust Fund for deposit into the Continuing Legal</u>	

Education Trust Fund

(P.A. 97-0063, Art. 2, Sec. 7 new)

Sec. 7. The amount of \$450,000, or so much thereof as may be necessary, is appropriated from the Continuing Legal Education Trust Fund to the Office of the State's Attorneys Appellate Prosecutor as follows:

<u>For Expenses Pursuant to Grant Agreements</u>	
<u>for Sentencing Policy Research.....</u>	<u>150,000</u>
<u>For Expenses for Training and for the</u>	
<u>Prosecution of Serious Violent Offenses</u>	<u>300,000</u>

(P.A. 97-0063, Art. 2, Sec. 8 new)

Sec. 8. The amount of \$450,000, or so much thereof as may be necessary, is appropriated from the Continuing Legal Education Trust Fund to the Office of the State's Attorneys Appellate Prosecutor for the payment of grants to the Cook County State's Attorneys as follows:

<u>For Expenses incurred for Training and</u>	
<u>for the Prosecution of Serious Violent</u>	
<u>Offenses in Cook County</u>	<u>300,000</u>
<u>For Expenses incurred for the Implementation</u>	
<u>of Diversion Court Programs in Cook County</u>	<u>150,000</u>

Section 10. "AN ACT concerning appropriations", Public Act 97-0063, approved June 30, 2011, is amended by changing Section 5 to Article 3 as follows:

(P.A. 97-0063, Art. 3, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Illinois Criminal Justice Information Authority:

OPERATIONS

Payable from General Revenue Fund:

For Personal Services	<u>1,228,800</u>	1,213,800
For State Contributions to		
Social Security	<u>94,000</u>	92,800
For Contractual Services.....		328,600
For Travel.....		5,000
For Commodities		10,000
For Printing		10,000
For Equipment		1
For Electronic Data Processing		67,500
For Telecommunications Services.....		45,000
For Operation of Auto Equipment.....		5,000
Total	<u>\$1,793,901</u>	\$1,777,701

Section 15. "AN ACT concerning appropriations", Public Act 97-0063, approved June 30, 2011, is amended by adding new Section 25 to Article 6 as follows:

(P.A. 97-0063, Art. 6, Sec. 25 new)

Sec. 25. The amount of \$609,200, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Labor to administer the Employee Classification Act.

Section 20. "AN ACT concerning appropriations", Public Act 97-0063, approved June 30, 2011, is amended by changing Section 5 of Article 8 as follows:

(P.A. 97-0063, Art. 8, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to meet the ordinary and contingent expenses of the Prisoner Review Board for the fiscal year ending June 30, 2012:

PAYABLE FROM GENERAL REVENUE FUND

For Personal Services	<u>1,020,900</u>	932,600
For State Contributions to		
Social Security	<u>78,100</u>	71,300
For Contractual Services.....	<u>209,500</u>	403,600
For Travel.....		74,000
For Commodities	<u>13,000</u>	8,700
For Printing		5,400
For Equipment		0

For Electronic Data Processing	48,800	16,000
For Telecommunications Services.....		19,000
Total	<u>\$1,468,700</u>	<u>\$1,230,600</u>

Section 25. "AN ACT concerning appropriations", Public Act 97-0063, approved June 30, 2011, is amended by changing Sections 5 and 15 of Article 9 as follows:
(P.A. 97-0063, Art. 9, Sec. 5)

Sec. 5. The sum of ~~\$364,800~~ ~~\$291,922~~, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Southwestern Illinois Development Authority for replenishment of a draw on the debt service reserve fund backing bonds issued on behalf of Waste Recovery-Illinois and related trustee and legal expenses.
(P.A. 97-0063, Art. 9, Sec. 15)

Sec. 15. The sum of ~~\$1,407,000~~ ~~\$1,115,037~~, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Southwestern Illinois Development Authority for replenishment of a draw on the debt service reserve fund backing bonds issued on behalf of Laclede Steel-Illinois.

ARTICLE 9

Section 5. "AN ACT concerning appropriations", Public Act 97-0065, approved June 30, 2011, as amended, is amended by changing Sections 5, 10, 30, 40, and 45 of Article 1 as follows:
(P.A. 97-0065, Art. 1, Sec. 5)

Sec. 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the following divisions of the Department of Corrections for the fiscal year ending June 30, 2012:

FOR OPERATIONS
GENERAL OFFICE

For Personal Services	18,625,600	20,157,300
For State Contributions to Social Security	1,424,900	1,371,100
For Contractual Services.....	11,165,400	
For Travel.....	233,000	
For Commodities	751,400	
For Printing	5,900	
For Equipment	45,800	
For Electronic Data Processing	<u>13,451,100</u>	11,300,000
For Telecommunications Services.....	<u>2,100,000</u>	1,864,000
For Operation of Auto Equipment.....	300,000	
For Tort Claims.....	760,700	
Total	<u>\$48,863,800</u>	<u>\$47,954,600</u>

(P.A. 97-0065, Art. 1, Sec. 10)

Sec. 10. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Corrections for the objects and purposes hereinafter named:
Payable from the General Revenue Fund:

For Sheriffs' Fees for Conveying Prisoners.....	337,400
For the State's share of Assistant State's Attorney's salaries – reimbursement to counties pursuant to Chapter 53 of the Illinois Revised Statutes	376,400
For Repairs, Maintenance and Other Capital Improvements.....	<u>3,000,000</u>
Total	<u>\$3,713,800</u>

Payable from the Department of Corrections

Reimbursement and Education Fund:

For payment of expenses associated with School District Programs.....	5,000,000
For payment of expenses associated with federal programs, including, but not limited to, construction of additional beds, treatment programs, and juvenile supervision	5,000,000

For payment of expenses associated with miscellaneous programs, including, but not limited to, medical costs, food expenditures, and various construction costs.....

23,000,000
\$33,000,000

(P.A. 97-0065, Art. 1, Sec. 30)

Sec. 30. The amount of ~~\$6,682,400~~ ~~\$6,000,000~~, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for expenses related to statewide hospitalization services.

(P.A. 97-0065, Art. 1, Sec. 40)

Sec. 40. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Corrections:

EDUCATION SERVICES

For Personal Services	<u>13,356,400</u>	<u>13,670,900</u>
For Student, Member and Inmate Compensation		14,000
For Contributions to Teacher's Retirement System.....		2,800
For State Contributions to Social Security	<u>1,021,800</u>	<u>938,600</u>
For Contractual Services.....		8,100,800
For Travel.....		10,000
For Commodities		199,600
For Printing		31,500
For Telecommunications Services.....		25,000
For Operation of Auto Equipment.....		<u>10,000</u>
Total	<u>\$22,771,900</u>	<u>\$23,003,200</u>

FIELD SERVICES

For Personal Services	<u>54,147,300</u>	<u>56,687,400</u>
For Student, Member and Inmate Compensation		80,200
For State Contributions to Social Security	<u>4,142,300</u>	<u>3,819,700</u>
For Contractual Services.....	<u>34,655,500</u>	<u>32,895,000</u>
For Travel.....	<u>237,000</u>	<u>200,000</u>
For Travel and Allowance for Committed, Paroled and Discharged Prisoners	<u>34,100</u>	<u>22,400</u>
For Commodities		289,800
For Printing		6,500
For Equipment	<u>500,000</u>	<u>377,600</u>
For Telecommunications Services.....	<u>6,758,500</u>	<u>6,295,300</u>
For Operation of Auto Equipment.....	<u>3,085,000</u>	<u>2,796,000</u>
Total	<u>\$103,936,200</u>	<u>\$103,469,900</u>

(P.A. 97-0065, Art. 1, Sec. 45)

Sec. 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections from the General Revenue Fund for:

BIG MUDDY RIVER CORRECTIONAL CENTER

For Personal Services	<u>20,440,100</u>	<u>19,730,300</u>
For Student, Member and Inmate Compensation	<u>310,000</u>	<u>300,000</u>
For State Contributions to Social Security	<u>1,563,700</u>	<u>1,359,700</u>
For Contractual Services.....	<u>8,048,500</u>	<u>7,052,900</u>
For Travel.....		14,000
For Travel and Allowances for Committed, Paroled and Discharged Prisoners		28,600
For Commodities	<u>1,967,500</u>	<u>1,845,000</u>

For Printing	14,100	
For Equipment	54,500	
For Telecommunications Services.....	62,000	
For Operation of Auto Equipment.....	150,000	97,200
Total	<u>\$32,653,000</u>	<u>\$30,558,300</u>
CENTRALIA CORRECTIONAL CENTER		
For Personal Services	22,791,300	22,331,500
For Student, Member and Inmate Compensation		276,000
For State Contributions to Social Security	1,743,500	1,599,000
For Contractual Services.....		4,842,800
For Travel.....		18,000
For Travel and Allowances for Committed, Paroled and Discharged Prisoners		29,000
For Commodities		1,868,900
For Printing		13,800
For Equipment	130,000	59,500
For Telecommunications Services.....		82,000
For Operation of Auto Equipment.....		65,000
Total	<u>\$31,860,300</u>	<u>\$31,185,500</u>
DANVILLE CORRECTIONAL CENTER		
For Personal Services	18,887,900	18,545,400
For Student, Member and Inmate Compensation		301,400
For State Contributions to Social Security	1,444,900	1,345,800
For Contractual Services.....	6,269,100	5,946,200
For Travel.....		32,600
For Travel and Allowances for Committed, Paroled and Discharged Prisoners		12,000
For Commodities	2,300,000	2,144,200
For Printing		15,600
For Equipment	92,000	67,700
For Telecommunications Services.....		58,800
For Operation of Auto Equipment.....		130,000
Total	<u>\$29,544,300</u>	<u>\$28,599,700</u>
DECATUR WOMEN'S CORRECTIONAL CENTER		
For Personal Services	14,230,200	13,738,400
For Student, Member and Inmate Compensation	125,000	85,200
For State Contributions to Social Security	1,088,600	931,500
For Contractual Services.....	3,281,500	3,116,600
For Travel.....		4,700
For Travel and Allowances for Committed, Paroled and Discharged Prisoners		17,100
For Commodities	670,500	550,000
For Printing		5,000
For Equipment	70,000	43,500
For Telecommunications Services.....		34,400
For Operation of Auto Equipment.....		50,500
Total	<u>\$19,577,500</u>	<u>\$18,576,900</u>
DIXON CORRECTIONAL CENTER		
For Personal Services	37,008,600	34,719,600
For Student, Member and Inmate Compensation		340,000
For State Contributions to		

Social Security	2,831,200	2,437,000
For Contractual Services.....	13,668,300	12,159,800
For Travel.....	45,500	32,000
For Travel and Allowances for Committed,		
Paroled and Discharged Prisoners		19,800
For Commodities	2,961,500	2,771,200
For Printing		17,800
For Equipment	125,000	68,700
For Telecommunications Services.....		123,200
For Operation of Auto Equipment.....	265,000	221,600
Total	<u>\$57,405,900</u>	<u>\$52,910,700</u>
DWIGHT CORRECTIONAL CENTER		
For Personal Services	24,715,200	24,403,200
For Student, Member and Inmate		
Compensation	160,000	146,700
For State Contributions to		
Social Security	1,890,700	1,708,400
For Contractual Services.....	7,936,000	7,429,900
For Travel.....		34,600
For Travel and Allowances for Committed,		
Paroled and Discharged Prisoners		9,900
For Commodities		1,715,400
For Printing		23,200
For Equipment	150,000	84,700
For Telecommunications Services.....		120,800
For Operation of Auto Equipment.....	195,000	148,000
Total	<u>\$36,950,800</u>	<u>\$35,824,800</u>
EAST MOLINE CORRECTIONAL CENTER		
For Personal Services	18,351,400	17,499,200
For Student, Member and Inmate		
Compensation	241,000	232,700
For State Contributions to		
Social Security	1,403,900	1,182,300
For Contractual Services.....	4,154,200	3,795,300
For Travel.....		8,000
For Travel and Allowances for Committed,		
Paroled and Discharged Prisoners		30,000
For Commodities	1,441,500	1,342,600
For Printing		2,900
For Equipment	129,000	59,000
For Telecommunications Services.....		75,100
For Operation of Auto Equipment.....	160,000	115,500
Total	<u>\$25,997,000</u>	<u>\$24,342,600</u>
SOUTHWESTERN ILLINOIS CORRECTIONAL CENTER		
For Personal Services	15,096,000	14,546,500
For Student, Member and Inmate		
Compensation		153,000
For State Contributions to		
Social Security	1,154,800	1,050,600
For Contractual Services.....		10,856,100
For Travel.....		13,900
For Travel and Allowances for Committed,		
Paroled and Discharged Prisoners		5,000
For Commodities		874,600
For Printing		10,000
For Equipment		43,500
For Telecommunications Services.....		35,000
For Operation of Auto Equipment.....		55,000
Total	<u>\$28,296,900</u>	<u>\$27,643,200</u>

GRAHAM CORRECTIONAL CENTER

For Personal Services	<u>26,872,600</u>	<u>25,861,000</u>
For Student, Member and Inmate Compensation		264,000
For State Contributions to Social Security	<u>2,055,800</u>	<u>1,834,800</u>
For Contractual Services.....	<u>8,222,400</u>	<u>7,598,000</u>
For Travel.....		12,000
For Travel and Allowances for Committed, Paroled and Discharged Prisoners		11,700
For Commodities	<u>2,538,300</u>	<u>2,491,600</u>
For Printing		18,800
For Equipment	<u>125,000</u>	<u>75,500</u>
For Telecommunications Services.....		67,800
For Operation of Auto Equipment.....	<u>132,000</u>	<u>93,400</u>
Total	<u>\$40,320,400</u>	<u>\$38,328,600</u>

ILLINOIS RIVER CORRECTIONAL CENTER

For Personal Services	<u>20,746,600</u>	<u>20,196,200</u>
For Student, Member and Inmate Compensation		323,300
For State Contributions to Social Security	<u>1,587,100</u>	<u>1,490,200</u>
For Contractual Services.....	<u>7,911,600</u>	<u>6,963,100</u>
For Travel.....		14,000
For Travel and Allowance for Committed, Paroled and Discharged Prisoners		33,700
For Commodities		2,436,400
For Printing		13,000
For Equipment	<u>130,000</u>	<u>70,500</u>
For Telecommunications Services.....		52,600
For Operation of Auto Equipment.....		<u>90,000</u>
Total	<u>\$33,338,300</u>	<u>\$31,683,000</u>

HILL CORRECTIONAL CENTER

For Personal Services	<u>19,870,700</u>	<u>18,412,000</u>
For Student, Member and Inmate Compensation		<u>286,000</u>
For State Contributions to Social Security	<u>1,520,100</u>	<u>1,286,900</u>
For Contractual Services.....	<u>6,954,800</u>	<u>6,188,400</u>
For Travel.....		10,000
For Travel and Allowance for Committed, Paroled and Discharged Prisoners		30,500
For Commodities		2,490,800
For Printing		14,500
For Equipment	<u>140,000</u>	<u>73,200</u>
For Telecommunications Services.....		30,700
For Operation of Auto Equipment.....	<u>42,000</u>	<u>30,200</u>
Total	<u>\$31,390,100</u>	<u>\$28,843,200</u>

JACKSONVILLE CORRECTIONAL CENTER

For Personal Services	<u>27,155,400</u>	<u>25,575,600</u>
For Student, Member and Inmate Compensation		465,600
For State Contributions to Social Security	<u>2,077,400</u>	<u>1,848,200</u>
For Contractual Services.....	<u>4,173,800</u>	<u>3,586,800</u>
For Travel.....		8,500
For Travel and Allowance for Committed, Paroled and Discharged Prisoners		7,300
For Commodities		2,554,300

