SENATE JOURNAL

STATE OF ILLINOIS

ONE HUNDREDTH GENERAL ASSEMBLY

116TH LEGISLATIVE DAY

THURSDAY, APRIL 26, 2018

10:46 O'CLOCK A.M.

NO. 116
[April 26, 2018]

SENATE
Daily Journal Index
116th Legislative Day

The Senate met pursuant to adjournment.
Senator Terry Link, Waukegan, Illinois, presiding.
Prayer by Pastor Jeremy Wood, First Congregational Church, Bunker Hill, Illinois.
Senator Cunningham led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Wednesday, April 25, 2018, be postponed, pending arrival of the printed Journal.
The motion prevailed.

LEGISLATIVE MEASURES FILED

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

Amendment No. 2 to Senate Bill 337
Amendment No. 5 to Senate Bill 3047

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

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

April 26, 2018

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

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Scott Bennett to temporarily replace Senator Pat McGuire as a member of the Senate Environment and Conservation Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Environment and Conservation Committee.

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

cc: Senate Minority Leader William Brady

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 1648
Offered by Senator Anderson and all Senators:
Mourns the death of Glenn A. Wells of Rock Island.

SENATE RESOLUTION NO. 1649
Offered by Senator Anderson and all Senators:
Mourns the death of Robert "Bud" Hundley of Moline.

SENATE RESOLUTION NO. 1650

Offered by Senator Anderson and all Senators:
Mourns the death of Euin "Sam" Sandusky of Coal Valley.

SENATE RESOLUTION NO. 1651

Offered by Senator Anderson and all Senators:
Mourns the death of Robert A. Osborne of East Moline.

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

REPORTS FROM STANDING COMMITTEES

Senator Holmes, Chairperson of the Committee on Commerce and Economic Development, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 2589
Senate Amendment No. 1 to Senate Bill 2773
Senate Amendment No. 3 to Senate Bill 2899
Senate Amendment No. 1 to Senate Bill 3102

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

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

Senate Amendment No. 1 to Senate Bill 2493
Senate Amendment No. 1 to Senate Bill 2752
Senate Amendment No. 1 to Senate Bill 2875

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

Senator Cunningham, Chairperson of the Committee on Telecommunications and Information Technology, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 2727

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 4724, sponsored by Senator Fowler, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5288, sponsored by Senator Bivins, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5597, sponsored by Senator Hutchinson, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5682, sponsored by Senator Schimpf, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5683, sponsored by Senator Schimpf, was taken up, read by title a first time and referred to the Committee on Assignments.

REPORTS FROM STANDING COMMITTEES

Senator Hastings, Chairperson of the Committee on Energy and Public Utilities, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to Senate Bill 3131
Senate Amendment No. 4 to Senate Bill 3131

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

Senator Koehler, Chairperson of the Committee on Environment and Conservation, to which was referred **Senate Bill No. 3550,** reported the same back with the recommendation that the bill do pass.
Under the rules, the bill was ordered to a second reading.

Senator Koehler, Chairperson of the Committee on Environment and Conservation, to which was referred **Senate Bill No. 1597,** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.
Under the rules, the bill was ordered to a second reading.

Senator Koehler, Chairperson of the Committee on Environment and Conservation, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 274
Senate Amendment No. 1 to Senate Bill 3101
Senate Amendment No. 1 to Senate Bill 3156
Senate Amendment No. 1 to Senate Bill 3214
Senate Amendment No. 2 to Senate Bill 3548
Senate Amendment No. 3 to Senate Bill 3548
Senate Amendment No. 2 to Senate Bill 3549

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

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Clayborne, **Senate Bill No. 2610** having been printed, was taken up, read by title a second time.
Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2610

AMENDMENT NO. 1. Amend Senate Bill 2610 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by adding Section 2705-615 as follows:
(20 ILCS 2705/2705-615 new)
Sec. 2705-615. Business enterprise program data. The Department of Transportation shall publish on its website all relevant data in its possession for establishing regional goals for affected municipalities, counties, and road districts to implement business enterprise programs as provided in Section 8 of the Motor Fuel Tax Law, including all studies and data collected and generated for the Department's calculation of goals for its disadvantaged business enterprise program and any disparity studies and lists of available contractors and subcontractors that participate in the Department's disadvantaged business enterprise program. This data shall be published as a public resource to affected municipalities, counties,

and road districts but in no circumstance shall the Department be responsible or liable in any way for the implementation of a local business enterprise program.

Section 10. The Motor Fuel Tax Law is amended by changing Section 8 as follows:

(35 ILCS 505/8) (from Ch. 120, par. 424)

Sec. 8. Except as provided in Section 8a, subdivision (h)(1) of Section 12a, Section 13a.6, and items 13, 14, 15, and 16 of Section 15, all money received by the Department under this Act, including payments made to the Department by member jurisdictions participating in the International Fuel Tax Agreement, shall be deposited in a special fund in the State treasury, to be known as the "Motor Fuel Tax Fund", and shall be used as follows:

(a) 2 1/2 cents per gallon of the tax collected on special fuel under paragraph (b) of Section 2 and Section 13a of this Act shall be transferred to the State Construction Account Fund in the State Treasury;

(b) $420,000 shall be transferred each month to the State Boating Act Fund to be used by the Department of Natural Resources for the purposes specified in Article X of the Boat Registration and Safety Act;