For Printing	12,800	
For Equipment	<u>140,000</u>	74,600
For Telecommunications Services.....	72,800	
For Operation of Auto Equipment.....	<u>200,000</u>	
Total	<u>\$36,867,900</u>	\$34,406,500
LAWRENCE CORRECTIONAL CENTER		
For Personal Services	<u>24,596,200</u>	24,557,200
For Student, Member and Inmate		
Compensation	325,300	
For State Contributions to		
Social Security	<u>1,881,600</u>	1,765,000
For Contractual Services.....	<u>8,344,500</u>	7,175,500
For Travel.....	34,000	
For Travel and Allowances for Committed,		
Paroled and Discharged Prisoners	61,800	
For Commodities	3,369,800	
For Printing	22,400	
For Equipment	<u>125,000</u>	66,800
For Telecommunications Services.....	107,800	
For Operation of Auto Equipment.....	<u>138,200</u>	
Total	<u>\$39,006,600</u>	\$37,623,800
LINCOLN CORRECTIONAL CENTER		
For Personal Services	<u>14,533,000</u>	14,791,600
For Student, Member and Inmate		
Compensation	214,900	
For State Contributions to		
Social Security	<u>1,111,800</u>	1,042,300
For Contractual Services.....	<u>5,327,800</u>	5,135,300
For Travel.....	17,200	
For Travel and Allowances for Committed,		
Paroled and Discharged Prisoners	10,100	
For Commodities	<u>930,500</u>	887,200
For Printing	11,800	
For Equipment	<u>100,000</u>	72,300
For Telecommunications Services.....	82,300	
For Operation of Auto Equipment.....	<u>92,000</u>	78,100
Total	<u>\$22,431,400</u>	\$22,343,100
LOGAN CORRECTIONAL CENTER		
For Personal Services	<u>21,928,300</u>	21,216,300
For Student, Member and Inmate		
Compensation	350,200	
For State Contributions to		
Social Security	<u>1,677,500</u>	1,546,000
For Contractual Services.....	<u>4,470,700</u>	4,193,700
For Travel.....	3,700	
For Travel and Allowances for Committed,		
Paroled and Discharged Prisoners	17,500	
For Commodities	<u>2,733,600</u>	2,718,300
For Printing	11,600	
For Equipment	<u>105,000</u>	70,900
For Telecommunications Services.....	116,800	
For Operation of Auto Equipment.....	<u>300,000</u>	265,300
Total	<u>\$31,714,900</u>	\$30,510,300
MENARD CORRECTIONAL CENTER		
For Personal Services	<u>53,414,000</u>	51,136,000
For Student, Member and Inmate		
Compensation	375,000	
For State Contributions to		
Social Security	<u>4,086,200</u>	3,698,700

For Contractual Services.....	<u>10,723,700</u>	<u>9,164,400</u>
For Travel.....		36,500
For Travel and Allowances for Committed, Paroled and Discharged Prisoners		13,000
For Commodities	<u>5,491,300</u>	<u>4,908,700</u>
For Printing		26,700
For Equipment	<u>275,000</u>	<u>169,800</u>
For Telecommunications Services.....		141,900
For Operation of Auto Equipment.....		<u>165,000</u>
Total	<u>\$74,748,300</u>	<u>\$69,835,700</u>
PINCKNEYVILLE CORRECTIONAL CENTER		
For Personal Services	<u>29,223,900</u>	<u>28,321,000</u>
For Student, Member and Inmate Compensation		<u>301,000</u>
For State Contributions to Social Security	<u>2,235,600</u>	<u>2,041,300</u>
For Contractual Services.....	<u>7,702,000</u>	<u>7,238,000</u>
For Travel.....		15,500
For Travel and Allowances for Committed, Paroled and Discharged Prisoners		40,000
For Commodities	<u>3,100,000</u>	<u>2,834,200</u>
For Printing		19,100
For Equipment		81,500
For Telecommunications Services.....		60,000
For Operation of Auto Equipment.....		<u>145,000</u>
Total	<u>\$42,923,600</u>	<u>\$41,044,400</u>
PONTIAC CORRECTIONAL CENTER		
For Personal Services	<u>38,710,500</u>	<u>37,428,300</u>
For Student, Member and Inmate Compensation		197,100
For State Contributions to Social Security	<u>2,961,400</u>	<u>2,657,900</u>
For Contractual Services.....	<u>10,662,600</u>	<u>8,683,800</u>
For Travel.....		25,600
For Travel and Allowances for Committed, Paroled and Discharged Prisoners		12,300
For Commodities	<u>2,909,100</u>	<u>2,692,500</u>
For Printing		17,000
For Equipment	<u>200,000</u>	<u>115,900</u>
For Telecommunications Services.....		189,000
For Operation of Auto Equipment.....		<u>130,500</u>
Total	<u>\$56,015,100</u>	<u>\$52,134,200</u>
ROBINSON CORRECTIONAL CENTER		
For Personal Services	<u>16,096,800</u>	<u>15,896,900</u>
For Student, Member and Inmate Compensation		227,000
For State Contribution to Social Security	<u>1,231,400</u>	<u>1,111,200</u>
For Contractual Services.....	<u>4,651,400</u>	<u>4,389,900</u>
For Travel.....		16,200
For Travel and Allowances for Committed, Paroled and Discharged Prisoners.....		17,000
For Commodities	<u>1,577,400</u>	<u>1,506,500</u>
For Printing		13,700
For Equipment	<u>90,000</u>	<u>64,100</u>
For Telecommunications Services.....		37,500
For Operation of Automotive Equipment		<u>76,100</u>
Total	<u>\$24,034,500</u>	<u>\$23,356,100</u>

[November 29, 2011]

SHAWNEE CORRECTIONAL CENTER

For Personal Services	<u>22,486,400</u>	<u>21,162,700</u>
For Student, Member and Inmate Compensation		348,000
For State Contributions to Social Security	<u>1,720,200</u>	<u>1,522,800</u>
For Contractual Services.....	<u>6,350,800</u>	<u>5,828,500</u>
For Travel.....		13,000
For Travel and Allowances for Committed, Paroled and Discharged Prisoners		87,900
For Commodities	<u>2,744,400</u>	<u>2,659,600</u>
For Printing		10,900
For Equipment	<u>115,000</u>	<u>67,300</u>
For Telecommunications Services.....		61,800
For Operation of Auto Equipment.....		<u>81,500</u>
Total	<u>\$34,019,900</u>	<u>\$31,844,000</u>

SHERIDAN CORRECTIONAL CENTER

For Personal Services	<u>23,916,200</u>	<u>23,825,800</u>
For Student, Member and Inmate Compensation		<u>265,000</u>
For State Contributions to Social Security	<u>1,829,600</u>	<u>1,565,700</u>
For Contractual Services.....		17,554,600
For Travel.....		20,000
For Travel and Allowances for Committed, Paroled and Discharged Prisoners		7,800
For Commodities	<u>2,172,400</u>	<u>1,926,800</u>
For Printing		12,600
For Equipment		125,000
For Telecommunications Services.....		83,400
For Operation of Auto Equipment.....		<u>130,000</u>
Total	<u>\$46,116,600</u>	<u>\$45,473,700</u>

TAMMS CORRECTIONAL CENTER

For Personal Services	<u>19,330,700</u>	<u>18,846,000</u>
For Student, Member and Inmate Compensation		96,000
For State Contributions to Social Security	<u>1,478,800</u>	<u>1,334,800</u>
For Contractual Services.....	<u>4,076,100</u>	<u>3,733,400</u>
For Travel.....		9,300
For Commodities		984,300
For Printing		10,900
For Equipment	<u>85,000</u>	<u>55,400</u>
For Telecommunications Services.....		116,000
For Operation of Auto Equipment.....		<u>78,200</u>
Total	<u>\$26,265,300</u>	<u>\$25,264,300</u>

STATEVILLE CORRECTIONAL CENTER

For Personal Services	<u>73,723,900</u>	<u>71,098,400</u>
For Student, Member and Inmate Compensation		247,000
For State Contributions to Social Security	<u>5,639,900</u>	<u>5,077,000</u>
For Contractual Services.....	<u>17,877,300</u>	<u>15,258,400</u>
For Travel.....		195,000
For Travel and Allowances for Committed, Paroled and Discharged Prisoners		49,700
For Commodities	<u>6,538,200</u>	<u>5,725,100</u>
For Printing		76,500
For Equipment	<u>225,000</u>	<u>113,100</u>

For Telecommunications Services.....	265,000	
For Operation of Auto Equipment.....	<u>923,000</u>	
Total	<u>\$105,760,500</u>	<u>\$99,028,200</u>
TAYLORVILLE CORRECTIONAL CENTER		
For Personal Services	<u>15,750,700</u>	<u>15,075,800</u>
For Student, Member and Inmate Compensation.....		245,000
For State Contribution to		
Social Security	<u>1,204,900</u>	<u>1,069,400</u>
For Contractual Services.....		4,920,700
For Travel.....		3,000
For Travel and Allowance for		
Committed, Paroled and Discharged		
Prisoners.....		9,000
For Commodities	<u>1,532,700</u>	<u>1,457,700</u>
For Printing		10,600
For Equipment	<u>130,000</u>	<u>85,100</u>
For Telecommunications Services.....		35,000
For Operation of Automotive Equipment		<u>66,100</u>
Total	<u>\$23,907,700</u>	<u>\$22,977,400</u>
VANDALIA CORRECTIONAL CENTER		
For Personal Services	<u>22,503,800</u>	<u>22,002,300</u>
For Student, Member and Inmate		
Compensation		365,500
For State Contributions to		
Social Security	<u>1,721,500</u>	<u>1,590,600</u>
For Contractual Services.....	<u>3,843,200</u>	<u>3,663,600</u>
For Travel.....		8,100
For Travel and Allowances for Committed,		
Paroled and Discharged Prisoners		14,400
For Commodities	<u>2,611,900</u>	<u>2,173,900</u>
For Printing		5,800
For Equipment	<u>125,000</u>	<u>68,700</u>
For Telecommunications Services.....		80,000
For Operation of Auto Equipment.....		<u>95,000</u>
Total	<u>\$31,374,200</u>	<u>\$30,936,400</u>
VIENNA CORRECTIONAL CENTER		
For Personal Services	<u>23,615,000</u>	<u>21,483,000</u>
For Student, Member and Inmate		
Compensation	<u>280,000</u>	<u>245,000</u>
For State Contributions to		
Social Security	<u>1,806,500</u>	<u>1,495,700</u>
For Contractual Services.....	<u>3,678,300</u>	<u>3,318,300</u>
For Travel.....		4,900
For Travel and Allowances for Committed,		
Paroled and Discharged Prisoners		95,500
For Commodities	<u>3,240,500</u>	<u>2,850,900</u>
For Printing		9,400
For Equipment	<u>125,000</u>	<u>69,100</u>
For Telecommunications Services.....		89,100
For Operation of Auto Equipment.....	<u>160,000</u>	<u>143,700</u>
Total	<u>\$33,104,200</u>	<u>\$29,804,600</u>
WESTERN ILLINOIS CORRECTIONAL CENTER		
For Personal Services	<u>24,177,300</u>	<u>23,757,600</u>
For Student, Member and Inmate		
Compensation		314,600
For State Contributions to		
Social Security	<u>1,849,600</u>	<u>1,646,800</u>
For Contractual Services.....	<u>6,795,800</u>	<u>6,254,500</u>
For Travel.....		23,800

For Travel and Allowances for Committed, Paroled and Discharged Prisoners	29,400	
For Commodities	<u>2,437,200</u>	<u>2,306,500</u>
For Printing		15,000
For Equipment	<u>135,000</u>	<u>76,700</u>
For Telecommunications Services.....		60,100
For Operation of Auto Equipment.....		<u>132,000</u>
Total	<u>\$35,969,800</u>	<u>\$34,617,000</u>

Section 10. "AN ACT concerning appropriations", Public Act 97-0065, approved June 30, 2011, as amended, is amended by changing Sections 5, 10, and 15 and adding new Section 16 to Article 3 as follows:

(P.A. 97-0065, Art. 3, Sec. 5)

Sec. 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the following divisions of the Department of Juvenile Justice for the fiscal year ending June 30, 2012:

FOR OPERATIONS
GENERAL OFFICE

For Personal Services	<u>386,300</u>	<u>447,000</u>
For State Contributions to Social Security	<u>29,600</u>	<u>41,200</u>
For Contractual Services.....		206,100
For Travel.....		12,500
For Commodities		2,100
For Printing		100
For Equipment		300
For Electronic Data Processing	<u>723,400</u>	<u>633,900</u>
For Telecommunications Services.....		40,000
For Operation of Auto Equipment.....		13,200
For Tort Claims.....		<u>200,000</u>
Total	<u>\$1,613,600</u>	<u>\$1,266,400</u>

SCHOOL DISTRICT

For Personal Services	<u>8,227,800</u>	<u>8,641,500</u>
For State Contributions to Teachers' Retirement System.....		500
For State Contributions to Social Security	<u>629,400</u>	<u>659,400</u>
For Contractual Services.....	<u>609,500</u>	<u>579,200</u>
For Travel.....		3,500
For Commodities		35,000
For Printing		5,700
For Telecommunications Services.....		<u>21,600</u>
Total	<u>\$9,533,000</u>	<u>\$9,946,400</u>

AFTERCARE SERVICES

For Personal Services	<u>93,700</u>	<u>84,100</u>
For State Contributions to Social Security	<u>7,200</u>	<u>6,400</u>
For Contractual Services.....		1,952,000
For Travel.....		2,000
For Commodities		28,600
For Printing		1,000
For Equipment		0
For Telecommunications Services.....	<u>34,000</u>	<u>40,100</u>
For Operation of Auto Equipment.....		<u>7,700</u>
Total	<u>\$2,126,200</u>	<u>\$2,091,900</u>

(P.A. 97-0065, Art. 3, Sec. 10)

Sec. 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Juvenile Justice from the General Revenue Fund:

ILLINOIS YOUTH CENTER - CHICAGO

For Personal Services	<u>5,450,100</u>	<u>4,931,300</u>
For Student, Member and Inmate Compensation		5,100
For State Contributions to Social Security	<u>416,900</u>	<u>375,800</u>
For Contractual Services.....	<u>2,834,100</u>	<u>2,625,000</u>
For Travel.....		1,300
For Commodities	<u>285,500</u>	<u>276,800</u>
For Printing		1,700
For Equipment	<u>30,000</u>	<u>8,000</u>
For Telecommunications Services.....		25,100
For Operation of Auto Equipment.....		<u>33,000</u>
Total	<u>\$9,082,800</u>	<u>\$8,283,100</u>

ILLINOIS YOUTH CENTER - HARRISBURG

For Personal Services	<u>15,849,200</u>	<u>14,886,900</u>
For Student, Member and Inmate Compensation		39,000
For State Contributions to Social Security	<u>1,212,500</u>	<u>1,134,400</u>
For Contractual Services.....	<u>2,517,800</u>	<u>2,578,600</u>
For Travel.....		5,000
For Travel and Allowances for Committed, Paroled and Discharged Youth.....		13,300
For Commodities	<u>849,500</u>	<u>833,000</u>
For Printing	<u>9,000</u>	<u>6,500</u>
For Equipment	<u>45,000</u>	<u>10,000</u>
For Telecommunications Services.....		42,100
For Operation of Auto Equipment.....		<u>38,800</u>
Total	<u>\$20,621,200</u>	<u>\$19,587,600</u>

ILLINOIS YOUTH CENTER - JOLIET

For Personal Services	<u>15,417,300</u>	<u>14,161,500</u>
For Student, Member and Inmate Compensation		12,100
For State Contributions to Social Security	<u>1,179,400</u>	<u>1,079,100</u>
For Contractual Services.....	<u>2,379,900</u>	<u>2,211,700</u>
For Travel.....		8,100
For Travel and Allowances for Committed, Paroled and Discharged Youth.....		1,600
For Commodities	<u>503,100</u>	<u>447,800</u>
For Printing	<u>2,400</u>	<u>1,800</u>
For Equipment	<u>70,000</u>	<u>40,000</u>
For Telecommunications Services.....		42,000
For Operation of Auto Equipment.....		<u>70,800</u>
Total	<u>\$19,686,700</u>	<u>\$18,076,500</u>