(c) $3,500,000 shall be transferred each month to the Grade Crossing Protection Fund to be used as follows: not less than $12,000,000 each fiscal year shall be used for the construction or reconstruction of rail highway grade separation structures; $2,250,000 in fiscal years 2004 through 2009 and $3,000,000 in fiscal year 2010 and each fiscal year thereafter shall be transferred to the Transportation Regulatory Fund and shall be accounted for as part of the rail carrier portion of such funds and shall be used to pay the cost of administration of the Illinois Commerce Commission's railroad safety program in connection with its duties under subsection (3) of Section 18c-7401 of the Illinois Vehicle Code, with the remainder to be used by the Department of Transportation upon order of the Illinois Commerce Commission, to pay that part of the cost apportioned by such Commission to the State to cover the interest of the public in the use of highways, roads, streets, or pedestrian walkways in the county highway system, township and district road system, or municipal street system as defined in the Illinois Highway Code, as the same may from time to time be amended, for separation of grades, for installation, construction or reconstruction of crossing protection or reconstruction, alteration, relocation including construction or improvement of any existing highway necessary for access to property or improvement of any grade crossing and grade crossing surface including the necessary highway approaches thereto of any railroad across the highway or public road, or for the installation, construction, reconstruction, or maintenance of a pedestrian walkway over or under a railroad right-of-way, as provided for in and in accordance with Section 18c-7401 of the Illinois Vehicle Code. The Commission may order up to $2,000,000 per year in Grade Crossing Protection Fund moneys for the improvement of grade crossing surfaces and up to $300,000 per year for the maintenance and renewal of 4-quadrant gate vehicle detection systems located at non-high speed rail grade crossings. The Commission shall not order more than $2,000,000 per year in Grade Crossing Protection Fund moneys for pedestrian walkways. In entering orders for projects for which payments from the Grade Crossing Protection Fund will be made, the Commission shall account for expenditures authorized by the orders on a cash rather than an accrual basis. For purposes of this requirement an "accrual basis" assumes that the total cost of the project is expended in the fiscal year in which the order is entered, while a "cash basis" allocates the cost of the project among fiscal years as expenditures are actually made. To meet the requirements of this subsection, the Illinois Commerce Commission shall develop annual and 5-year project plans of rail crossing capital improvements that will be paid for with moneys from the Grade Crossing Protection Fund. The annual project plan shall identify projects for the succeeding fiscal year and the 5-year project plan shall identify projects for the 5 directly succeeding fiscal years. The Commission shall submit the annual and 5-year project plans for this Fund to the Governor, the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives on the first Wednesday in April of each year;

(d) of the amount remaining after allocations provided for in subsections (a), (b) and (c), a sufficient amount shall be reserved to pay all of the following:

(1) the costs of the Department of Revenue in administering this Act;

(2) the costs of the Department of Transportation in performing its duties imposed by the Illinois Highway Code for supervising the use of motor fuel tax funds apportioned to municipalities, counties and road districts;

(3) refunds provided for in Section 13, refunds for overpayment of decal fees paid under Section 13a.4 of this Act, and refunds provided for under the terms of the International Fuel Tax Agreement referenced in Section 14a;

(4) from October 1, 1985 until June 30, 1994, the administration of the Vehicle Emissions Inspection Law, which amount shall be certified monthly by the Environmental Protection Agency to the State Comptroller and shall promptly be transferred by the State Comptroller and

Treasurer from the Motor Fuel Tax Fund to the Vehicle Inspection Fund, and for the period July 1, 1994 through June 30, 2000, one-twelfth of $25,000,000 each month, for the period July 1, 2000 through June 30, 2003, one-twelfth of $30,000,000 each month, and $15,000,000 on July 1, 2003, and $15,000,000 on January 1, 2004, and $15,000,000 on each July 1 and October 1, or as soon thereafter as may be practical, during the period July 1, 2004 through June 30, 2012, and $30,000,000 on June 1, 2013, or as soon thereafter as may be practical, and $15,000,000 on July 1 and October 1, or as soon thereafter as may be practical, during the period of July 1, 2013 through June 30, 2015, for the administration of the Vehicle Emissions Inspection Law of 2005, to be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund into the Vehicle Inspection Fund;

(5) amounts ordered paid by the Court of Claims; and

(6) payment of motor fuel use taxes due to member jurisdictions under the terms of the International Fuel Tax Agreement. The Department shall certify these amounts to the Comptroller by the 15th day of each month; the Comptroller shall cause orders to be drawn for such amounts, and the Treasurer shall administer those amounts on or before the last day of each month;

(e) after allocations for the purposes set forth in subsections (a), (b), (c) and (d), the remaining amount shall be apportioned as follows:

(1) Until January 1, 2000, 58.4%, and beginning January 1, 2000, 45.6% shall be deposited as follows:

(A) 37% into the State Construction Account Fund, and

(B) 63% into the Road Fund, $1,250,000 of which shall be reserved each month for the Department of Transportation to be used in accordance with the provisions of Sections 6-901 through 6-906 of the Illinois Highway Code;

(2) Until January 1, 2000, 41.6%, and beginning January 1, 2000, 54.4% shall be transferred to the Department of Transportation to be distributed as follows:

(A) 49.10% to the municipalities of the State,

(B) 16.74% to the counties of the State having 1,000,000 or more inhabitants,

(C) 18.27% to the counties of the State having less than 1,000,000 inhabitants,

(D) 15.89% to the road districts of the State.

As soon as may be after the first day of each month the Department of Transportation shall allot to each municipality its share of the amount apportioned to the several municipalities which shall be in proportion to the population of such municipalities as determined by the last preceding municipal census if conducted by the Federal Government or Federal census. If territory is annexed to any municipality subsequent to the time of the last preceding census the corporate authorities of such municipality may cause a census to be taken of such annexed territory and the population so ascertained for such territory shall be added to the population of the municipality as determined by the last preceding census for the purpose of determining the allotment for that municipality. If the population of any municipality was not determined by the last Federal census preceding any apportionment, the apportionment to such municipality shall be in accordance with any census taken by such municipality. Any municipal census used in accordance with this Section shall be certified to the Department of Transportation by the clerk of such municipality, and the accuracy thereof shall be subject to approval of the Department which may make such corrections as it ascertains to be necessary.

As soon as may be after the first day of each month the Department of Transportation shall allot to each county its share of the amount apportioned to the several counties of the State as herein provided. Each allotment to the several counties having less than 1,000,000 inhabitants shall be in proportion to the amount of motor vehicle license fees received from the residents of such counties, respectively, during the preceding calendar year. The Secretary of State shall, on or before April 15 of each year, transmit to the Department of Transportation a full and complete report showing the amount of motor vehicle license fees received from the residents of each county, respectively, during the preceding calendar year. The Department of Transportation shall, each month, use for allotment purposes the last such report received from the Secretary of State.