ILLINOIS YOUTH CENTER - KEWANEE

For Personal Services	<u>13,599,300</u>	<u>12,880,100</u>
For Student, Member and Inmate Compensation		14,400
For State Contributions to Social Security	<u>1,040,300</u>	<u>981,500</u>
For Contractual Services.....	<u>2,985,600</u>	<u>2,900,700</u>
For Travel.....		17,500
For Commodities	<u>517,600</u>	<u>506,400</u>
For Printing	<u>7,900</u>	<u>6,400</u>
For Equipment	<u>40,000</u>	<u>18,000</u>
For Telecommunications Services.....		83,600
For Operation of Auto Equipment.....		<u>52,000</u>
Total	<u>\$18,358,200</u>	<u>\$17,459,600</u>

ILLINOIS YOUTH CENTER - MURPHYSBORO

For Personal Services	6,095,000	6,692,800
For Student, Member and Inmate Compensation		6,900
For State Contributions to Social Security	466,300	510,000
For Contractual Services.....	<u>579,900</u>	1,209,200
For Travel.....		5,700
For Travel Allowances for Committed, Paroled and Discharged Youth.....		3,200
For Commodities		160,800
For Printing		3,500
For Equipment		8,000
For Telecommunications Services.....		18,500
For Operation of Auto Equipment.....		<u>22,300</u>
Total	<u>\$7,370,100</u>	\$8,640,900

ILLINOIS YOUTH CENTER - PERE MARQUETTE

For Personal Services	2,875,000	2,763,500
For Student, Member and Inmate Compensation		9,900
For State Contributions to Social Security	219,900	210,600
For Contractual Services.....	<u>760,100</u>	782,200
For Travel.....		4,800
For Travel and Allowances for Committed, Paroled and Discharged Youth.....		300
For Commodities	<u>161,400</u>	122,200
For Printing		2,100
For Equipment	<u>21,000</u>	4,100
For Telecommunications Services.....	<u>18,200</u>	16,900
For Operation of Auto Equipment.....		<u>12,300</u>
Total	<u>\$4,085,000</u>	\$3,928,900

ILLINOIS YOUTH CENTER - ST. CHARLES

For Personal Services	15,708,500	15,315,800
For Student, Member and Inmate Compensation		38,900
For State Contributions to Social Security	1,201,700	1,166,900
For Contractual Services.....	<u>4,126,000</u>	3,990,800
For Travel.....		9,800
For Travel and Allowances for Committed, Paroled and Discharged Youth.....		300
For Commodities		722,300
For Printing	<u>12,700</u>	11,700
For Equipment	<u>80,000</u>	45,000
For Telecommunications Services.....		59,600
For Operation of Auto Equipment.....		<u>108,000</u>
Total	<u>\$22,067,800</u>	\$21,469,100

ILLINOIS YOUTH CENTER - WARRENVILLE

For Personal Services	6,483,800	5,958,200
For Student, Member and Inmate Compensation		10,500
For State Contributions to Social Security	496,000	454,000
For Contractual Services.....	<u>1,623,300</u>	1,615,200
For Travel.....		2,500
For Commodities		227,300
For Printing	<u>8,000</u>	5,000
For Equipment	<u>45,000</u>	23,000

For Telecommunications Services.....	32,200	
For Operation of Auto Equipment.....	<u>31,400</u>	
Total	<u>\$8,960,000</u>	\$8,359,300

(P.A. 97-0065, Art. 3, Sec. 15)

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

Payable from General Revenue Fund:

For Repairs, Maintenance and Other Capital Improvements	<u>275,000</u>	200,000
For Comprehensive Community-Based Service to Youth		0
For Unified Delinquency Intervention Services		0
For Redeploy Illinois		0
Total	<u>\$275,000</u>	\$200,000

Payable from the Department of Corrections

Reimbursement and Education Fund:

For payment of expenses associated with School District Programs.....		5,000,000
For payment of expenses associated with federal programs, including, but not limited to, construction of additional beds, treatment programs, and juvenile supervision		3,000,000
For payment of expenses associated with miscellaneous programs, including, but not limited to, medical costs, food expenditures, and various construction costs.....		<u>5,000,000</u>
Total		\$13,000,000

Payable from Juvenile Justice Trust Fund:

For grants and administrative costs associated with Juvenile Justice Planning and Action Grants for Local Units of Government and Non-Profit Organizations including Prior Year Costs.....		0
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The following amount is appropriated from the Department of Corrections Reimbursement Education Fund to the Department of Juvenile Justice pursuant to the American Recovery and Reinvestment Act of 2009 in addition to any existing funding:

For Federal Recovery – Federal Programs	4,000,000
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(P.A. 97-0065, Art. 3, Sec. 16 new)

Sec. 16. The sum of \$2,500,000, or so much thereof as may be necessary and remains unexpended from an appropriation heretofore made for such purpose in Article 10, Section 75 of Public Act 96-819, is reappropriated from the Capital Development Fund to the Department of Juvenile Justice for health and life safety improvements at juvenile justice facilities.

(P.A. 97-0065, Art. 5, Sec. 200 rep.)

Section 15. "AN ACT concerning appropriations", Public Act 97-0065, approved June 30, 2011, is amended by repealing Section 200 of Article 5.

ARTICLE 10

Section 5. "AN ACT making appropriations", Public Act 97-0069, approved June 30, 2011, is amended by adding new Section 72 to Article 5 as follows:

(P.A. 97-0069, Art. 5, Sec. 72 new)

Sec. 72. The amount of \$550,000, or so much thereof as may be necessary, is appropriated from the Private Business and Vocational Schools Quality Assurance Fund to the Board of Higher Education for costs and expenses associated with the administration and enforcement of the Private

Business and Vocational Schools Act of 2012, including refunds for both the current and prior fiscal years.

Section 10. "AN ACT making appropriations", Public Act 97-0069, approved June 30, 2011, is amended by adding new Section 115 to Article 11 as follows:

(P.A. 97-0069, Art. 11, Sec. 115 new)

Sec. 115. The amount of \$33,500,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Student Loan Operating Fund for operational expenses, awards, grants, and permanent improvements for the fiscal year ending June 30, 2012.

ARTICLE 11

Section 5. "AN ACT making appropriations", Public Act 97-0070, approved June 30, 2011, is amended by changing Sections 5, 10, 15, 20, 25, 30, 35, and 40 of Article 2 as follows:

(P.A. 97-0070, Art. 2, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

CENTRAL ADMINISTRATION
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services	11,752,700	
For Retirement Contributions	0	
For State Contributions to		
Social Security	898,800	
For Contractual Services.....	2,395,000	
For Travel.....	<u>169,700</u>	432,400
For Commodities	3,400	
For Printing	800	
For Equipment	500	
For Telecommunications	<u>213,300</u>	415,700
For Attorney General Representation		
on Child Welfare Litigation Issues.....	<u>529,700</u>	419,800
Total	<u>\$15,963,900</u>	\$15,719,100

PAYABLE FROM DCFS SPECIAL PURPOSES TRUST FUND

For Expenditures of Private Funds		
for Child Welfare Improvements	<u>689,100</u>	
Total		\$689,100

(P.A. 97-0070, Art. 2, Sec. 10)

Sec. 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

INSPECTOR GENERAL
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services	1,317,700	
For Retirement Contributions	0	
For State Contributions to		
Social Security	100,900	
For Contractual Services.....	615,400	
For Travel.....	<u>12,900</u>	40,000
For Commodities	2,500	
For Printing	100	
For Equipment	100	
For Telecommunications		
Services.....	<u>41,500</u>	22,500
Total	<u>\$2,091,100</u>	\$2,069,200

(P.A. 97-0070, Art. 2, Sec. 15)

Sec. 15. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

ADMINISTRATIVE CASE REVIEW
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services	5,770,400
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For Retirement Contributions	0	
For State Contributions to		
Social Security	441,500	
For Contractual Services.....	22,300	
For Travel.....	<u>118,400</u>	92,400
For Commodities	500	
For Printing	100	
For Equipment	200	
For Telecommunications Services.....	<u>12,900</u>	7,000
Total	<u>\$6,366,300</u>	\$6,334,400

(P.A. 97-0070, Art. 2, Sec. 20)

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

OFFICE OF QUALITY ASSURANCE
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services	3,383,500	
For Retirement Contributions.....	0	
For State Contributions to		
Social Security	258,900	
For Contractual Services.....	237,100	
For Travel.....	<u>183,000</u>	142,800
For Commodities	4,000	
For Printing	1,700	
For Equipment	200	
For Telecommunications	<u>19,400</u>	10,500
For Child Death Review Teams	<u>113,400</u>	
Total	<u>\$4,201,200</u>	\$4,152,100

(P.A. 97-0070, Art. 2, Sec. 25)

Sec. 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

CHILD WELFARE
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services	47,041,600	
For Retirement Contributions.....	0	
For State Contributions to		
Social Security	3,599,600	
For Contractual Services.....	2,221,200	
For Travel.....	<u>4,382,800</u>	3,420,400
For Commodities	152,400	
For Printing	105,300	
For Equipment	2,100	
For Telecommunications Services.....	<u>3,063,900</u>	1,661,500
For Targeted Case Management.....	<u>9,907,700</u>	
Total	<u>\$70,476,600</u>	\$68,111,800

PAYABLE FROM DCFS CHILDREN'S SERVICES FUND

For Independent Living Initiative.....	10,300,000
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PAYABLE FROM C&FS FEDERAL PROJECTS FUND

For Federal Child Welfare Projects	780,900
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(P.A. 97-0070, Art. 2, Sec. 30)

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

CHILD PROTECTION

PAYABLE FROM GENERAL REVENUE FUND

For Personal Services	89,621,800
For Retirement Contributions.....	0
For State Contributions to	
Social Security	6,857,800
For Contractual Services.....	211,900

For Travel.....	1,654,300	1,291,000
For Commodities		2,400
For Printing		1,000
For Equipment		1,100
For Telecommunications Services.....	455,800	247,200
Total	<u>\$98,806,100</u>	<u>\$98,234,200</u>

PAYABLE FROM C&FS FEDERAL PROJECTS FUND

For Federal Child Protection Projects	6,941,600	
Total	\$6,941,600	

(P.A. 97-0070, Art. 2, Sec. 35)

Sec. 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

BUDGET AND FINANCE

PAYABLE FROM GENERAL REVENUE FUND

For Personal Services	12,161,100	
For Retirement Contributions.....		0
For State Contributions to Social Security		930,500
For Contractual Services.....	21,915,900	
For Travel.....	<u>119,400</u>	93,200
For Commodities		73,800
For Printing		140,000
For Equipment		300
For Electronic Data Processing		2,385,000
For Telecommunications Services.....	<u>1,136,900</u>	616,500
For Operation of Automotive Equipment		35,000
For Refunds.....		5,800
For Cook County Referral Support System.....		184,900
Total	<u>\$39,088,600</u>	<u>\$38,542,000</u>

PAYABLE FROM DCFS CHILDREN'S SERVICES FUND

For all expenditures related to the collection and distribution of Title IV-E reimbursements for counties included in the Title IV-E Juvenile Justice Program	5,000,000	
For Title IV-E Reimbursement Enhancement.....	4,228,800	
For SSI Reimbursement.....	1,513,300	
For AFCARS/SACWIS Information System.....	22,370,400	
Total	\$33,112,500	

(P.A. 97-0070, Art. 2, Sec. 40)

Sec. 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

CLINICAL SERVICES

PAYABLE FROM GENERAL REVENUE FUND

For Personal Services	7,139,100	
For Retirement Contributions.....		0
For State Contributions to Social Security		546,300
For Contractual Services.....	178,500	
For Travel.....	<u>113,000</u>	88,200
For Commodities		900
For Printing		200
For Equipment		100
For Telecommunications Services.....	<u>53,800</u>	29,200
Total	<u>\$8,031,900</u>	<u>\$7,982,500</u>

OFFICE OF THE GUARDIAN

PAYABLE FROM GENERAL REVENUE FUND

For Personal Services	4,595,400	
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For Retirement Contributions	0	
For State Contributions to		
Social Security	351,500	
For Contractual Services.....	403,000	
For Travel.....	<u>53,800</u>	42,000
For Commodities	2,500	
For Printing	300	
For Equipment	100	
For Telecommunications	<u>96,800</u>	52,500
Total	<u>\$5,503,400</u>	\$5,447,300

PURCHASE OF SERVICE MONITORING
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services	29,153,500	
For Retirement Contributions	0	
For State Contributions to		
Social Security	2,230,800	
For Contractual Services.....	1,741,800	
For Travel.....	<u>53,800</u>	42,000
For Commodities	2,900	
For Printing	700	
For Equipment	300	
For Telecommunications	<u>113,100</u>	61,400
Total	<u>\$33,296,900</u>	\$33,233,400

Section 10. "AN ACT making appropriations", Public Act 97-0070, approved June 30, 2011, is amended by changing Sections 5 and 10 of Article 4 as follows:

(P.A. 97-0070, Art. 4, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Deaf and Hard of Hearing Commission:

For Personal Services	465,200	
For State Contributions to		
Social Security	34,700	
For Contractual Services.....	81,500	
For Travel.....	<u>10,000</u>	7,400
For Commodities	5,000	
For Printing	500	
For Equipment	<u>2,500</u>	0
For Telecommunications Services.....	<u>16,200</u>	8,100
For Operation of Automotive Equipment	5,800	
For Expenses relative to the operation		
of the Commission	18,400	
Total	<u>\$639,800</u>	\$626,600

(P.A. 97-0070, Art. 4, Sec. 10)

Sec. 10. The sum of \$200,000 ~~\$150,000~~, or so much thereof as may be necessary, is appropriated from the Interpreters for the Deaf Fund to the Deaf and Hard of Hearing commission for administration and enforcement of the Interpreter for the Deaf Licensure Act of 2007.

Section 15. "AN ACT making appropriations", Public Act 97-0070, approved June 30, 2011, is amended by changing Section 5 of Article 5 as follows:

(P.A. 97-0070, Art. 5, Sec. 5)

Sec. 5. The following named sums, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Guardianship and Advocacy Commission for the purposes hereinafter named:

For Personal Services	8,093,300	
For State Contributions to		
Social Security	618,300	
For Contractual Services.....	354,200	
For Travel.....	<u>175,000</u>	87,500
For Commodities	11,700	

For Printing	13,000	
For Equipment	26,000	
For Electronic Data Processing	45,500	
For Telecommunications Services.....	<u>277,600</u>	138,800
For Operation of Auto Equipment.....	15,000	
Total	<u>\$9,629,600</u>	\$9,403,300

Section 20. "AN ACT making appropriations", Public Act 97-0070, approved June 30, 2011, is amended by changing Sections 5 and 10 of Article 6 as follows:

(P.A. 97-0070, Art. 6, Sec. 5)

Sec. 5. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:

PROGRAM ADMINISTRATION

Payable from General Revenue Fund:

For Personal Services	18,373,300	
For State Contributions to		
Social Security	1,405,600	
For Contractual Services.....	15,273,500	
For Travel.....	125,000	
For Commodities	306,300	
For Printing	<u>519,400</u>	437,500
For Equipment	<u>150,000</u>	51,600
For Telecommunications		
Services	<u>1,100,000</u>	646,800
For Operation of Auto Equipment.....	74,500	
Total	<u>\$37,327,600</u>	\$36,694,100

OFFICE OF INSPECTOR GENERAL

Payable from General Revenue Fund:

For Personal Services	6,841,200	
For State Contributions to		
Social Security	523,300	
For Contractual Services.....	1,619,900	
For Travel.....	27,500	
For Equipment	<u>12,800</u>	
Total	\$9,025,100	

Payable from Public Aid Recoveries Trust Fund:

For Personal Services	7,316,100	
For State Contributions to State		
Employees' Retirement System	2,501,400	
For State Contributions to		
Social Security	559,700	
For Group Insurance	1,605,600	
For Contractual Services.....	2,177,300	
For Travel.....	73,500	
For Commodities	3,200	
For Printing	3,000	
For Equipment	21,600	
For Telecommunications Services.....	<u>11,900</u>	
Total	\$14,273,300	

Payable from Long-Term Care Provider Fund:

For Administrative Expenses.....	283,600	
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CHILD SUPPORT SERVICES

Payable from Child Support Administrative Fund:

For Personal Services	66,974,300	
For Employee Retirement Contributions		
Paid by Employer	72,300	
For State Contributions to State		
Employees' Retirement System	22,898,500	
For State Contributions to		

Social Security	5,123,500
For Group Insurance.....	15,449,400
For Contractual Services.....	64,681,900
For Travel.....	500,000
For Commodities	286,000
For Printing.....	222,500
For Equipment	600,000
For Telecommunications Services.....	3,839,400
For Child Support Enforcement	
Demonstration Projects.....	900,000
For Administrative Costs Related to	
Enhanced Collection Efforts including	
Paternity Adjudication Demonstration.....	10,800,000
For Costs Related to the State	
Disbursement Unit.....	<u>12,843,200</u>
Total	\$205,191,000

(P.A. 97-0070, Art. 6, Sec. 10)

Sec. 10. The amount of \$29,938,800, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the General Revenue Fund for deposit into the Child Support Administrative Fund.