As soon as may be after the first day of each month, the Department of Transportation shall allot to the several counties their share of the amount apportioned for the use of road districts. The allotment shall be apportioned among the several counties in the State in the proportion which the total mileage of township or district roads in the respective counties bears to the total mileage of all township and district roads in the State. Funds allotted to the respective counties for the use of road districts therein shall be allocated to the several road districts in the county in the proportion which the total mileage of such township or district roads in the respective road districts bears to the total mileage of all such township or district roads in the county. After July 1 of any year prior to 2011, no allocation shall be made for any road district unless it levied a tax for road and bridge purposes in an amount which will require the extension of such tax against

the taxable property in any such road district at a rate of not less than either .08% of the value thereof, based upon the assessment for the year immediately prior to the year in which such tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less. Beginning July 1, 2011 and each July 1 thereafter, an allocation shall be made for any road district if it levied a tax for road and bridge purposes. In counties other than DuPage County, if the amount of the tax levy requires the extension of the tax against the taxable property in the road district at a rate that is less than 0.08% of the value thereof, based upon the assessment for the year immediately prior to the year in which the tax was levied and as equalized by the Department of Revenue, then the amount of the allocation for that road district shall be a percentage of the maximum allocation equal to the percentage obtained by dividing the rate extended by the district by 0.08%. In DuPage County, if the amount of the tax levy requires the extension of the tax against the taxable property in the road district at a rate that is less than the lesser of (i) 0.08% of the value of the taxable property in the road district, based upon the assessment for the year immediately prior to the year in which such tax was levied and as equalized by the Department of Revenue, or (ii) a rate that will yield an amount equal to $12,000 per mile of road under the jurisdiction of the road district, then the amount of the allocation for the road district shall be a percentage of the maximum allocation equal to the percentage obtained by dividing the rate extended by the district by the lesser of (i) 0.08% or (ii) the rate that will yield an amount equal to $12,000 per mile of road under the jurisdiction of the road district.

Notwithstanding any other provision of law, beginning on July 1, 2018, no municipality, county, or road district that received distributions under this subsection (e) totaling more than $1,000,000 in the previous State fiscal year shall receive any funds under this subsection (e) unless that municipality, county, or road district implements a business enterprise program setting goals for the inclusion of minority, veteran, and female-owned businesses in the procurement of contracts. Those programs shall (i) cover both professional services and construction procurement and (ii) be substantially similar to the State's business enterprise program for the region in which the municipality, county, or road district is located. The Department of Transportation shall prepare a list of all affected municipalities, counties, and road districts and shall publish the list on its website.

Prior to 2011, if any road district has levied a special tax for road purposes pursuant to Sections 6-601, 6-602 and 6-603 of the Illinois Highway Code, and such tax was levied in an amount which would require extension at a rate of not less than .08% of the value of the taxable property thereof, as equalized or assessed by the Department of Revenue, or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less, such levy shall, however, be deemed a proper compliance with this Section and shall qualify such road district for an allotment under this Section. Beginning in 2011 and thereafter, if any road district has levied a special tax for road purposes under Sections 6-601, 6-602, and 6-603 of the Illinois Highway Code, and the tax was levied in an amount that would require extension at a rate of not less than 0.08% of the value of the taxable property of that road district, as equalized or assessed by the Department of Revenue or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less, that levy shall be deemed a proper compliance with this Section and shall qualify such road district for a full, rather than proportionate, allotment under this Section. If the levy for the special tax is less than 0.08% of the value of the taxable property, or, in DuPage County if the levy for the special tax is less than the lesser of (i) 0.08% or (ii) $12,000 per mile of road under the jurisdiction of the road district, and if the levy for the special tax is more than any other levy for road and bridge purposes, then the levy for the special tax qualifies the road district for a proportionate, rather than full, allotment under this Section. If the levy for the special tax is equal to or less than any other levy for road and bridge purposes, then any allotment under this Section shall be determined by the other levy for road and bridge purposes.

Prior to 2011, if a township has transferred to the road and bridge fund money which, when added to the amount of any tax levy of the road district would be the equivalent of a tax levy requiring extension at a rate of at least .08%, or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less, such transfer, together with any such tax levy, shall be deemed a proper compliance with this Section and shall qualify the road district for an allotment under this Section.

In counties in which a property tax extension limitation is imposed under the Property Tax Extension Limitation Law, road districts may retain their entitlement to a motor fuel tax allotment or, beginning in 2011, their entitlement to a full allotment if, at the time the property tax extension limitation was imposed, the road district was levying a road and bridge tax at a rate sufficient to entitle it to a motor fuel tax allotment and continues to levy the maximum allowable amount after the imposition of the property tax extension limitation. Any road district may in all circumstances retain its entitlement to a motor fuel tax allotment or, beginning in 2011, its entitlement to a full allotment if it levied a road and bridge tax in an

amount that will require the extension of the tax against the taxable property in the road district at a rate of not less than 0.08% of the assessed value of the property, based upon the assessment for the year immediately preceding the year in which the tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less.

As used in this Section the term "road district" means any road district, including a county unit road district, provided for by the Illinois Highway Code; and the term "township or district road" means any road in the township and district road system as defined in the Illinois Highway Code. For the purposes of this Section, "township or district road" also includes such roads as are maintained by park districts, forest preserve districts and conservation districts. The Department of Transportation shall determine the mileage of all township and district roads for the purposes of making allotments and allocations of motor fuel tax funds for use in road districts.

Payment of motor fuel tax moneys to municipalities and counties shall be made as soon as possible after the allotment is made. The treasurer of the municipality or county may invest these funds until their use is required and the interest earned by these investments shall be limited to the same uses as the principal funds.

(Source: P.A. 97-72, eff. 7-1-11; 97-333, eff. 8-12-11; 98-24, eff. 6-19-13; 98-674, eff. 6-30-14.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2610

AMENDMENT NO. 2 . Amend Senate Bill 2610, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, line 5, by deleting "or liable".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Clayborne, **Senate Bill No. 3388** having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 11:05 o'clock a.m., Senator Clayborne, presiding.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Rose, **Senate Bill No. 3085** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rose
Anderson	Curran	Manar	Sandoval
Barickman	Fowler	Martinez	Schimpf
Bennett	Haine	McCann	Sims
Bertino-Tarrant	Harmon	McConchie	Stadelman
Biss	Harris	Morrison	Steans
Bivins	Hastings	Mulroe	Syverson
Brady	Holmes	Muñoz	Tracy

Bush	Hunter	Murphy	Van Pelt
Castro	Hutchinson	Nybo	Weaver
Clayborne	Jones, E.	Oberweis	Mr. President
Collins	Koehler	Raoul	
Connelly	Landek	Rezin	
Cullerton, T.	Lightford	Rooney	

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

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

SENATE BILL RECALLED

On motion of Senator Anderson, **Senate Bill No. 3093** was recalled from the order of third reading to the order of second reading.

Senator Anderson offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3093

AMENDMENT NO. 2. Amend Senate Bill 3093, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 15-175 as follows:

(35 ILCS 200/15-175)

Sec. 15-175. General homestead exemption.

(a) Except as provided in Sections 15-176 and 15-177, homestead property is entitled to an annual homestead exemption limited, except as described here with relation to cooperatives or life care facilities, to a reduction in the equalized assessed value of homestead property equal to the increase in equalized assessed value for the current assessment year above the equalized assessed value of the property for 1977, up to the maximum reduction set forth below. If however, the 1977 equalized assessed value upon which taxes were paid is subsequently determined by local assessing officials, the Property Tax Appeal Board, or a court to have been excessive, the equalized assessed value which should have been placed on the property for 1977 shall be used to determine the amount of the exemption.

(b) Except as provided in Section 15-176, the maximum reduction before taxable year 2004 shall be $4,500 in counties with 3,000,000 or more inhabitants and $3,500 in all other counties. Except as provided in Sections 15-176 and 15-177, for taxable years 2004 through 2007, the maximum reduction shall be $5,000, for taxable year 2008, the maximum reduction is $5,500, and, for taxable years 2009 through 2011, the maximum reduction is $6,000 in all counties. For taxable years 2012 through 2016, the maximum reduction is $7,000 in counties with 3,000,000 or more inhabitants and $6,000 in all other counties. For taxable years 2017 and thereafter, the maximum reduction is $10,000 in counties with 3,000,000 or more inhabitants and $6,000 in all other counties. If a county has elected to subject itself to the provisions of Section 15-176 as provided in subsection (k) of that Section, then, for the first taxable year only after the provisions of Section 15-176 no longer apply, for owners who, for the taxable year, have not been granted a senior citizens assessment freeze homestead exemption under Section 15-172 or a long-time occupant homestead exemption under Section 15-177, there shall be an additional exemption of $5,000 for owners with a household income of $30,000 or less.

(c) In counties with fewer than 3,000,000 inhabitants, if, based on the most recent assessment, the equalized assessed value of the homestead property for the current assessment year is greater than the equalized assessed value of the property for 1977, the owner of the property shall automatically receive the exemption granted under this Section in an amount equal to the increase over the 1977 assessment up to the maximum reduction set forth in this Section.

(d) If in any assessment year beginning with the 2000 assessment year, homestead property has a pro-rata valuation under Section 9-180 resulting in an increase in the assessed valuation, a reduction in equalized assessed valuation equal to the increase in equalized assessed value of the property for the year of the pro-rata valuation above the equalized assessed value of the property for 1977 shall be applied to the property on a proportionate basis for the period the property qualified as homestead property during the assessment year. The maximum proportionate homestead exemption shall not exceed the maximum

homestead exemption allowed in the county under this Section divided by 365 and multiplied by the number of days the property qualified as homestead property.

(d-1) In counties with 3,000,000 or more inhabitants, where the chief county assessment officer provides a notice of discovery, if a property is not occupied by its owner as a principal residence as of January 1 of the current tax year, then the property owner shall notify the chief county assessment officer of that fact on a form prescribed by the chief county assessment officer. That notice must be received by the chief county assessment officer on or before March 1 of the collection year. If mailed, the form shall be sent by certified mail, return receipt requested. If the form is provided in person, the chief county assessment officer shall provide a date stamped copy of the notice. Failure to provide timely notice pursuant to this subsection (d-1) shall result in the exemption being treated as an erroneous exemption. Upon timely receipt of the notice for the current tax year, no exemption shall be applied to the property for the current tax year. If the exemption is not removed upon timely receipt of the notice by the chief assessment officer, then the error is considered granted as a result of a clerical error or omission on the part of the chief county assessment officer as described in subsection (h) of Section 9-275, and the property owner shall not be liable for the payment of interest and penalties due to the erroneous exemption for the current tax year for which the notice was filed after the date that notice was timely received pursuant to this subsection. Notice provided under this subsection shall not constitute a defense or amnesty for prior year erroneous exemptions.

For the purposes of this subsection (d-1):

"Collection year" means the year in which the first and second installment of the current tax year is billed.

"Current tax year" means the year prior to the collection year.

(e) The chief county assessment officer may, when considering whether to grant a leasehold exemption under this Section, require the following conditions to be met:

(1) that a notarized application for the exemption, signed by both the owner and the lessee of the property, must be submitted each year during the application period in effect for the county in which the property is located;

(2) that a copy of the lease must be filed with the chief county assessment officer by the owner of the property at the time the notarized application is submitted;

(3) that the lease must expressly state that the lessee is liable for the payment of property taxes; and

(4) that the lease must include the following language in substantially the following form:

"Lessee shall be liable for the payment of real estate taxes with respect to the residence in accordance with the terms and conditions of Section 15-175 of the Property Tax Code (35 ILCS 200/15-175). The permanent real estate index number for the premises is (insert number), and, according to the most recent property tax bill, the current amount of real estate taxes associated with the premises is (insert amount) per year. The parties agree that the monthly rent set forth above shall be increased or decreased pro rata (effective January 1 of each calendar year) to reflect any increase or decrease in real estate taxes. Lessee shall be deemed to be satisfying Lessee's liability for the above mentioned real estate taxes with the monthly rent payments as set forth above (or increased or decreased as set forth herein).".

In addition, if there is a change in lessee, or if the lessee vacates the property, then the chief county assessment officer may require the owner of the property to notify the chief county assessment officer of that change.

This subsection (e) does not apply to leasehold interests in property owned by a municipality.

(f) "Homestead property" under this Section includes residential property that is occupied by its owner or owners as his or their principal dwelling place, or that is a leasehold interest on which a single family residence is situated, which is occupied as a residence by a person who has an ownership interest therein, legal or equitable or as a lessee, and on which the person is liable for the payment of property taxes. For land improved with an apartment building owned and operated as a cooperative ~~or a building which is a life care facility as defined in Section 15-170 and considered to be a cooperative under Section 15-170~~, the maximum reduction from the equalized assessed value shall be limited to the increase in the value above the equalized assessed value of the property for 1977, up to the maximum reduction set forth above, multiplied by the number of apartments or units occupied by a person or persons who is liable, by contract with the owner or owners of record, for paying property taxes on the property and is an owner of record of a legal or equitable interest in the cooperative apartment building, other than a leasehold interest. <u>For land improved with a life care facility, the maximum reduction from the value of the property, as equalized by the Department, shall be multiplied by the number of apartments or units occupied by a person or</u>

persons, irrespective of any legal, equitable, or leasehold interest in the facility, who are liable, under a life care contract with the owner or owners of record of the facility, for paying property taxes on the property. For purposes of this Section, the term "life care facility" has the meaning stated in Section 15-170.

"Household", as used in this Section, means the owner, the spouse of the owner, and all persons using the residence of the owner as their principal place of residence.

"Household income", as used in this Section, means the combined income of the members of a household for the calendar year preceding the taxable year.

"Income", as used in this Section, has the same meaning as provided in Section 3.07 of the Senior Citizens and Persons with Disabilities Property Tax Relief Act, except that "income" does not include veteran's benefits.