The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:

LEGAL REPRESENTATION

Payable from General Revenue Fund:

For Personal Services	1,556,000
For Employee Retirement Contributions	
Paid by Employer	26,600
For State Contributions to	
Social Security	119,000
For Contractual Services.....	292,400
For Travel.....	6,000
For Equipment	<u>3,500</u>
Total	\$1,976,900

PUBLIC AID RECOVERIES

Payable from Public Aid Recoveries Trust Fund:

For Personal Services	8,952,000
For State Contributions to State	
Employees' Retirement System	3,060,700
For State Contributions to	
Social Security	684,800
For Group Insurance.....	1,956,400
For Contractual Services.....	23,843,700
For Travel.....	100,000
For Commodities	27,000
For Printing	10,000
For Equipment	1,250,000
For Telecommunications Services.....	<u>190,000</u>
Total	\$40,074,600

MEDICAL

Payable from General Revenue Fund:

For Personal Services	34,888,600
For State Contributions to	
Social Security	2,668,900
For Contractual Services.....	5,554,000
For Travel.....	<u>330,000</u> 465,000
For Equipment	<u>40,000</u> 13,800
For Telecommunications Services.....	<u>1,000,000</u> 610,000
For Medical Management Services.....	<u>785,300</u> 0

For Purchase of Services Relating to and costs associated with the development, implementation and operation of an electronic medical client eligibility verification system.....	1,296,300	
For Costs Associated with the Development, Implementation and Operation of a Medical Data Warehouse	3,700,100	
For Refunds of Premium Payments Received Pursuant to Section 25(a)(2) of the Children's Health Insurance Program Act, or under the provisions of the Health Benefits for Workers with Disabilities Program, or under the provisions of the Covering ALL KIDS Health Insurance Act	<u>225,200</u>	
Total	<u>\$50,488,400</u>	<u>\$49,121,900</u>

Payable from Provider Inquiry Trust Fund:

For expenses associated with providing access and utilization of Department eligibility files	1,500,000	
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Section 30. "AN ACT making appropriations", Public Act 97-0070, approved June 30, 2011, is amended by changing Sections 20 and 30 of Article 8 as follows:

(P.A. 97-0070, Art. 8, Sec. 20)

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

DIVISION OF CHARGE PROCESSING

Payable from General Revenue Fund:

For Personal Services	<u>6,392,500</u>	<u>4,338,200</u>
For State Contributions to Social Security	<u>508,200</u>	<u>331,900</u>
For Contractual Services.....	<u>166,000</u>	<u>48,300</u>
For Travel.....		14,700
For Commodities		10,900
For Printing		700
For Equipment		10,000
For Telecommunications Services.....	<u>245,000</u>	<u>25,000</u>
Total	<u>\$7,348,000</u>	<u>\$4,749,700</u>

Payable from Special Projects Division Fund:

For Personal Services	2,250,000	
For State Contributions to State Employees' Retirement System	769,300	
For State Contributions to Social Security	172,200	
For Group Insurance	464,000	
For Contractual Services.....	183,000	
For Travel.....	37,000	
For Commodities	6,800	
For Printing	9,300	
For Equipment	9,600	
For Telecommunications Services.....	<u>7,000</u>	
Total		<u>\$3,908,200</u>

(P.A. 97-0070, Art. 8, Sec. 30)

Sec. 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Department of Human Rights for the objects and purposes hereinafter enumerated:

COMPLIANCE

For Personal Services	<u>863,500</u>	<u>640,500</u>
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For State Contributions		
to Social Security.....	<u>66,000</u>	49,000
For Contractual Services.....		1,700
For Travel.....		6,500
For Commodities.....		1,800
For Printing.....		500
For Telecommunications Services.....		<u>1,500</u>
Total	<u>\$941,500</u>	\$701,500

Section 35. "AN ACT making appropriations", Public Act 97-0070, approved June 30, 2011, is amended by changing Sections 5, 10, 15, 40, 60, 65, 70, 75, 80, 85, 105, 110, 140, 145, 150, 155, 160, 165, 170, and 175 and adding new Sections 177 and 180 to Article 9 as follows:

(P.A. 97-0070, Art. 9, Sec. 5)

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

DISTRIBUTIVE ITEMS
GRANTS-IN-AID

Payable from General Revenue Fund:

For Aid to Aged, Blind or Disabled under Article III.....		30,209,600
For Temporary Assistance for Needy Families under Article IV and other social services including Emergency Assistance for families with Dependent Children.....		93,695,800
For Refugees.....		1,173,600
For Funeral and Burial Expenses under Articles III, IV, and V, including prior year costs.....	<u>9,980,000</u>	4,980,000
For Grants Associated with Child Care Services, Including Operating and Administrative Costs.....		281,850,800
For Grants and for Administrative Expenses associated with Refugee Social Services.....		219,600
For Grants and Administrative Expenses associated with Immigrant Integration Services and for other Immigrant Services pursuant to 305 ILCS 5/12-4.34.....		6,930,000

Payable from Employment and Training Fund:

For Temporary Assistance for Needy Families under Article IV and other social services including Emergency Assistance for families with Dependent Children in accordance with applicable laws and regulations for the State portion of federal funds made available by the American Recovery and Reinvestment Act of 2009.....		<u>20,000,000</u>
Total	<u>\$442,079,400</u>	\$434,079,400

The Department, with the consent in writing from the Governor, may reappropriation not more than ten percent of the total appropriation of General Revenue Funds in Section 5 above "For Income Assistance and Related Distributive Purposes" among the various purposes therein enumerated.

(P.A. 97-0070, Art. 9, Sec. 10)

Sec. 10. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to

meet the ordinary and contingent expenses of the Department of Human Services:

TINLEY PARK MENTAL HEALTH CENTER

For costs associated with the operation of Tinley Park Mental Health Center or the Transition of Tinley Park Mental Health Center Services to alternative community

or state-operated settings	19,779,700	10,682,300
Total	<u>\$19,779,700</u>	<u>\$10,682,300</u>

(P.A. 97-0070, Art. 9, Sec. 15)

Sec. 15. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

ADMINISTRATIVE AND PROGRAM SUPPORT

Payable from General Revenue Fund:

For Personal Services	23,880,500	
For State Contributions		
to Social Security	1,709,100	4,557,400
For Group Insurance		0
For Contractual Services.....		2,170,400
For Contractual Services:		
For Leased Property Management	42,588,800	43,238,800
For Contractual Services:		
For Press Information Officers Management	216,900	
For Contractual Services:		
For Graphic Design Management	59,700	
For Travel.....	179,300	
For Commodities	1,058,000	
For Printing	1,350,600	
For Equipment	233,800	
For Telecommunications		
Services	1,447,300	723,700
For Operation of Auto Equipment.....	179,000	
For In-Service Training	16,100	
For Indirect Cost Principles/Interfund		
Transfer Payable to the Vocational		
Rehabilitation Fund	2,820,200	
Total	<u>\$77,909,700</u>	<u>\$76,960,700</u>

Payable from Vocational Rehabilitation Fund:

For Personal Services	6,264,900	
For Retirement Contributions	2,142,000	
For State Contributions to Social Security	479,300	
For Group Insurance	1,637,700	
For Contractual Services.....	1,331,000	
For Contractual Services:		
For Leased Property Management	5,076,200	
For Travel.....	136,000	
For Commodities	136,500	
For Printing	37,000	
For Equipment	198,600	
For Telecommunications Services.....	226,500	
For Operation of Auto Equipment.....	28,500	
For In-Service Training	366,700	
Total	\$18,060,900	

For Contractual Services:

For Leased Property Management:		
Payable from Prevention and Treatment of Alcoholism		
and Substance Abuse Block Grant Fund.....	219,500	
Payable from Federal National Community		
Services Grant Fund	38,000	

Payable from DHS Special Purposes Trust Fund	574,800
Payable from Old Age Survivors' Insurance Fund	2,878,600
Payable from Early Intervention Services	
Revolving Fund	112,000
Payable from DHS Federal Projects Fund	135,000
Payable from USDA Women, Infants and	
Children Fund	399,600
Payable from Local Initiative Fund	125,400
Payable from Domestic Violence	
Shelter and Service Fund	63,700
Payable from Maternal and Child	
Health Services Block Grant Fund	81,500
Payable from Community Mental Health Services	
Block Grant Fund	71,000
Payable from Juvenile Justice Trust Fund	14,500
Payable from DHS Recoveries Trust Fund	<u>454,100</u>
Total	\$5,167,700
Payable from DHS Private Resources Fund:	
For Grants and Costs associated with Human	
Services Activities funded by Grants or	
Private Donations	150,000
Payable from Mental Health Fund:	
For Costs associated with Mental Health and	
Developmental Disabilities Special Projects	3,000,000
For costs associated with DHS inter-agency	
Support Services	2,000,000
Payable from DHS State Projects Fund:	
For expenses associated with Energy	
Conservation and Efficiency programs	1,000,000
Payable from DHS Recoveries Trust Fund:	
For expenses associated with	
recovering overpayments to	
benefit recipients	<u>8,816,700</u>
Total	\$12,166,700
(P.A. 97-0070, Art. 9, Sec. 40)	
Sec. 40. The following named sums, or so much thereof as may be necessary, respectively,	
for the objects and purposes hereinafter named, are appropriated to the Department of Human	
Services for ordinary and contingent expenses:	
MANAGEMENT INFORMATION SERVICES	
Payable from General Revenue Fund:	
For Personal Services	<u>8,265,600</u> 8,089,500
For State Contributions	
to Social Security	<u>619,900</u> 527,000
For Contractual Services	2,943,100
For Contractual Services:	
For Information Technology	
Management	<u>31,708,000</u> 26,664,900
For Travel	25,300
For Commodities	10,000
For Equipment	45,600
For Telecommunications Services	<u>3,147,100</u> 1,573,600
Total	<u>\$46,764,600</u> \$39,879,000
Payable from Mental Health Fund:	
For costs related to the provision	
of MIS support services provided to	
Departmental and Non-Departmental	
organizations	5,519,700
Payable from Vocational Rehabilitation Fund:	
For Personal Services	2,726,800

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For Retirement Contributions.....	932,300
For State Contributions to Social Security	208,600
For Group Insurance.....	461,100
For Contractual Services.....	1,805,000
For Contractual Services:	
For Information Technology Management	1,480,700
For Travel.....	50,000
For Commodities	60,600
For Printing.....	65,800
For Equipment	850,000
For Telecommunications Services.....	1,950,000
For Operation of Auto Equipment.....	<u>2,800</u>
Total	\$10,593,700
Payable from USDA Women, Infants and Children Fund:	
For Personal Services	285,000
For Retirement Contributions.....	97,400
For State Contributions to Social Security	21,800
For Group Insurance.....	47,700
For Contractual Services.....	325,400
For Contractual Services:	
For Information Technology Management	391,900
For Electronic Data Processing	<u>150,000</u>
Total	\$1,319,200

Payable from Maternal and Child Health Services

Block Grant Fund:

For Operational Expenses Associated with
Support of Maternal and Child Health

Programs 301,600

(P.A. 97-0070, Art. 9, Sec. 60)

Sec. 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

MENTAL HEALTH GRANTS AND PROGRAM SUPPORT

Payable from General Revenue Fund:

For Personal Services	<u>4,681,300</u>	<u>4,446,700</u>
For State Contribution to		
Social Security	<u>332,400</u>	<u>291,300</u>
For Contractual Services.....	<u>1,023,300</u>	<u>759,600</u>
For Travel.....	<u>84,800</u>	<u>45,100</u>
For Commodities	<u>18,000</u>	<u>14,500</u>
For Equipment	<u>4,100</u>	<u>4,300</u>
For Telecommunications Services.....	<u>182,800</u>	<u>97,300</u>
Total	<u>\$6,326,700</u>	<u>\$5,658,800</u>

Payable from Community Mental Health Services

Block Grant Fund:

For Personal Services	704,400
For Retirement Contributions.....	240,800
For State Contributions to Social Security	53,900
For Group Insurance.....	143,100
For Contractual Services.....	119,400
For Travel.....	10,000
For Commodities	5,000
For Equipment	<u>5,000</u>
Total	\$1,281,600

(P.A. 97-0070, Art. 9, Sec. 65)

Sec. 65. The sum of ~~\$204,806,300~~ ~~\$175,346,200~~, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for costs associated with the operation of State Operated Mental Health Facilities or the costs associated with services for the transition of State Operated Mental Health Facilities residents to alternative community settings.

(P.A. 97-0070, Art. 9, Sec. 70)

Sec. 70. The following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for Grants-In-Aid and Purchased Care in its various regions pursuant to Sections 3 and 4 of the Community Services Act and the Community Mental Health Act:

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

For Community Service Grant Programs for

Persons with Mental Illness:

Payable from General Revenue

Fund 144,201,000 ~~114,201,000~~

Payable from Community Mental Health

Services Block Grant Fund..... 13,025,400

For Community Service Grant Programs for

Persons with Mental Illness including

administrative costs:

Payable from DHS Federal Projects Fund 16,000,000

Payable from General Revenue Fund:

For all costs associated with Mental

Health Transportation 742,500

For Purchase of Care for Children and

Adolescents with Mental Illness approved
through the Individual Care Grant Program..... 23,349,000

For costs associated with the Purchase and

Disbursement of Psychotropic Medications
for Mentally Ill Clients in the Community 1,980,000

For costs associated with Mental

Health Community Transitions or
State Operated Facilities 22,679,200

For Supportive MI Housing 20,359,400

For costs associated with Children and

Adolescent Mental Health Programs..... 28,722,200

Payable from Health and Human Services

Medicaid Trust Fund:

For diversion, transition, and

Aftercare from institutional settings

For persons with a mental illness 6,000,000

Payable from Community Mental Health

Medicaid Trust Fund:

For all costs and administrative

expenses associated with Medicaid

Services for Persons with Mental

Illness, including prior year costs..... 115,689,900

For Community Service Grant Programs for

Children and Adolescents with Mental Illness:

Payable from Community Mental Health Services

Block Grant Fund 4,341,800

Payable from Community Mental Health

Services Block Grant Fund:

For Teen Suicide Prevention Including

Provisions Established in Public Act

85-0928 206,400

Payable from Health and Human Services

Medicaid Trust Fund:

For Grants for Supporting Housing

Services 3,382,500

(P.A. 97-0070, Art. 9, Sec. 75)

Sec. 75. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent

expenditures of the Department of Human Services:

INSPECTOR GENERAL

Payable from General Revenue Fund:

For Personal Services	4,356,000	4,144,700
For State Contributions		
To Social Security.....	326,700	270,300
For Contractual Services.....		62,200
For Travel.....	129,900	59,900
For Commodities		15,900
For Equipment		33,600
For Telecommunications Services.....	83,700	41,900
Total	<u>\$5,008,000</u>	<u>\$4,628,500</u>

(P.A. 97-0070, Art. 9, Sec. 80)

Sec. 80. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

DEVELOPMENTAL DISABILITIES GRANTS AND PROGRAM SUPPORT

Payable from General Revenue Fund:

For Personal Services	8,231,400	
For State Contribution to		
Social Security	559,100	536,800
For Contractual Services.....	157,600	139,300
For Travel.....	175,600	93,400
For Commodities	17,700	14,300
For Equipment	309,700	319,600
For Telecommunications Services.....	69,800	37,200
For Operation of Automotive		
Equipment.....	20,000	18,000
Total	<u>\$9,540,900</u>	<u>\$9,390,000</u>

(P.A. 97-0070, Art. 9, Sec. 85)

Sec. 85. The sum of \$293,053,700 ~~\$252,360,100~~, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for costs associated with the operation of State Operated Developmental Centers or the costs associated with services for the transition of State Operated Developmental Center residents to alternative community settings.