(g) In a cooperative or life care facility where a homestead exemption has been granted, the cooperative association or the ~~its~~ management of the cooperative or life care facility ~~firm~~ shall credit the savings resulting from that exemption only to the apportioned tax liability of the owner or resident who qualified for the exemption. Any person who willfully refuses to so credit the savings shall be guilty of a Class B misdemeanor.

(h) Where married persons maintain and reside in separate residences qualifying as homestead property, each residence shall receive 50% of the total reduction in equalized assessed valuation provided by this Section.

(i) In all counties, the assessor or chief county assessment officer may determine the eligibility of residential property to receive the homestead exemption and the amount of the exemption by application, visual inspection, questionnaire or other reasonable methods. The determination shall be made in accordance with guidelines established by the Department, provided that the taxpayer applying for an additional general exemption under this Section shall submit to the chief county assessment officer an application with an affidavit of the applicant's total household income, age, marital status (and, if married, the name and address of the applicant's spouse, if known), and principal dwelling place of members of the household on January 1 of the taxable year. The Department shall issue guidelines establishing a method for verifying the accuracy of the affidavits filed by applicants under this paragraph. The applications shall be clearly marked as applications for the Additional General Homestead Exemption.

(i-5) This subsection (i-5) applies to counties with 3,000,000 or more inhabitants. In the event of a sale of homestead property, the homestead exemption shall remain in effect for the remainder of the assessment year of the sale. Upon receipt of a transfer declaration transmitted by the recorder pursuant to Section 31-30 of the Real Estate Transfer Tax Law for property receiving an exemption under this Section, the assessor shall mail a notice and forms to the new owner of the property providing information pertaining to the rules and applicable filing periods for applying or reapplying for homestead exemptions under this Code for which the property may be eligible. If the new owner fails to apply or reapply for a homestead exemption during the applicable filing period or the property no longer qualifies for an existing homestead exemption, the assessor shall cancel such exemption for any ensuing assessment year.

(j) In counties with fewer than 3,000,000 inhabitants, in the event of a sale of homestead property the homestead exemption shall remain in effect for the remainder of the assessment year of the sale. The assessor or chief county assessment officer may require the new owner of the property to apply for the homestead exemption for the following assessment year.

(k) Notwithstanding Sections 6 and 8 of the State Mandates Act, no reimbursement by the State is required for the implementation of any mandate created by this Section.

(l) The changes made to this Section by this amendatory Act of the 100th General Assembly are effective for the 2018 tax year and thereafter.

(Source: P.A. 99-143, eff. 7-27-15; 99-164, eff. 7-28-15; 99-642, eff. 7-28-16; 99-851, eff. 8-19-16; 100-401, eff. 8-25-17.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Anderson, **Senate Bill No. 3093** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval
Bennett	Haine	McCann	Schimpf
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Van Pelt
Castro	Hutchinson	Murphy	Weaver
Clayborne	Jones, E.	Nybo	Mr. President
Collins	Koehler	Oberweis	
Connelly	Landek	Raoul	
Cullerton, T.	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.

SENATE BILL RECALLED

On motion of Senator Castro, **Senate Bill No. 3101** was recalled from the order of third reading to the order of second reading.

Senator Castro offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3101

AMENDMENT NO. 1. Amend Senate Bill 3101 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by adding Section 52.3-15 as follows: (415 ILCS 5/52.3-15 new)

Sec. 52.3-15. Environmental Mitigation Trust.

(a) As used in this Section:

"Appendix D-2" means Appendix D-2 to the Environmental Mitigation Trust, entitled "Eligible Mitigation Actions and Mitigation Action Expenditures".

"Beneficiary Mitigation Plan" means a plan developed by the State in accordance with paragraph 4.1 of the Environmental Mitigation Trust.

"Director" means the Director of the Agency.

"Eligible Mitigation Action" has the meaning provided in paragraph 1.9 of the Environmental Mitigation Trust.

"Environmental Mitigation Trust" means the Environmental Mitigation Trust Agreement for State Beneficiaries filed on October 2, 2017 in re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation, 3:16-cv-00295-CRB, MDL No. 2672 CRB (JSC) (N.D. Cal.).

"Volkswagen Settlement" or "Settlement" means the consent decrees entered by the United States District Court for the Northern District of California in re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation, No. 3:15–md–02672–CRB.

"Task Force" means the Volkswagen Settlement Environmental Beneficiary Mitigation Plan Task Force.

(b) The Agency shall administer the moneys available to the State under the Environmental Mitigation Trust for the following categories of projects, as defined by the Settlement:

(1) Class 8 Local Freight Trucks and Port Drayage Trucks (Eligible Large Trucks);

(2) Class 4-8 School Bus, Shuttle Bus, or Transit Bus (Eligible Buses);

(3) Freight Switchers; Ferries/Tugs; Ocean Going Vessels (OGV) Shorepower;

(4) Class 4-7 Local Freight Trucks (Eligible Medium Trucks);

(5) Airport Ground Support Equipment;

(6) Forklifts and Port Cargo Handling Equipment;

(7) Light Duty Zero Emission Vehicle Supply Equipment; and

(8) Diesel Emission Reduction Act (DERA) Option.

(c) The Agency may allocate administrative costs to the Eligible Mitigation Actions identified in subsection (b) of this Section in accordance with Appendix D-2.

(d) A Beneficiary Mitigation Plan submitted by the State under the Environmental Mitigation Trust shall comply with this Section.

(e) A Beneficiary Mitigation Plan filed before the effective date of this amendatory Act of the 100th General Assembly shall be revised to comply with this amendatory Act of the 100th General Assembly and shall be resubmitted in accordance with the Environmental Mitigation Trust and this amendatory Act of the 100th General Assembly.

The Agency shall extend the Agency's draft Beneficiary Mitigation Plan public comment period deadline of April 13, 2018 to 120 days after the effective date of this amendatory Act of the 100th General Assembly.

The Agency shall maintain a Beneficiary Mitigation Plan page on its website, and provide the public with basic information on the Volkswagen Settlement, including, but not limited to: scheduled public hearings; State documents related to the Environmental Mitigation Trust; updates on amendments to the Beneficiary Mitigation Plan; implementation of the Beneficiary Mitigation Plan; and the name and contact information of the Agency person where the public can direct questions about the Beneficiary Mitigation Plan, and schedule in-person testimony at public hearings. The webpage shall include a request for information for public input that seeks information and ideas about how the Environmental Mitigation Trust money should be spent within the uses allowed by the Settlement. The Agency shall maintain an email list to which interested persons can subscribe to receive timely updates about the Beneficiary Mitigation Plan, proposed projects using Environmental Mitigation Trust funds, decisions by the Agency on the Beneficiary Mitigation Plan, and the Beneficiary Mitigation Plan's implementation.