(P.A. 97-0070, Art. 9, Sec. 105)

Sec. 105. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

ADDICTION TREATMENT

Payable from General Revenue Fund:

For Personal Services	725,600	689,600
For State Contribution		
to Social Security	54,100	45,000
For Contractual Services		1,500
For Travel		1,600
For Equipment		1,200
For Telecommunications Services	26,400	13,200
Total	<u>\$810,400</u>	<u>\$752,100</u>

Payable from Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund:

For Personal Services	2,536,300
For Retirement Contributions.....	867,200
For State Contributions to Social Security.....	194,000
For Group Insurance.....	445,200
For Contractual Services.....	1,227,700
For Travel.....	200,000
For Commodities	53,800
For Printing	35,000
For Equipment	14,300

For Electronic Data Processing	300,000
For Telecommunications Services.....	117,800
For Operation of Auto Equipment.....	20,000
For Expenses Associated with the Administration of the Alcohol and Substance Abuse Prevention and Treatment Programs.....	<u>215,000</u>
Total	\$6,226,300

(P.A. 97-0070, Art. 9, Sec. 110)

Sec. 110. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

ADDICTION TREATMENT
GRANTS-IN-AID

Payable from General Revenue Fund:

For Costs Associated with Community Based Addiction Treatment to Medicaid Eligible and AllKids clients, Including Prior Year Costs	<u>50,204,600</u>	42,604,600
For costs associated with Community Based Addiction Treatment Services.....	<u>63,479,700</u>	46,579,700
For Addiction Treatment Services for DCFS clients.....	<u>9,642,800</u>	7,642,800
For costs associated with Addiction Treatment Services for Special Populations.....	<u>6,006,800</u>	4,506,800
Total	<u>\$129,333,900</u>	\$99,463,100

Payable from State Gaming Fund:

For Costs Associated with Treatment of Individuals who are Compulsive Gamblers	974,000
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For Addiction Treatment and Related Services:

Payable from Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund.....	57,500,000
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Payable from Youth Drug Abuse Prevention Fund.....	530,000
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For Grants and Administrative Expenses Related
to Addiction Treatment and Related Services:

Payable from Drunk and Drugged Driving Prevention Fund.....	3,082,900
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Payable from Drug Treatment Fund.....	5,000,000
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Payable from Alcoholism and Substance Abuse Fund.....	22,102,900
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For underwriting the cost of housing
for groups of recovering individuals:

Payable from Group Home Loan Revolving Fund	<u>200,000</u>
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Total \$89,389,800

The Department, with the consent in writing from the Governor, may reapportion not more than two percent of the total appropriation of General Revenue Funds in Section 130 above "Addiction Treatment" among the purposes therein enumerated.

(P.A. 97-0070, Art. 9, Sec. 140)

Sec. 140. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

CENTRAL SUPPORT AND CLINICAL SERVICES

Payable from General Revenue Fund:

For Personal Services	8,642,200
For State Contributions	

to Social Security	<u>639,200</u>	<u>563,300</u>
For Contractual Services.....		400,400
For Contractual Services:		
For Private Hospitals for		
Recipients of State Facilities		1,678,600
For Travel.....		46,000
For Commodities		8,942,300
For Printing		25,700
For Equipment		836,300
For Telecommunications Services.....	<u>35,300</u>	<u>17,700</u>
Total	<u>\$21,246,000</u>	<u>\$21,152,500</u>
Payable from Mental Health Fund:		
For Costs Related to Provision of Support		
Services Provided to Departmental and Non-		
Departmental Organizations.....		5,962,400
For Drugs and costs associated with		
Pharmacy Services.....		12,300,000
For all costs associated with		
Medicare Part D.....		1,500,000
Payable from DHS Federal Projects Fund:		
For Federally Assisted Programs.....		5,949,200
(P.A. 97-0070, Art. 9, Sec. 145)		

Sec. 145. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Human Services:

SEXUALLY VIOLENT PERSONS PROGRAM

Payable from General Revenue Fund:		
For Personal Services	<u>12,103,600</u>	<u>11,880,200</u>
For State Contributions to		
Social Security	<u>895,700</u>	<u>774,800</u>
For Contractual Services.....	<u>9,477,300</u>	<u>7,034,800</u>
For Travel.....	<u>35,500</u>	<u>18,900</u>
For Commodities	<u>544,200</u>	<u>438,600</u>
For Printing	<u>10,400</u>	<u>11,100</u>
For Equipment	<u>169,900</u>	<u>175,300</u>
For Telecommunications Services.....	<u>129,500</u>	<u>68,900</u>
For Operation of Auto Equipment.....	<u>76,000</u>	<u>68,300</u>
For Sexually Violent Persons Program		<u>1,681,100</u>
Total	<u>\$25,123,200</u>	<u>\$22,152,000</u>
(P.A. 97-0070, Art. 9, Sec. 150)		

Sec. 150. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

ILLINOIS SCHOOL FOR THE DEAF

Payable from General Revenue Fund:		
For Personal Services	<u>13,503,000</u>	<u>13,287,800</u>
For Student, Member or Inmate Compensation.....		19,200
For State Contributions to Social Security.....		866,600
For Contractual Services.....	<u>1,770,200</u>	<u>1,314,000</u>
For Travel.....	<u>16,500</u>	<u>8,800</u>
For Commodities	<u>457,700</u>	<u>368,900</u>
For Printing	<u>800</u>	<u>900</u>
For Equipment	<u>115,100</u>	<u>118,700</u>
For Telecommunications Services.....	<u>98,400</u>	<u>52,400</u>
For Operation of Auto Equipment.....	<u>45,500</u>	<u>40,900</u>
Total	<u>\$16,893,000</u>	<u>\$16,078,200</u>
Payable from Vocational Rehabilitation Fund:		
For Secondary Transitional Experience		
Program.....		50,000
(P.A. 97-0070, Art. 9, Sec. 155)		

Sec. 155. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED

Payable from General Revenue Fund:

For Personal Services	6,854,100	
For Student, Member or Inmate Compensation	15,400	
For State Contributions to Social Security	447,000	
For Contractual Services.....	<u>595,400</u>	<u>442,000</u>
For Travel.....	<u>11,900</u>	<u>6,400</u>
For Commodities	<u>329,700</u>	<u>265,700</u>
For Printing	<u>2,200</u>	<u>2,300</u>
For Equipment	<u>69,300</u>	<u>71,500</u>
For Telecommunications Services.....	<u>43,400</u>	<u>23,100</u>
For Operation of Auto Equipment.....	<u>14,300</u>	<u>12,800</u>
Total	<u>\$8,382,700</u>	<u>\$8,240,300</u>

Payable from Vocational Rehabilitation Fund:

For Secondary Transitional Experience Program	42,900	
(P.A. 97-0070, Art. 9, Sec. 160)		

Sec. 160. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

COMMUNITY AND RESIDENTIAL SERVICES
FOR THE BLIND AND VISUALLY IMPAIRED

Payable from General Revenue Fund:

For Personal Services	1,321,500	
For State Contributions to Social Security	<u>92,200</u>	<u>80,300</u>
For Contractual Services.....	60,500	
For Travel.....	0	
For Commodities	0	
For Printing	0	
For Equipment	0	
For Telecommunications Services.....	<u>0</u>	<u>0</u>
Total	<u>\$1,474,200</u>	<u>\$1,462,300</u>

(P.A. 97-0070, Art. 9, Sec. 165)

Sec. 165. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION

Payable from General Revenue Fund:

For Personal Services	3,917,200	
For Student, Member or Inmate Compensation	1,900	
For State Contributions to Social Security	<u>269,900</u>	<u>255,400</u>
For Contractual Services.....	<u>878,100</u>	<u>651,800</u>
For Travel.....	<u>3,500</u>	<u>1,900</u>
For Commodities	<u>55,900</u>	<u>45,100</u>
For Printing	<u>2,300</u>	<u>2,400</u>
For Equipment	<u>29,000</u>	<u>29,900</u>
For Telecommunications Services.....	<u>61,200</u>	<u>32,600</u>
For Operation of Auto Equipment.....	<u>18,500</u>	<u>16,700</u>
Total	<u>\$5,237,500</u>	<u>\$4,954,900</u>

Payable from Vocational Rehabilitation Fund:

For Secondary Transitional Experience Program	60,000	
(P.A. 97-0070, Art. 9, Sec. 170)		

Sec. 170. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services for the purposes hereinafter named:

HUMAN CAPITAL DEVELOPMENT

Payable from General Revenue Fund:

For Personal Services	<u>181,921,500</u>	<u>179,356,800</u>
For State Contributions		

to Social Security	13,477,300	11,696,800
For Contractual Services.....	<u>34,353,100</u>	<u>23,931,900</u>
For Travel.....		415,600
For Commodities		28,000
For Equipment		100,300
For Telecommunications	<u>2,240,000</u>	<u>1,120,000</u>
For Expenses for the Development and Implementation of Cornerstone.....		495,000
Total	<u>\$234,171,600</u>	<u>\$217,144,400</u>
Payable from DHS Special Purposes Trust Fund:		
For Operation of Federal Employment Programs		10,231,500
Payable from the DHS Federal Projects Fund:		
For Expenses Related to Public Health Programs		3,835,100
Payable from the DHS State Projects Fund:		
For Operational Expenses for Public Health Programs		368,000
Payable from USDA Women, Infants and Children Fund:		
For Operational Expenses Associated with Support of the USDA Women, Infants and Children Program		17,230,800
Payable from the Maternal and Child Health Services Block Grant Fund:		
For Operational Expenses of Maternal and Child Health Programs		4,437,100
Payable from Youth Alcoholism and Substance Abuse Prevention Fund:		
For Deposit into the Dram Shop Fund		150,000
(P.A. 97-0070, Art. 9, Sec. 175)		
Sec. 175. The following named amounts, or so much thereof as may be necessary, respectively, for the objects hereinafter named, are appropriated to the Department of Human Services for Human Capital Development and related distributive purposes, including such Federal funds as are made available by the Federal government for the following purposes:		
HUMAN CAPITAL DEVELOPMENT GRANTS-IN-AID		
Payable from General Revenue Fund:		
For Addiction Prevention and Related Services		2,636,000
For Employability Development Services Including Operating and Administrative Costs and Related Distributive Purposes		7,996,900
For Food Stamp Employment and Training including Operating and Administrative Costs and Related Distributive Purposes		3,841,500
For Emergency Food Program, Including Operating and Administrative Costs.....		209,900
For Emergency Food and Shelter Program, Including Operation and Administrative Costs.....	<u>9,083,700</u>	<u>4,383,700</u>
For Homeless Prevention.....		1,485,000
For a grant to Children's Place for costs associated with specialized child care for families affected by HIV/AIDS		487,500
For Grants for Programs to Reduce Infant Mortality and to Provide Case Management and Outreach Services		38,549,100
For Costs Associated with the		

Domestic Violence Shelters and Services Program	18,775,000
For Costs Associated with Teen Parent Services	1,417,700
For Community Services	5,940,000
For Comprehensive Community-Based Services to Youth	11,506,700
For Redeploy Illinois	2,484,504
For Homeless Youth Services	3,227,200
For grants to provide Assistance to Sexual Assault Victims and for Sexual Assault Prevention Activities	4,659,700
For Grants for After School Youth Support Programs	8,217,000
For Grants for the Intensive Prenatal Performance Project	3,465,000
For Grants to Family Planning Programs for Contraceptive Services	495,000
For Grants and Administrative Expenses Related to the Healthy Families Program	10,021,800
For Early Intervention	75,941,900
For Parents Too Soon Program	6,870,300
Payable from Assistance to the Homeless Fund:	
For costs related to Providing Assistance to the Homeless including Operating and Administrative Costs and Grants	300,000
Payable from Employment and Training Fund:	
For grants associated with Employment and Training Programs, income assistance and other social services including operating, administrative and prior year costs	460,000,000
Payable from DHS Special Purposes Trust Fund:	
For Emergency Food Program Transportation and Distribution, including grants and operations	5,120,600
For Federal/State Employment Programs and Related Services	5,000,000
For Grants Associated with the Great START Program, Including Operation and Administrative Costs	5,200,000
For Grants Associated with Child Care Services, Including Operation, Administrative and Prior year costs	189,498,200
For Grants Associated with Emergency Disaster Flood Relief	11,800,000
For Grants Associated with Migrant Child Care Services, Including Operation and Administrative Costs	3,220,400
For Refugee Resettlement Purchase of Service, Including Operation and Administrative Costs	10,536,600
For Grants Associated with the Head Start State Collaboration, Including Operating and Administrative Costs	500,000
For Supplemental Nutrition Assistance Program, including operating and administrative costs	17,000,000

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For Grants Associated with Child Care Services, including Operating and administrative Costs in accordance with applicable laws and regulations for the State portion of federal funds made available by the American Recovery and Reinvestment Act of 2009	1,700,000
Payable from the Special Purposes Trust Fund:	
For Community Grants	5,698,100
For costs associated with Family Violence Prevention Services	4,977,500
Payable from Local Initiative Fund:	
For Purchase of Services under the Donated Funds Initiative Program, Including Operating and Administrative Costs	22,483,700
Payable from Hunger Relief Fund:	
For Grants for food banks for the purchase of food and related supplies for low income persons	300,000
Payable from Crisis Nursery Fund:	
For Grants associated with crisis nurseries in Illinois including operating and administrative costs	100,000
Payable from the Diabetes Research Checkoff Fund:	
For Diabetes Research	100,000
Payable from Federal National Community Services Grant Fund:	
For Payment for Community Activities, Including Prior Years' Costs	10,000,000
For Payment for Community Activities, including Prior Years' Costs for the State portion of federal funds made available by the American Recovery and Reinvestment Act of 2009	3,000,000
Payable from Sexual Assault Services Fund:	
For Grants Related to the Sexual Assault Services Program	100,000
Payable from Domestic Violence Abuser Services Fund:	
For Domestic Violence Abuser Services	100,000
Payable from the DHS Federal Projects Fund:	
For Grants for Public Health Programs	5,130,000
For Grants for Family Planning Programs Pursuant to Title X of the Public Health Service Act	9,000,000
For Grants for the Federal Healthy Start Program	4,000,000
For Grants and administrative expenses associated with Diabetes Prevention and Control	1,000,000
Payable from USDA Women, Infants and Children Fund:	
For Grants to Public and Private Agencies for costs of administering the USDA Women, Infants, and Children (WIC) Nutrition Program	52,000,000
For Grants for the Federal Commodity Supplemental Food Program	1,400,000
For Grants for USDA Farmer's Market	