During the extended 120-day public comment period, the Agency and Task Force shall conduct 6 public stakeholder hearings statewide to seek public comments on the draft Beneficiary Mitigation Plan, including which eligible mitigation activities should be included in the Beneficiary Mitigation Plan, the relative percentages of available funds to allocate to each category of activity, and geographic priority areas for emissions reductions.

(f) The Volkswagen Settlement Environmental Beneficiary Mitigation Plan Task Force is created. The Environmental Protection Agency shall provide administrative and other support to the Task Force. The Task Force shall consist of the following members:

(1) The Director of the Environmental Protection Agency, or his or her designee, who shall be the chair of the Task Force;

(2) one member appointed by the Speaker of the House of Representatives;

(3) one member appointed by the Minority Leader of the House of Representatives;

(4) one member appointed by the President of the Senate;

(5) one member appointed by the Minority Leader of the Senate;

(6) one member appointed by the Department of Transportation;

(7) one member appointed by the Department of Public Health;

(8) one member appointed by a statewide organization representing school administrators;

(9) one members appointed by the Commuter Rail Division of the Regional Transportation Authority established under the Regional Transportation Authority Act;

(10) one member appointed by the Chicago Transit Authority created under the Metropolitan Transit Authority Act;

(11) one member appointed by the Sangamon Mass Transit District;

(12) one member appointed by an electric utility that serves more than 3,000,000 retail customers in the State;

(13) one member appointed by a natural gas utility that serves more than 1,000,000 retail customers in the State;

(14) one member appointed by a statewide association representing investor-owned electric and natural gas utilities and power generation companies;

(15) one member appointed by a public interest environmental legal advocacy and eco-business innovation organization with headquarters in the City of Chicago;

(16) one member appointed by a statewide association that promotes and sponsors the safe and varied uses of propane gas, sponsors education and safety programs for person in the propane gas industry, and informs and educates the public as propane gas consumers;

(17) one member appointed by Argonne National Laboratory;

(18) one member appointed by a coalition designated as a Clean City coalition by the United States Department of Energy for the Chicago metropolitan area;

(19) one member appointed by a nationwide nonprofit organization that advocates for improved lung health and preventing lung disease with a national office in the City of Chicago; and

(20) one member appointed by a member-based Illinois non-profit organization located in Chicago that provides direct services to Chicago schoolchildren and which aims to prevent lung disease, promote clean air, and help people live better through education, research, and policy change;

(21) one member appointed by a recognized Illinois-based non-profit organization that focuses on community environmental justice concerns;

(22) one member appointed by the Cook County Forest Preserve District;

(23) one member appointed by a non-profit organization focused on solid waste collection, disposal, and recycling;

(24) one member appointed by a labor organization;

(25) one member appointed by an electric vehicle charging manufacturer; and

(26) one member appointed by an electric utility that serves fewer than 3,000,000 retail customers in the State.

Each appointment shall be made, with the advice and consent of the Senate, within 30 days after the effective date of this amendatory Act of the 100th General Assembly. The Agency shall notify each person or entity responsible for appointing a member of the Task Force within 14 days of the effective date of this amendatory Act of the 100th General Assembly of each person's or entity's appointment responsibility.

Task Force members shall serve without compensation, but may be reimbursed for reasonable and necessary expenses incurred in performing duties associated with the Task Force.

The Task Force shall conduct 6 public listening sessions statewide to gather public input on priorities for use of the funds received by the State from the Environmental Mitigation Trust.

At the conclusion of the 120-day period, the Task Force shall review the Environmental Mitigation Trust requirements, evaluate public comments, and prepare a report of its recommendations for use of the funds received by the State from the Environmental Mitigation Trust. The Task Force shall submit its report to the Governor and the General Assembly by no later than 150 days after the effective date of this amendatory Act of the 100th General Assembly, but no sooner than 140 days after the effective date of this amendatory Act of the 100th General Assembly.

This subsection (f) is inoperative 210 days after the effective date of this amendatory Act of the 100th General Assembly.

(g) Based on recommendations from the Task Force, public listening sessions, and the need for the State to reduce air pollution, the Agency shall amend the Beneficiary Mitigation Plan outlining how it will spend allocated funds from the Environmental Mitigation Trust for beneficial projects in the State that mitigate the excess emissions of nitrogen oxides from Volkswagen diesel vehicles. The Beneficiary Mitigation Plan shall include, but not be limited to, overall goals for the use of the funds, eligible mitigation activities to meet the stated goals, spending allocation levels, expected emissions reduction benefits, the process for public input, and the other factors set out in the Environmental Mitigation Trust.

The Agency shall prepare and resubmit an amended final version of the Beneficiary Mitigation Plan to the trustee of the Environmental Mitigation Trust no sooner than 30 days after the Task Force submits its report to the Governor and the General Assembly, and only after receiving and considering the recommendations of the Task Force, reactions from written submissions, and the public hearings under this Section.

Upon submission of the amended final version of the Beneficiary Mitigation Plan to the trustee of the Environmental Mitigation Trust, the Agency shall open a call for project proposals that are consistent with that final Beneficiary Mitigation Plan submission. After the amended final version of the Beneficiary Mitigation Plan is submitted to the trustee of the Environmental Mitigation Trust, the Agency shall provide for an open period of no less 60 days for interested parties to submit eligible project proposals to the Agency. At the conclusion of this open period, the Agency may award funds to these projects.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Castro, **Senate Bill No. 3101** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 31; NAYS 21.

The following voted in the affirmative:

Biss	Harmon	Landek	Raoul
Bush	Harris	Lightford	Sandoval
Castro	Hastings	Link	Sims
Clayborne	Holmes	Martinez	Stadelman
Collins	Hunter	Morrison	Steans
Cullerton, T.	Hutchinson	Mulroe	Van Pelt
Cunningham	Jones, E.	Muñoz	Mr. President
Haine	Koehler	Murphy	

The following voted in the negative:

Althoff	Connelly	Nybo	Syverson
Anderson	Curran	Oberweis	Tracy
Barickman	Fowler	Rezin	Weaver
Bertino-Tarrant	McCann	Rooney	
Bivins	McCarter	Rose	
Brady	McConchie	Schimpf	

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

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

At the hour of 11:41 o'clock a.m., Senator Link, presiding

SENATE BILL RECALLED

On motion of Senator Castro, **Senate Bill No. 3102** was recalled from the order of third reading to the order of second reading.

Senator Castro offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3102

AMENDMENT NO. 1. Amend Senate Bill 3102 by replacing everything after the enacting clause with the following:

"Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2LLL as follows:

(815 ILCS 505/2LLL)

Sec. 2LLL. Retail rebates.

(a) In this Section, "rebate card" means a card, code, or other device that is issued both (i) to a consumer in connection with the consumer's purchase of a product or service and the consumer's completion of the rebate submission process as part of a rebate program operated or administered by a merchant or product manufacturer and (ii) on a prepaid basis primarily for personal, family, or household purposes to a consumer in a specified amount, whether or not that amount may be increased or reloaded, and is redeemable upon presentation at multiple unaffiliated merchants for goods or services or usable at automated teller machines. "Rebate card" does not include (i) a payroll card as defined in the Illinois Wage Payment and Collection Act, (ii) a gift card as defined in the Revised Uniform Unclaimed Property Act, (iii) a stored-value card, as defined in the Revised Uniform Unclaimed Property Act, that is not issued to a consumer in connection with (1) the consumer's purchase of a product or service and (2) the consumer's completion of the rebate submission process as part of a rebate program operated or administered by a merchant or product manufacturer, or (iv) in-store credit for returned merchandise redeemable for merchandise, goods, or services upon presentation at a single merchant or an affiliated group of merchants.

(b) Any person who offers a rebate to consumers at retail on any merchandise must conspicuously display and clearly disclose to the consumer the type of rebate being offered, whether additional fees may apply on the rebate offered, and the form of remittance that will be provided to the consumer.

(c) It is an unlawful practice within the meaning of this Act for any person to offer to consumers at retail a rebate when the rebate is made on a rebate card that charges dormancy fees or other post-issuance fees, except fees for card replacement.

(d) Any person who violates this Section commits an unlawful practice within the meaning of this Act. (Source: P.A. 97-308, eff. 1-1-12.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Castro, **Senate Bill No. 3102** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 35; NAYS 17.

The following voted in the affirmative:

Bennett	Curran	Koehler	Murphy
Bertino-Tarrant	Haine	Landek	Raoul
Biss	Harmon	Lightford	Sandoval
Bush	Harris	Link	Sims
Castro	Hastings	Manar	Stadelman
Clayborne	Holmes	Martinez	Steans
Collins	Hunter	McCann	Van Pelt
Cullerton, T.	Hutchinson	Morrison	Mr. President
Cunningham	Jones, E.	Mulroe	

The following voted in the negative:

Althoff	Fowler	Rezin	Tracy
Anderson	McCarter	Rooney	Weaver
Barickman	McConchie	Rose	
Bivins	Nybo	Schimpf	
Brady	Oberweis	Syverson	

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

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

On motion of Senator Bivins, **Senate Bill No. 3105** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval
Bennett	Haine	McCann	Schimpf
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Van Pelt
Bush	Hunter	Muñoz	Weaver
Castro	Hutchinson	Murphy	Mr. President
Clayborne	Jones, E.	Nybo	
Collins	Koehler	Oberweis	
Connelly	Landek	Raoul	
Cullerton, T.	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.

On motion of Senator Hunter, **Senate Bill No. 3112** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rose
Anderson	Curran	Manar	Schimpf
Barickman	Fowler	Martinez	Sims
Bennett	Haine	McCarter	Stadelman
Bertino-Tarrant	Harmon	McConchie	Steans
Biss	Harris	Morrison	Syverson
Bivins	Hastings	Mulroe	Tracy
Brady	Holmes	Muñoz	Van Pelt
Bush	Hunter	Murphy	Weaver
Castro	Hutchinson	Nybo	Mr. President
Clayborne	Jones, E.	Oberweis	
Collins	Koehler	Raoul	
Connelly	Landek	Rezin	
Cullerton, T.	Lightford	Rooney	

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.

ANNOUNCEMENT ON ATTENDANCE

Senator Althoff announced for the record that Senator Righter is absent due to family business, and Senator McConnaughay is out of the country.

SENATE BILL RECALLED

On motion of Senator Hutchinson, **Senate Bill No. 3106** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 3 was postponed in the Committee on State Government.

Senator Hutchinson offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 3106

AMENDMENT NO. _4_. Amend Senate Bill 3106, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Attorney General Act is amended by adding Section 9 as follows:

(15 ILCS 205/9 new)

Sec. 9. Contract aspirational goals. The Attorney General shall establish aspirational goals for contract awards for all contracts for goods and services, not including contracts for services relating to investigations or litigation. These aspirational goals shall be substantially in accordance with the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, unless otherwise governed by other law. The Attorney General shall not be subject to the jurisdiction of the Business Enterprise Council established under the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, with regard to steps taken to achieve aspirational goals. The Attorney General shall annually post information regarding the Office's utilization of businesses owned by minorities, women, and persons with disabilities during the preceding fiscal year on the Office's Internet websites.

Section 10. The Secretary of State Act is amended by adding Section 19 as follows:

(15 ILCS 305/19 new)

Sec. 19. Contract aspirational goals. The Secretary of State shall establish aspirational goals for contract awards substantially in accordance with the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, unless otherwise governed by other law. The Secretary of State shall not be subject to the jurisdiction of the Business Enterprise Council established under the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, with regard to steps taken to achieve aspirational goals. The Secretary of State shall annually post the Office's utilization of businesses owned by minorities, women, and persons with disabilities during the preceding fiscal year on the Office's Internet websites.

Section 15. The State Comptroller Act is amended by changing Section 23.9, and by adding Section 23.10 as follows:

(15 ILCS 405/23.9)

Sec. 23.9. Minority Contractor Opportunity Initiative. The State Comptroller Minority Contractor Opportunity Initiative is created to provide greater opportunities for minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, and small businesses with 20 or fewer employees in this State to participate in the State procurement process. The initiative shall be administered by the Comptroller. Under this initiative, the Comptroller is responsible for the following: (i) outreach to minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, and small businesses capable of providing services to the State; (ii) education of minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, and small businesses concerning State contracting and procurement; (iii) notification of minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, and small businesses of State contracting opportunities; and (iv) maintenance of an online database of State contracts that identifies the contracts

awarded to minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, and small businesses that includes the total amount paid by State agencies to contractors and the percentage paid to minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, and small businesses.

The ~~Comptroller shall work with the~~ Business Enterprise Council created under Section 5 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act shall provide the Comptroller with names, Federal Employer Identification Numbers, and designations of Business Enterprise Program certified vendors to fulfill the Comptroller's responsibilities under this Section, including, but not limited to, ~~. The Comptroller may rely on the Business Enterprise Council's~~ identification of minority-owned businesses, women-owned businesses, and businesses owned by persons with disabilities.