Nutrition Program	1,500,000
For Grants for Free Distribution of Food Supplies and for Grants for Nutrition Program Food Centers under the USDA Women, Infants, and Children (WIC) Nutrition Program	251,000,000
For Grants and operations under the USDA Women, Infants, and Children (WIC) Nutrition Program in accordance with applicable laws and regulations for the State portion of federal funds made available by the American Recovery and Reinvestment Act of 2009	15,000,000
Payable from Tobacco Settlement Recovery Fund:	
For a Grant to the Coalition for Technical Assistance and Training	250,000
For all costs associated with Children's Health Programs, including grants, contracts, equipment, vehicles and administrative expenses	2,118,500
Payable from the Maternal and Child Health Services Block Grant Fund:	
For Grants to the Chicago Department of Health for Maternal and Child Health Services	5,000,000
For Grants for Maternal and Child Health Programs, including programs appropriated elsewhere in this Section	8,465,200
For Grants to the Board of Trustees of the University of Illinois, Division of Specialized Care for Children.....	7,800,000
For Grants for an Abstinence Education Program including operating and administrative costs	2,500,000
Payable from the Preventive Health and Health Services Block Grant Fund:	
For Grants to provide assistance to Sexual Assault Victims and for Sexual Assault Prevention Activities	500,000
For Grants for Rape Prevention Education Programs, including operating and administrative costs	1,000,000
Payable from Domestic Violence Shelter and Service Fund:	
For Domestic Violence Shelters and Services Program.....	952,200
Payable from Gaining Early Awareness and Readiness for Undergraduate Programs Fund:	
For Grants and administrative expenses Of G.E.A.R.U.P	3,500,000
Payable from DHS Special Purposes Trust Fund:	
For Parents Too Soon Program, including grants and operations.....	3,701,800
Payable from Early Intervention Services Revolving Fund:	
For Grants and administrative expenses associated with the Early	

Intervention Services Program, including		
prior years costs	160,000,000	
Payable from Youth Alcoholism and		
Substance Abuse Prevention Fund	1,050,000	
Payable from Alcoholism and		
Substance Abuse Fund.....	8,309,300	
Payable from Prevention and Treatment		
of Alcoholism and Substance Abuse		
Block Grant Fund	16,000,000	
Payable from the Juvenile Justice		
Trust Fund:		
For Grants and administrative costs		
associated with Juvenile Justice		
Planning and Action Grants for Local		
Units of Government and Non-Profit		
Organizations including Prior Year Costs.....	13,459,400	
(P.A. 97-0070, Art. 9, Sec. 177 new)		
<u>Sec. 177. The following named amount, or so much thereof as may be necessary, is</u>		
<u>appropriated to the Department of Human Services for the objects and purposes hereinafter named:</u>		
<u>Payable from the Habitat for Humanity Fund:</u>		
For Grants to Habitat for Humanity of		
Illinois, Inc. for Habitat for Humanity		
Projects in Illinois.....	100,000	
(P.A. 97-0070, Art. 9, Sec. 180 new)		
<u>Sec. 180. The sum of \$20,000,000, or so much thereof as may be necessary, is appropriated</u>		
<u>from the Department of Human Services Community Services Fund to the Department of Human</u>		
<u>Services for grants and administrative expenses associated with the Department's rebalancing efforts</u>		
<u>pursuant to 20 ILCS 1305/1-50 and in support of the Department's efforts to expand home and</u>		
<u>community-based services, including rebalancing and transition costs associated with compliance</u>		
<u>with consent decrees.</u>		
Section 40. "AN ACT making appropriations", Public Act 97-0070, approved June 30,		
2011, is amended by changing Sections 5, 15, 25, 30, 35, 55, 60, 75, 80, 85, and 95 of Article 10 as		
follows:		
(P.A. 97-0070, Art. 10, Sec. 5)		
Sec. 5. The following named amounts, or so much thereof as may be necessary, are		
appropriated to the Department of Public Health for the objects and purposes hereinafter named:		
DIRECTOR'S OFFICE		
Payable from the General Revenue Fund:		
For Personal Services	2,310,000	
For State Contributions		
to Social Security	173,300	
For Contractual Services.....	99,700	
For Travel.....	<u>60,400</u> 31,700	
For Commodities	4,300	
For Printing	1,000	
For Equipment	400	
For Telecommunications Services.....	<u>41,100</u> 21,700	
For Operation of Auto Equipment.....	700	
Total	<u>\$2,690,900</u> \$2,642,800	
Payable from the Public Health Services Fund:		
For Expenses Associated with		
Support of Federally Funded Public		
Health Programs	300,000	
For Operational Expenses to Support		
Refugee Health Care.....	<u>514,000</u>	
Total, Public Health Services Fund.....	\$814,000	
Payable from the Public Health Special		
State Projects Fund:		
For Expenses of Public Health Programs	750,000	

For Expenses of the SMART DOC Program	5,000,000	
Total		\$5,750,000
(P.A. 97-0070, Art. 10, Sec. 15)		
Sec. 15. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:		
OFFICE OF FINANCE AND ADMINISTRATION		
Payable from the General Revenue Fund:		
For Personal Services	5,400,300	
For State Contributions		
to Social Security	405,000	
For Contractual Services.....	<u>4,287,000</u>	3,251,300
For Travel.....	<u>58,100</u>	30,500
For Commodities	71,100	
For Printing	105,700	
For Equipment	4,900	
For Telecommunications Services.....	<u>241,400</u>	127,500
For Operation of Auto Equipment.....	25,000	
For Expenses of the Public Health		
Information Network	0	
For Expenses of the Adoption Registry		
and Medical Information Exchange	100,000	
For Operational Expenses of Maintaining		
the Vital Records System	191,600	
For Operational Expenses of the Regional		
Data Base System	14,100	
Total	<u>\$10,904,200</u>	\$9,727,000
Payable from the Public Health Services Fund:		
For Personal Services	194,500	
For State Contributions to State		
Employees' Retirement System	66,500	
For State Contributions to Social Security	14,900	
For Group Insurance.....	41,000	
For Contractual Services.....	285,000	
For Travel.....	20,000	
For Commodities	6,000	
For Printing	1,000	
For Equipment	300,000	
For Telecommunications Services.....	400,000	
For Operational Expenses of Maintaining		
the Vital Records System	400,000	
Total		\$1,728,900
Payable from the Lead Poisoning Screening,		
Prevention, and Abatement Fund:		
For Operational Expenses for		
Maintaining Billings and Receivables		
for Lead Testing.....	110,000	
Payable from Death Certificate		
Surcharge Fund:		
For Expenses of Statewide Database		
of Death Certificates and Distributions		
of Funds to Governmental Units,		
Pursuant to Public Act 91-0382.....	2,500,000	
Payable from the Public Health Special		
State Projects Fund:		
For operational expenses of regional and		
central office facilities	571,400	
Payable from the Metabolic Screening		
and Treatment Fund:		
For Operational Expenses for Maintaining		

Laboratory Billings and Receivables 80,000
(P.A. 97-0070, Art. 10, Sec. 25)

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

DIVISION OF INFORMATION TECHNOLOGY

Payable from the General Revenue Fund:

For Personal Services	1,166,500	
For State Contributions to Social Security	87,500	
For Contractual Services.....	2,444,100	
For Travel.....	<u>5,300</u>	2,800
For Commodities	2,700	
For Printing	10,400	
For Electronic Data Processing	<u>462,100</u>	196,100
For Telecommunications Services.....	<u>40,000</u>	21,100
For Expenses for Public Health Prevention Systems.....	421,200	
For Expenses Associated with the Childhood Immunization Program.....	150,000	
For Operational Expenses for Health Information Systems Targeted for Health Screening Programs	113,600	
Total	<u>\$4,903,400</u>	\$4,616,000

Payable from the Public Health Services Fund:

For Expenses Associated with Support of Federally Funded Public Health Programs	1,250,000	
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Payable from the Public Health Special

State Projects Fund:

For Expenses of EPSDT and other Public Health programs	150,000	
(P.A. 97-0070, Art. 10, Sec. 30)		

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

OFFICE OF POLICY, PLANNING AND STATISTICS

Payable from the General Revenue Fund:

For Personal Services	1,800,800	
For State Contributions to Social Security	135,100	
For Contractual Services.....	24,100	
For Travel.....	<u>31,400</u>	16,500
For Commodities	2,000	
For Printing	200	
For Equipment	0	
For Telecommunications Services.....	<u>26,700</u>	14,100
For expenses of the Adverse Pregnancy Outcomes Reporting Systems (APORS) Program and the Adverse Health Care Event Reporting and Patient Safety Initiative.....	1,070,600	
For expenses of State Cancer Registry, including matching funds for National Cancer Institute grants	159,900	
For operating expenses of the Center for Rural Health	300,000	
Total	<u>\$3,550,800</u>	\$3,523,300

Payable from the Public Health Services Fund:

For expenses related to Epidemiological Health Outcomes Investigations and Database Development.....	4,130,000	
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For expenses for Rural Health Center to expand the availability of Primary Health Care	2,000,000
For operational expenses to develop a Health Care Provider Recruitment and Retention Program	<u>300,000</u>
Total	\$6,430,000
Payable from Community Health Center Care Fund:	
For expenses for access to Primary Health Care Services Program per Family Practice Residency Act	1,000,000
Payable from Illinois Health Facilities Planning Fund:	
For expenses of the Health Facilities And Services Review Board	1,200,000
For department expenses in support of the Health Facilities and Services Review Board	<u>1,600,000</u>
Total	\$2,800,000
Payable from Nursing Dedicated and Professional Fund:	
For expenses of the Nursing Education Scholarship Law	1,200,000
Payable from the Long Term Care Provider Fund:	
For Expenses of Identified Offenders Assessment and other public health and safety activities	2,000,000
Payable from the End Stage Renal Disease Facility Licensing Fund:	
For expenses of the End Stage Renal Disease Facility Licensing Program	385,000
Payable from the Regulatory Evaluation and Basic Enforcement Fund:	
For Expenses of the Alternative Health Care Delivery Systems Program	75,000
Payable from the Public Health Federal Projects Fund:	
For expenses of Health Outcomes, Research, Policy and Surveillance	612,000
Payable from the Preventive Health and Health Services Block Grant Fund:	
For expenses of Preventive Health and Health Services Needs Assessment	1,600,000
Payable from Public Health Special State Projects Fund:	
For expenses associated with Health Outcomes Investigations and other public health programs	1,200,000
Payable from Illinois State Podiatric Disciplinary Fund:	
For expenses of the Podiatric Scholarship And Residency Act	100,000
Payable from the Public Health Services Fund:	
For grants to develop a Health Care Provider Recruitment and Retention Program	450,000
For grants to develop a Health Professional Educational Loan Repayment Program	<u>900,000</u>
Total	\$1,350,000
Payable from the Maternal and Child Health Services Block Grant Fund:	
For Expenses of Public Health Programs	100,000
Payable from the Tobacco Settlement Recovery Fund:	

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For grants for the Community Health Center
 Expansion Program..... 3,000,000
 (P.A. 97-0070, Art. 10, Sec. 35)
 Sec. 35. The following named amounts, or so much thereof as may be necessary, are
 appropriated to the Department of Public Health for the objects and purposes hereinafter named:
 OFFICE OF HEALTH PROMOTION

Payable from the General Revenue Fund:

For Personal Services	970,700	
For State Contributions to Social Security	72,800	
For Contractual Services.....	27,200	
For Travel.....	<u>51,000</u>	26,800
For Commodities	1,500	
For Printing	1,600	
For Equipment	0	
For Telecommunications Services.....	<u>24,800</u>	43,100
For Operation of Auto Equipment.....	400	
<u>For expenses associated with Sudden</u> <u>Infant Death Syndrome (SIDS) Program</u>		<u>200,000</u>
Total	<u>\$1,350,000</u>	<u>\$1,114,100</u>

Payable from the Public Health Services Fund:

For Personal Services	1,336,300	
For State Contributions to State Employees' Retirement System	456,900	
For State Contributions to Social Security	102,200	
For Group Insurance	381,000	
For Contractual Services.....	650,000	
For Travel.....	160,000	
For Commodities	13,000	
For Printing	44,000	
For Equipment	50,000	
For Telecommunications Services.....	<u>65,000</u>	
Total		\$3,258,400

Payable from the Diabetes Research

Checkoff Fund:

<u>For a grant to the Juvenile Diabetes</u> <u>Research Foundation</u>		<u>125,000</u>
<u>For a grant to the American Diabetes</u> <u>Association.....</u>		<u>125,000</u>

Payable from the DHS Private

Resources Fund:

<u>For expenses of Diabetes Research</u> <u>Treatment and Programs.....</u>		<u>2,700,000</u>
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Payable from the Maternal and Child

Health Services Block Grant Fund:

For Operational Expenses of Maternal and Child Health Programs	1,000,000	
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Payable from the Preventive Health

and Health Services Block Grant Fund:

For Expenses of Preventive Health and Health Services Programs.....	1,226,800	
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Payable from the Public Health Special

State Projects Fund:

For Expenses for Public Health Programs	1,500,000	
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Payable from the Metabolic Screening
and Treatment Fund:

For Operational Expenses for Metabolic Screening Follow-up Services.....	3,144,700	
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Payable from the Hearing Instrument

Dispenser Examining and Disciplinary Fund:

For Expenses Pursuant to the Hearing
Aid Consumer Protection Act 100,000
(P.A. 97-0070, Art. 10, Sec. 55)

Sec. 55. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH CARE REGULATION

Payable from the General Revenue Fund:

For Personal Services	13,450,000	
For State Contributions to Social Security	1,008,800	
For Contractual Services.....	181,700	
For Travel.....	<u>718,900</u>	377,700
For Commodities	12,300	
For Printing	4,000	
For Equipment	0	
For Telecommunications Services.....	<u>109,300</u>	57,700
For Operation of Auto Equipment.....	1,500	
For Expenses of the Assisted Living and Shared Housing Program.....	217,600	
Total	<u>\$15,704,100</u>	\$15,311,300

Payable from the Public Health Services Fund:

For Personal Services	8,023,000
For State Contributions to State Employees' Retirement System.....	2,743,100
For State Contributions to Social Security	613,800
For Group Insurance.....	1,535,900
For Contractual Services.....	800,000
For Travel.....	1,100,000
For Commodities	8,200
For Printing	10,000
For Equipment	440,000
For Telecommunications	48,500
For Expenses of Monitoring in Long Term Care Facilities	<u>1,750,000</u>
Total	\$17,072,500

Payable from the Long Term Care

Monitor/Receiver Fund:

For Expenses, Including Refunds, Related to Appointment of Long Term Care Monitors and Receivers	14,400,000
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Payable from the Home Care Services Agency

Licensure Fund:

For expenses of Home Care Services Agency Licensure	750,000
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Payable from the Regulatory Evaluation

and Basic Enforcement Fund:

For Expenses of the Alternative Health Care Delivery Systems Program	75,000
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Payable from the Health Facility Plan

Review Fund:

For Expenses of Health Facility Plan Review Program and Hospital Network System, including refunds	1,700,000
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Payable from the Hospice Fund:

For Grants for hospice services as defined in the Hospice Program Licensing Act.....	10,000
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Payable from Assisted Living and Shared
Housing Regulatory Fund:

For operational expenses of the Assisted Living and Shared Housing Program, pursuant to Public Act 91-0656.....	325,000	
Payable from the Public Health Special State Projects Fund:		
For Health Care Facility Regulation.....	500,000	
Payable from Equity in Long Term Care Quality Fund:		
For grants to assist residents of facilities licensed under the Nursing Home Care Act.....	2,000,000	
(P.A. 97-0070, Art. 10, Sec. 60)		
Sec. 60. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:		
OFFICE OF HEALTH PROTECTION		
Payable from the General Revenue Fund:		
For Personal Services	6,878,400	
For State Contributions to Social Security	515,900	
For Contractual Services.....	98,100	
For Travel.....	<u>195,300</u>	402,600
For Commodities	7,000	
For Printing	6,000	
For Equipment	0	
For Telecommunications Services.....	<u>70,400</u>	37,200
For Operation of Auto Equipment.....	6,600	
For Expenses Incurred for the Rapid Investigation and Control of Disease or Injury.....	486,700	
For Expenses of Environmental Health Surveillance and Prevention Activities, Including Mercury Hazards and West Nile Virus	324,600	
For Expenses for Expanded Lab Capacity and Enhanced Statewide Communication Capabilities Associated with Homeland Security	350,000	
For Deposit into the Lead Poisoning Screening, Prevention, and Abatement Fund.....	<u>700,000</u>	600,000
For Expenses for the University of Illinois Sickle Cell Clinic	<u>495,000</u>	
Total	<u>\$10,134,000</u>	<u>\$9,908,100</u>
Payable from the Public Health Services Fund:		
For Personal Services	5,100,000	
For State Contributions to State Employees' Retirement System	1,743,700	
For State Contributions to Social Security	385,100	
For Group Insurance.....	1,007,000	
For Contractual Services.....	3,182,800	
For Travel.....	345,700	
For Commodities	405,000	
For Printing	70,800	
For Equipment	365,000	
For Telecommunications Services.....	286,800	
For Operation of Auto Equipment.....	40,000	
For Expenses of Implementing Federal Awards, Including Services Performed		

by Local Health Providers	5,575,000
For Expenses Related to the Summer Food Inspection Program	<u>45,000</u>
Total	\$18,551,900
Payable from the Food and Drug Safety Fund:	
For Expenses of Administering the Food and Drug Safety Program, including Refunds	1,400,000
Payable from the Safe Bottled Water Fund:	
For Expenses for the Safe Bottled Water Program	75,000
Payable from the Facility Licensing Fund:	
For Expenses, including Refunds, of Environmental Health Programs	660,000
Payable from the Illinois School Asbestos Abatement Fund:	
For Expenses, Including Refunds, of Administering and Executing the Asbestos Abatement Act and the Federal Asbestos Hazard Emergency Response Act of 1986 (AHERA)	952,500
Payable from the Emergency Public Health Fund:	
For expenses of mosquito abatement in an effort to curb the spread of West Nile Virus	3,200,000
Payable from the Public Health Water Permit Fund:	
For Expenses, Including Refunds, of Administering the Groundwater Protection Act	100,000
Payable from the Used Tire Management Fund:	
For Expenses of Vector Control Programs, including Mosquito Abatement	500,000
Payable from the Tattoo and Body Piercing Fund:	
For expenses of administering of Tattoo and Body Piercing Establishment Registration Program	300,000
Payable from the Lead Poisoning Screening, Prevention, and Abatement Fund:	
For Expenses of the Lead Poisoning Screening, and Prevention Program, including Refunds	2,283,100
Payable from the Tanning Facility Permit Fund:	
For Expenses to Administer the Tanning Facility Permit Act, including Refunds	500,000
Payable from the Plumbing Licensure and Program Fund:	
For Expenses to Administer and Enforce the Illinois Plumbing License Law, including Refunds	1,950,000
Payable from the Pesticide Control Fund:	
For Public Education, Research, and Enforcement of the Structural Pest Control Act	300,000
Payable from the Pet Population Control Fund:	
For expenses associated with the Illinois Public Health and Safety Animal Population Control Act	250,000
Payable from the Public Health Special	

State Projects Fund:

For Expenses of Conducting EPSDT
and other Health Protection Programs.....2,200,000
(P.A. 97-0070, Art. 10, Sec. 75)

Sec. 75. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for expenses of programs related to Acquired Immunodeficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV):

OFFICE OF HEALTH PROTECTION: AIDS/HIV

Payable from the General Revenue Fund:

For Personal Services 421,100
For State Contributions to Social Security 31,600
For Contractual Services..... 23,900
For Travel..... 12,400 ~~6,500~~
For Expenses of AIDS/HIV Education,
Drugs, Services, Counseling, Testing,
Outreach to Minority populations, costs
associated with correctional facilities
Referral and Partner Notification
(CTRPN), and Patient and Worker
Notification pursuant to Public
Act 87-763 29,399,500
Total \$29,888,500 ~~\$29,882,600~~

Payable from the Public Health Services Fund:

For Expenses of Programs for Prevention
of AIDS/HIV 5,051,600
For Expenses for Surveillance Programs and
Seroprevalence Studies of AIDS/HIV 1,750,000
For Expenses Associated with the
Ryan White Comprehensive AIDS
Resource Emergency Act of
1990 (CARE) and other AIDS/HIV services 45,600,000
Total \$52,401,600

Payable from the African-American

HIV/AIDS Response Fund:

For grants and other expenses for
the prevention and treatment of
HIV/AIDS and the creation of an HIV/AIDS
service delivery system to reduce the
disparity of HIV infection and AIDS cases
between African-Americans and other
population groups 1,500,000

Payable from the Quality of Life Endowment Fund:

For grants and expenses associated
with HIV/AIDS prevention and education 1,400,000
(P.A. 97-0070, Art. 10, Sec. 80)

Sec. 80. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

SPRINGFIELD LABORATORY

Payable from the General Revenue Fund:

For Personal Services 1,388,100
For State Contributions to Social
Security 104,100
Total \$1,492,200

CARBONDALE LABORATORY

Payable from the General Revenue Fund:

For Personal Services 371,200
For State Contributions
to Social Security 28,400
Total \$399,600

CHICAGO LABORATORY

Payable from the General Revenue Fund:	
For Personal Services	1,871,000
For State Contributions to Social Security	<u>140,300</u>
Total	\$2,011,300

PUBLIC HEALTH LABORATORIES

Payable from the General Revenue Fund:	
For Contractual Services.....	890,900
For Travel.....	<u>22,800</u> 12,000
For Commodities	283,000
For Printing	11,400
For Equipment	400
For Telecommunications Services.....	<u>50,600</u> 26,700
For Operation of Auto Equipment.....	1,600
For Operational Expenses to Provide Clinical and Environmental Public Health Laboratory Services	<u>3,442,000</u>
Total, General Revenue Fund	<u>\$4,702,700</u> \$4,668,000

Payable from the Public Health Services Fund:	
For Personal Services	1,628,800
For State Contributions to State Employees' Retirement System	556,900
For State Contributions to Social Security	124,600
For Group Insurance	315,700
For Contractual Services.....	285,000
For Travel.....	27,000
For Commodities	1,624,900
For Printing	10,000
For Equipment	500,000
For Telecommunications Services.....	<u>9,500</u>
Total, Public Health Services Fund	\$5,082,400

Payable from the Public Health Laboratory Services Revolving Fund:	
For Expenses, Including Refunds, to Administer Public Health Laboratory Programs and Services	1,500,000

Payable from the Lead Poisoning Screening, Prevention, and Abatement Fund:	
For Expenses, Including Refunds, of Lead Poisoning Screening, Prevention and Abatement Program.....	1,347,100

Payable from the Public Health Special State Projects Fund:	
For operational expenses of regional and central office facilities	2,200,000

Payable from the Metabolic Screening and Treatment Fund:	
For Expenses, Including Refunds, of Testing and Screening for Metabolic Diseases	9,040,800
(P.A. 97-0070, Art. 10, Sec. 85)	

Sec. 85. The following named amounts, or as much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF WOMEN'S HEALTH

Payable from the General Revenue Fund:	
For Personal Services	372,200
For State Contributions to	

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Social Security	27,900	
For Contractual Services.....	44,700	
For Travel.....	<u>23,400</u>	12,300
For Commodities	1,400	
For Printing	9,600	
For Equipment	100	
For Telecommunications Services.....	<u>10,200</u>	5,400
For Expenses for Breast and Cervical Cancer Screenings, minority outreach, and other Related Activities	17,050,000	
For Expenses of the Women's Health Promotion Programs	500,000	
Total	<u>\$18,039,500</u>	\$18,023,600
Payable from the Public Health Services Fund:		
For Personal Services	615,500	
For State Contributions to State Employees' Retirement System	210,400	
For State Contributions to Social Security	47,100	
For Group Insurance.....	140,000	
For Contractual Services.....	500,000	
For Travel.....	50,000	
For Commodities	53,200	
For Printing	34,500	
For Equipment	50,000	
For Telecommunications Services.....	10,000	
For Expenses of Federally Funded Women's Health Program.....	<u>2,600,000</u>	
Total	\$4,310,700	
Payable from the Public Health Special State Projects Fund:		
For Expenses of Women's Health Programs	200,000	
(P.A. 97-0070, Art. 10, Sec. 95)		
Sec. 95. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Public Health for the objects and purposes hereinafter named:		
OFFICE OF PREPAREDNESS AND RESPONSE		
Payable from the General Revenue Fund:		
For Personal Services	1,171,300	
For State Contributions to Social Security	87,800	
For Contractual Services.....	14,300	
For Travel.....	<u>43,000</u>	22,600
For Commodities	1,600	
For grants to Metro Chicago Hospital Council for the support of the Illinois Poison Control Center	1,331,100	
Total	<u>\$2,649,100</u>	\$2,628,700
Payable from Fire Prevention Fund:		
For Expenses of EMS Testing	400,000	
For Expenses of EMS staffing and Program Activities	723,000	
Total	\$1,123,000	
Payable from the Public Health Services Fund:		
For Expenses of Federally Funded Bioterrorism Preparedness Activities and other Public Health Emergency Preparedness.....	90,300,000	
For Expenses of the SMART DOC Program	<u>15,000,000</u>	
Total	\$105,300,000	

Payable from the Heartsaver AED Fund:
 For Expenses Associated with the
 Heartsaver AED Program 100,000
 Payable from the Trauma Center Fund:
 For Expenses of Administering the
 Distribution of Payments to
 Trauma Centers..... 7,000,000
 Payable from the EMS Assistance Fund:
 For Expenses of Administering the
 Distribution of Payments from the
 EMS Assistance Fund, Including Refunds..... 300,000
 Payable from the Public Health Special
 Projects Fund:
 For all costs associated with Public
 Health preparedness including first-
 aid stations and anti-viral purchases..... 450,000
 Section 45. "AN ACT making appropriations", Public Act 97-0070, approved June 30,
 2011, is amended by changing Sections 5, 60, 65, 70, 75, 80, and 85 of Article 11 as follows:
 (P.A. 97-0070, Art. 11, Sec. 5)
 Sec. 5. The following named amounts, or so much thereof as may be necessary,
 respectively, for the objects and purposes hereinafter named, are appropriated from the General
 Revenue Fund to the Department of Veterans' Affairs:

CENTRAL OFFICE

For Personal Services	3,559,500	
For State Contributions to Social Security	272,300	
For Contractual Services.....	<u>486,200</u>	426,700
For Travel.....	6,700	
For Commodities	10,000	
For Printing	5,700	
For Equipment	4,500	
For Electronic Data Processing	<u>962,700</u>	906,500
For Telecommunications Services.....	<u>47,600</u>	24,100
For Operation of Auto Equipment.....		<u>15,400</u>
Total	<u>\$5,370,600</u>	\$5,231,400

(P.A. 97-0070, Art. 11, Sec. 60)

Sec. 60. The following named amounts, or so much thereof as may be necessary,
 respectively, are appropriated to the Department of Veterans' Affairs for objects and purposes
 hereinafter named:

VETERANS' FIELD SERVICES

Payable from the General Revenue Fund: For Personal Services	4,362,400	
For State Contributions to Social Security	333,700	
For Contractual Services.....	<u>236,000</u>	205,200
For Travel.....	<u>65,000</u>	35,000
For Commodities	6,900	
For Printing	6,900	
For Equipment	1,500	
For Electronic Data Processing	0	
For Telecommunications Services.....	<u>114,100</u>	59,100
For Operation of Auto Equipment.....		<u>32,900</u>
Total	<u>\$5,159,400</u>	\$5,043,600

(P.A. 97-0070, Art. 11, Sec. 65)

Sec. 65. The following named amounts, or so much thereof as may be necessary,
 respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes
 hereinafter named:

ILLINOIS VETERANS' HOME AT ANNA

Payable from General Revenue Fund:

For Personal Services	2,750,700	
For State Contributions to		
Social Security	210,400	
For Contractual Services.....	0	
For Commodities	100	
For Electronic Data Processing	0	
Total	\$2,961,200	
Payable from Anna Veterans Home Fund:		
For Personal Services	1,091,800	
For State Contributions to the State		
Employees' Retirement System	373,300	
For State Contributions to		
Social Security	83,500	
For Contractual Services.....	659,500	
For Travel.....	5,000	
For Commodities	340,500	
For Printing	1,500	
For Equipment	13,300	
For Electronic Data Processing	12,400	
For Telecommunications Services.....	14,400	
For Operation of Auto Equipment.....	9,700	
For Permanent Improvements	10,000	
For Refunds.....	32,700	6,000
Total	<u>\$2,647,600</u>	<u>\$2,620,900</u>

(P.A. 97-0070, Art. 11, Sec. 70)

Sec. 70. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS' HOME AT QUINCY

Payable from General Revenue Fund:		
For Personal Services	21,889,700	
For State Contributions to		
Social Security	1,675,300	
For Contractual Services.....	<u>119,200</u>	99,200
For Commodities	100	
For Electronic Data Processing	0	
Total	<u>\$23,684,300</u>	<u>\$23,664,300</u>

Payable from Quincy Veterans Home Fund:		
For Personal Services	8,979,600	
For Member Compensation	25,000	
For State Contributions to the State		
Employees' Retirement System	3,070,100	
For State Contributions to		
Social Security	687,000	
For Contractual Services.....	3,147,200	
For Travel.....	6,000	
For Commodities	4,800,200	
For Printing	23,700	
For Equipment	128,500	
For Electronic Data Processing	67,800	
For Telecommunications Services.....	81,300	
For Operation of Auto Equipment.....	112,000	
For Permanent Improvements	20,000	
For Refunds.....	247,800	44,600
Total	<u>\$21,396,200</u>	<u>\$21,193,000</u>

(P.A. 97-0070, Art. 11, Sec. 75)

Sec. 75. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS' HOME AT LASALLE

Payable from General Revenue Fund:

For Personal Services	8,330,300
For State Contributions to Social Security	637,300
For Contractual Services.....	100
For Commodities	100
For Electronic Data Processing	<u>100</u>
Total	\$8,967,900

Payable from LaSalle Veterans Home Fund:

For Personal Services	3,988,000
For State Contributions to the State	
Employees' Retirement System	1,363,500
For State Contributions to	
Social Security	305,100
For Contractual Services.....	2,258,300
For Travel.....	8,000
For Commodities	1,151,600
For Printing	4,500
For Equipment	139,200
For Electronic Data Processing	25,600
For Telecommunications	32,600
For Operation of Auto Equipment.....	24,700
For Permanent Improvements	25,000
For Refunds.....	<u>238,500</u> 12,000
Total	<u>\$9,564,600</u> \$9,338,100

(P.A. 97-0070, Art. 11, Sec. 80)

Sec. 80. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS' HOME AT MANTENO

Payable from General Revenue Fund:

For Personal Services	14,955,800
For State Contributions to	
Social Security	1,144,100
For Contractual Services.....	0
For Commodities	100
For Electronic Data Processing	<u>100</u>
Total	\$16,100,100

Payable from Manteno Veterans Home Fund:

For Personal Services	6,558,000
For Member Compensation	20,000
For State Contributions to the State	
Employees' Retirement System	2,242,100
For State Contributions to	
Social Security	501,700
For Contractual Services.....	6,329,000
For Travel.....	8,500
For Commodities	1,697,300
For Printing	17,000
For Equipment	476,000
For Electronic Data Processing	50,800
For Telecommunications Services.....	84,600
For Operation of Auto Equipment.....	61,500
For Permanent Improvements	63,000
For Refunds.....	<u>836,000</u> 20,000
Total	<u>\$18,945,500</u> \$18,129,500

(P.A. 97-0070, Art. 11, Sec. 85)

Sec. 85. The following named amounts, or so much thereof as may necessary, respectively, are appropriated to the Department of Veterans' Affairs for costs associated with the operation of a

program for homeless veterans at the Illinois Veterans' Home at Manteno:

Payable from General Revenue Fund.....	668,500	643,500
Payable from the Manteno Veterans Home Fund		50,000
Payable from Veterans' Affairs Federal Projects Fund		120,000
Total	<u>\$838,500</u>	<u>\$813,500</u>

ARTICLE 12

- (P.A. 97-0076, Art. 27, Sec. 1390 rep.)
- (P.A. 97-0076, Art. 27, Sec. 1440 rep.)
- (P.A. 97-0076, Art. 27, Sec. 1850 rep.)
- (P.A. 97-0076, Art. 27, Sec. 1875 rep.)

Section 5. "AN ACT concerning appropriations", Public Act 97-0076, approved June 30, 2011, is amended by repealing Sections 1390, 1440, 1850, and 1875 of Article 27; by changing Section 3045 of Article 27; and adding new Sections 1160, 1260, 4440, 4445, 4450, 4455, 4460, and 4465 to Article 27 as follows:

(P.A. 97-0076, Art. 27, Sec. 1160 new)

Sec. 1160. The sum of \$250,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Greater Auburn Gresham Development for a grant to the Friendship House of Christian Service for costs associated with renovations to the facility.

(P.A. 97-0076, Art. 27, Sec. 1260 new)

Sec. 1260. The sum of \$205,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Colp for costs associated with repairs and maintenance to roadways within the Village.

(P.A. 97-0076, Art. 27, Sec. 3045)

Sec. 3045. The sum of \$60,000 ~~\$100,000~~, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2011, from an appropriation heretofore made for such purpose in Article 102, Section 3045 of Public Act 96-956, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Greater Auburn Gresham Development for costs associated with the purchase and renovation of a facility ~~renovations to the building located at 934 West 79th street in Chicago.~~

(P.A. 97-0076, Art. 27, Sec. 4440 new)

Sec. 4440. The sum of \$250,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the South Central Community Services, Inc. for costs associated with renovations to the community swimming pool.

(P.A. 97-0076, Art. 27, Sec. 4445 new)

Sec. 4445. The sum of \$60,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Robbins for costs associated with infrastructure improvements to the village facility.

(P.A. 97-0076, Art. 27, Sec. 4450 new)

Sec. 4450. The sum of \$290,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Hometown for costs associated with street repairs.

(P.A. 97-0076, Art. 27, Sec. 4455 new)

Sec. 4455. The sum of \$100,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago Board of Education for costs associated with renovations to Helen C. Peirce School of International Studies.

(P.A. 97-0076, Art. 27, Sec. 4460 new)

Sec. 4460. The sum of \$200,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Ethiopian Community Association of Chicago, Inc. for costs associated with the purchase of an elevator.

(P.A. 97-0076, Art. 27, Sec. 4465 new)

Sec. 4465. The sum of \$200,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago Board of Education for costs associated with renovations to the James Birdseye McPherson School.

(P.A. 97-0076, Art. 28, Sec. 125 rep.)

Section 10. "AN ACT concerning appropriations", Public Act 97-0076, approved June 30, 2011, is amended by repealing Section 125 of Article 28; by changing Sections 1700, 3140, 3630, 4305, 5975, and 6420 of Article 28; and adding new Sections 6935, 6955, 6960, 6965, 7255, 7260, 7265, 7270, 7275, 7280, and 7285 to Article 28 as follows:

(P.A. 97-0076, Art. 28, Sec. 1700)

Sec. 1700. The amount of \$250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2011, from an appropriation heretofore made for such purpose in Article 103, Section 1700 of Public Act 96-956, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to St. Mary's Hospital Sisters of the Third Order of St Francis for general infrastructure improvements at St. Mary's Hospital in Decatur ~~for fire sprinkler expansion.~~

(P.A. 97-0076, Art. 28, Sec. 3140)

Section 3140. The amount of ~~\$485,000~~ \$585,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2011, from an appropriation heretofore made for such purpose in Article 103, Section 3140 of Public Act 96-956, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Clyde Park District for soccer fields ~~the City of Cicero for construction of the Cicero Aquatic Center.~~

(P.A. 97-0076, Art. 28, Sec. 3630)

Sec. 3630. The amount of \$300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2011, from an appropriation heretofore made for such purpose in Article 103, Section 3630 of Public Act 96-956, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago Park District City of Chicago for acquisition and construction of a sports recreation facility in the Morgan Park community building for a senior services center in the Mt. Greenwood neighborhood of the 19th Ward in the City of Chicago.

(P.A. 97-0076, Art. 28, Sec. 4305)

Sec. 4305. The amount of \$25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2011, from an appropriation heretofore made for such purpose in Article 103, Section 4305 of Public Act 96-956, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago Park District for infrastructure improvements at Sacramento Playlot Park ~~the construction of a new playground at Algonquin Playlot Park.~~

(P.A. 97-0076, Art. 28, Sec. 5975)

Sec. 5975. The amount of \$50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2011, from an appropriation heretofore made for such purpose in Article 103, Section 5975 of Public Act 96-956, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Access Community Health Network for renovations and/or infrastructure improvements at the Melrose Park facility to the Austin Family Health Center.

(P.A. 97-0076, Art. 28, Sec. 6420)

Sec. 6420. The amount of \$750,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2011, from an appropriation heretofore made for such purpose in Article 103, Section 6420 of Public Act 96-956, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Seguin Services Inc for infrastructure improvements.

(P.A. 97-0076, Art. 28, Sec. 6935 new)

Sec. 6935. The amount of \$100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2011, from an appropriation heretofore made for such purpose in Article 103, Section 6935 of Public Act 96-956, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Steger for general infrastructure.

(P.A. 97-0076, Art. 28, Sec. 6955 new)

Sec. 6955. The amount of \$50,000, or so much thereof as may be necessary and remains

unexpended at the close of business on June 30, 2011, from an appropriation heretofore made for such purpose in Article 103, Section 6955 of Public Act 96-956, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Alton YWCA for building improvements.

(P.A. 97-0076, Art. 28, Sec. 6960 new)

Sec. 6960. The amount of \$50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2011, from an appropriation heretofore made for such purpose in Article 103, Section 6960 of Public Act 96-956, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Fosterburg Fire Protection District for an emergency generator.

(P.A. 97-0076, Art. 28, Sec. 6965 new)

Sec. 6965. The amount of \$50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2011, from an appropriation heretofore made for such purpose in Article 103, Section 6965 of Public Act 96-956, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Holiday Shores Fire Department for a natural gas generator.

(P.A. 97-0076, Art. 28, Sec. 7255 new)

Sec. 7255. The sum of \$25,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago Board of Education for renovations at Pritzker College Prep.

(P.A. 97-0076, Art. 28, Sec. 7260 new)

Sec. 7260. The sum of \$500,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Puerto Rican Chamber of Commerce for acquisition and construction of chamber headquarters.

(P.A. 97-0076, Art. 28, Sec. 7265 new)

Sec. 7265. The sum of \$100,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to United Latinos for Empowerment, Education and Development for infrastructure improvements.

(P.A. 97-0076, Art. 28, Sec. 7270 new)

Sec. 7270. The sum of \$75,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Latino Arts & Communications for infrastructure improvements.

(P.A. 97-0076, Art. 28, Sec. 7275 new)

Sec. 7275. The sum of \$125,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Institute of Puerto Rican Arts and Culture for infrastructure improvements.

(P.A. 97-0076, Art. 28, Sec. 7280 new)

Sec. 7280. The sum of \$25,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Northwest Side Housing Center for infrastructure improvements.

(P.A. 97-0076, Art. 28, Sec. 7285 new)

Sec. 7285. The sum of \$100,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicagoland Czech-American Community Center for a new community center.

(P.A. 97-0076, Art. 29, Sec. 882 rep.)

(P.A. 97-0076, Art. 29, Sec. 884 rep.)

(P.A. 97-0076, Art. 29, Sec. 885 rep.)

(P.A. 97-0076, Art. 29, Sec. 887 rep.)

(P.A. 97-0076, Art. 29, Sec. 889 rep.)

(P.A. 97-0076, Art. 29, Sec. 890 rep.)

(P.A. 97-0076, Art. 29, Sec. 891 rep.)

(P.A. 97-0076, Art. 29, Sec. 987 rep.)

Section 15. "AN ACT concerning appropriations", Public Act 97-0076, approved June 30, 2011, is amended by repealing Sections 882, 884, 885, 887, 889, 890, 891, and 987 of Article 29 and adding new Sections 1014, 1015, and 1016 to Article 29 as follows:

(P.A. 97-0076, Art. 29, Sec. 1014 new)

Sec. 1014. The sum of \$125,000 or so much thereof as may be necessary, is appropriated

from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the University of Illinois College of Medicine at Peoria for capital improvements.

(P.A. 97-0076, Art. 29, Sec. 1015 new)

Sec. 1015. The sum of \$75,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Danville Art League for all costs associated with moving and existing building and other infrastructure improvements.

(P.A. 97-0076, Art. 29, Sec. 1016 new)

Sec. 1016. The sum of \$200,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Kane County for road or other capital improvements.

Section 20. "AN ACT concerning appropriations", Public Act 97-0076, approved June 30, 2011, is amended by changing Sections 64 and 287 of Article 30 as follows:

(P.A. 97-0076, Art. 30, Sec. 64)

Sec. 64. The sum of \$250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2011, from a reappropriation heretofore made in Article 128, Section 64 of Public Act 96-956, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Amboy for all costs associated with the ~~construction of a new maintenance building~~ reconstruction of West Provost Street.

(P.A. 97-0076, Art. 30, Sec. 287)

Sec. 287. The sum of \$500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2011, from a reappropriation heretofore made in Article 128, Section 287 of Public Act 96-956, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Eureka for all costs associated with the sewer upgrade project, including prior incurred costs ~~construction of turn lanes on US 24.~~

Section 25. "AN ACT concerning appropriations", Public Act 97-0076, approved June 30, 2011, is amended by adding new Article 32, Section 1 as follows:

(P.A. 97-0076, Art. 32, Sec. 1 new)

ARTICLE 32

DEPARTMENT OF AGRICULTURE

Sec. 1. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Agriculture for repairs, maintenance, and capital improvements including construction, reconstruction, improvement, repair and installation of capital facilities, cost of planning, supplies, materials, equipment, services and all other expenses required to complete the work:

Payable from Agricultural Premium Fund:

For various projects at the

State Fairgrounds..... 1,200,000

For various projects at the DuQuoin

State Fairgrounds..... 500,000

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

AMENDMENT NO. 3 SENATE BILL 2412

AMENDMENT NO. 3. Amend Senate Bill 2412, AS AMENDED, with reference to page and line numbers of House Amendment Number 2, on page 6, by replacing lines 6 through 17 with the following:

"Sec. 70. The amount of \$2,500,000, or so much thereof as may be necessary, is appropriated from the Charitable Trust Stabilization Fund to the State Treasurer for the State Treasurer's operational costs to administer the Charitable Trust Stabilization Fund and for grants to public private entities in the State for the purposes set out in the Charitable Trust Stabilization Act."

Under the rules, the foregoing **Senate Bill No. 2412**, with House Amendments numbered 1, 2 and 3, was referred to the Secretary's Desk.

JOINT ACTION MOTION FILED

[November 29, 2011]

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

Motion to Concur in House Amendments 1, 2 and 3 to Senate Bill 2412

At the hour of 7:08 o'clock p.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 7:13 o'clock p.m. the Senate resumed consideration of business.
Senator Schoenberg, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 29, 2011 meeting, reported that the following Legislative Measure has been approved for consideration:

Motion to Concur with House Amendments 1, 2 and 3 to Senate Bill 2412

The foregoing concurrences were placed on the Secretary's Desk.

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

On motion of Senator Steans, **Senate Bill No. 2412**, with House Amendments numbered 1, 2 and 3 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 50; NAYS 5.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Richter
Bivins	Harmon	Maloney	Sandoval
Bomke	Holmes	Martinez	Schmidt
Brady	Hutchinson	McCann	Schoenberg
Clayborne	Johnson, C.	McCarter	Silverstein
Collins, A.	Jones, E.	Millner	Steans
Collins, J.	Jones, J.	Mulroe	Sullivan
Crotty	Koehler	Muñoz	Syverson
Cultra	Kotowski	Noland	Trotter
Delgado	LaHood	Pankau	Wilhelmi
Forby	Landek	Radogno	Mr. President
Frerichs	Lightford	Raoul	
Garrett	Link	Rezin	

The following voted in the negative:

Dillard	Lauzen	Sandack
Duffy	Murphy	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1, 2 and 3 to **Senate Bill No. 2412**, by a three-fifths vote.

[November 29, 2011]

Ordered that the Secretary inform the House of Representatives thereof.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 451

Offered by Senator Lauzen and all Senators:
Mourns the death of Stanley C. Fayfar, Sr., of Aurora.

SENATE RESOLUTION NO. 452

Offered by Senators Radogno - Cullerton and all Senators:
Mourns the death of James L. Althoff, Sr., of McHenry.

SENATE RESOLUTION NO. 453

Offered by Senator E. Jones, III and all Senators:
Mourns the death of Lillie Davis.

SENATE RESOLUTION NO. 454

Offered by Senator E. Jones, III and all Senators:
Mourns the death of Joyce Nevins of Troy, Missouri.

SENATE RESOLUTION NO. 455

Offered by Senator Haine and all Senators:
Mourns the death of Robert L. Henke of Edwardsville.

SENATE RESOLUTION NO. 456

Offered by Senator Mulroe and all Senators:
Mourns the death of Ann Donohoe, nee O'Shea.

SENATE RESOLUTION NO. 457

Offered by Senator Mulroe and all Senators:
Mourns the death of Bernadette T. Redmond.

SENATE RESOLUTION NO. 458

Offered by Senator Koehler and all Senators:
Mourns the death of Doris Raabe of Walnut.

SENATE RESOLUTION NO. 459

Offered by Senator Koehler and all Senators:
Mourns the death of Cheryl A. Baer of Peoria.

SENATE RESOLUTION NO. 460

Offered by Senator Koehler and all Senators:
Mourns the death of Lila Lissetta Tomblin of Peoria Heights.

SENATE RESOLUTION NO. 461

Offered by Senator E. Jones, III and all Senators:
Mourns the death of Sarah Sandra Hutchinson of Chicago.

SENATE RESOLUTION NO. 462

Offered by Senator Haine and all Senators:
Mourns the death of Kenneth C. Edelen of Alton.

SENATE RESOLUTION NO. 463

Offered by Senator Haine and all Senators:
Mourns the death of Mildred Julia Grandone.

SENATE RESOLUTION NO. 464

Offered by Senator Haine and all Senators:

Mourns the death of Richard “Rick” Allen Risinger, formerly of O’Fallon.

SENATE RESOLUTION NO. 465

Offered by Senator Dillard and all Senators:

Mourns the death of Stan Bergstein.

SENATE RESOLUTION NO. 466

Offered by Senator Harmon and all Senators:

Mourns the death of U.S. Marine Corps Lance Corporal Nickolas Daniels of Elmwood Park.

SENATE RESOLUTION NO. 467

Offered by Senator Pankau and all Senators:

Mourns the death of Fred E. Koehler of Roselle.

SENATE RESOLUTION NO. 468

Offered by Senator Wilhelmi and all Senators:

Mourns the death of Arthur “Art” Schultz of Joliet.

SENATE RESOLUTION NO. 469

Offered by Senator Koehler and all Senators:

Mourns the death of Rudolph T. “Rudy” Sepich of Canton.

SENATE RESOLUTION NO. 470

Offered by Senator Millner and all Senators:

Mourns the death of Stewart F. Johnsen, Sr., of North Aurora.

SENATE RESOLUTION NO. 471

Offered by Senator Cullerton and all Senators:

Mourns the death of Margaret “Maggie” Daley of Chicago.

SENATE RESOLUTION NO. 472

Offered by Senator Link and all Senators:

Mourns the death of Robert G. Welch of North Chicago.

SENATE RESOLUTION NO. 473

Offered by Senator Link and all Senators:

Mourns the death of Elizabeth Agnes Philyaw “Betsy” Boettle of Waukegan.

The Chair moved the adoption of the Resolutions Consent Calendar. The motion prevailed, and the resolutions were adopted.

MESSAGE FROM THE HOUSE

A message from the House by

Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 53

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two houses adjourn on Tuesday, November 29, 2011, the House of Representatives stands adjourned until the call of the Speaker; and the Senate stands adjourned until the call of the President.

[November 29, 2011]

Adopted by the House, November 29, 2011.

TIMOTHY D. MAPES, Clerk of the House

By unanimous consent, on motion of Senator Crotty, the foregoing message reporting House Joint Resolution No. 53 was taken up for immediate consideration.

Senator Crotty moved that the Senate concur with the House in the adoption of the resolution.

The motion prevailed.

And the Senate concurred with the House in the adoption of the resolution.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 7:18 o'clock p.m., pursuant to **House Joint Resolution No. 53**, the Chair announced the Senate stand adjourned until the call of the President.