The Comptroller shall annually prepare and submit a report to the Governor and the General Assembly concerning the progress of this initiative including the following information for the preceding fiscal ~~calendar~~ year: (i) a statement of the total amounts paid by each executive branch agency to contractors since the previous report; (ii) the percentage of the amounts that were paid to minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, and small businesses; (iii) the successes achieved and the challenges faced by the Comptroller in operating outreach programs for minorities, women, persons with disabilities, and small businesses; (iv) the challenges each executive branch agency may face in hiring qualified minority, woman, and small business employees and employees with disabilities and contracting with qualified minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, and small businesses; and (v) ~~(iv)~~ any other information, findings, conclusions, and recommendations for legislative or agency action, as the Comptroller deems appropriate.

On and after the effective date of this amendatory Act of the 97th General Assembly, any bidder or offeror awarded a contract of $1,000 or more under Section 20-10, 20-15, 20-25, or 20-30 of the Illinois Procurement Code is required to pay a fee of $15 to cover expenses related to the administration of this Section. The Comptroller shall deduct the fee from the first check issued to the vendor under the contract and deposit the fee into the Comptroller's Administrative Fund. Contracts administered for statewide orders placed by agencies (commonly referred to as "statewide master contracts") are exempt from this fee.

Each Chief Procurement Officer shall provide the Comptroller with names and Federal Employer Identification Numbers of vendors registered in the Illinois Small Business Set Aside Program to aid the Comptroller in fulfilling his or her responsibilities under this Section.

(Source: P.A. 99-143, eff. 7-27-15; 100-391, eff. 8-25-17.)

(15 ILCS 405/23.10 new)

Sec. 23.10. Contract aspirational goals. The Comptroller shall establish aspirational goals for contract awards substantially in accordance with the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, unless otherwise governed by other law. The Comptroller shall not be subject to the jurisdiction of the Business Enterprise Council established under the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, with regard to steps taken to achieve aspirational goals. The Comptroller shall annually post the Office's utilization of businesses owned by minorities, women, and persons with disabilities during the preceding fiscal year on the Office's Internet websites.

Section 20. The Illinois State Auditing Act is amended by adding Section 2-16 as follows:

(30 ILCS 5/2-16 new)

Sec. 2-16. Contract aspirational goals. The Auditor General shall establish aspirational goals for contract awards substantially in accordance the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, unless otherwise governed by other law. The Auditor General Shall not be subject to the jurisdiction of the Business Enterprise Council established under the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, with regard to steps taken to achieve aspirational goals. The Auditor General shall annually post the Office's utilization of businesses owned by minorities, women, and persons with disabilities during the preceding fiscal year on the Office's Internet websites.

Section 25. The Business Enterprise for Minorities, Women, and Persons with Disabilities Act is amended by changing Section 5 as follows:

(30 ILCS 575/5) (from Ch. 127, par. 132.605)

(Section scheduled to be repealed on June 30, 2020)

Sec. 5. Business Enterprise Council.

(1) To help implement, monitor and enforce the goals of this Act, there is created the Business Enterprise Council for Minorities, Women, and Persons with Disabilities, hereinafter referred to as the Council, composed of the Secretary of Human Services and the Directors of the Department of Human Rights, the Department of Commerce and Economic Opportunity, the Department of Central Management Services, the Department of Transportation and the Capital Development Board, or their duly appointed representatives, with the Comptroller, or his or her designee, serving as an advisory member of the Council. Ten individuals representing businesses that are minority-owned or women-owned or owned by persons with disabilities, 2 individuals representing the business community, and a representative of public institutions of higher education shall be appointed by the Governor. These members shall serve 2 year terms and shall be eligible for reappointment. Any vacancy occurring on the Council shall also be filled by the Governor. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Members of the Council shall serve without compensation but shall be reimbursed for any ordinary and necessary expenses incurred in the performance of their duties.

The Director of the Department of Central Management Services shall serve as the Council chairperson and shall select, subject to approval of the council, a Secretary responsible for the operation of the program who shall serve as the Division Manager of the Business Enterprise for Minorities, Women, and Persons with Disabilities Division of the Department of Central Management Services.

The Director of each State agency and the chief executive officer of each public institutions of higher education shall appoint a liaison to the Council. The liaison shall be responsible for submitting to the Council any reports and documents necessary under this Act.

(2) The Council's authority and responsibility shall be to:

(a) Devise a certification procedure to assure that businesses taking advantage of this Act are legitimately classified as businesses owned by minorities, women, or persons with disabilities.

(b) Maintain a list of all businesses legitimately classified as businesses owned by minorities, women, or persons with disabilities to provide to State agencies and public institutions of higher education.

(c) Review rules and regulations for the implementation of the program for businesses owned by minorities, women, and persons with disabilities.

(d) Review compliance plans submitted by each State agency and public institutions of higher education pursuant to this Act.

(e) Make annual reports as provided in Section 8f to the Governor and the General Assembly on the status of the program.

(f) Serve as a central clearinghouse for information on State contracts, including the maintenance of a list of all pending State contracts upon which businesses owned by minorities, women, and persons with disabilities may bid. At the Council's discretion, maintenance of the list may include 24-hour electronic access to the list along with the bid and application information.

(g) Establish a toll free telephone number to facilitate information requests concerning the certification process and pending contracts.

(3) No premium bond rate of a surety company for a bond required of a business owned by a minority, woman, or person with a disability bidding for a State contract shall be higher than the lowest rate charged by that surety company for a similar bond in the same classification of work that would be written for a business not owned by a minority, woman, or person with a disability.

(4) Any Council member who has direct financial or personal interest in any measure pending before the Council shall disclose this fact to the Council and refrain from participating in the determination upon such measure.

(5) The Secretary shall have the following duties and responsibilities:

(a) To be responsible for the day-to-day operation of the Council.

(b) To serve as a coordinator for all of the State's programs for businesses owned by minorities, women, and persons with disabilities and as the information and referral center for all State initiatives for businesses owned by minorities, women, and persons with disabilities.

(c) To establish an enforcement procedure whereby the Council may recommend to the appropriate State legal officer that the State exercise its legal remedies which shall include (1) termination of the contract involved, (2) prohibition of participation by the respondent in public contracts for a period not to exceed 3 years, (3) imposition of a penalty not to exceed any profit acquired as a result of violation, or (4) any combination thereof. Such procedures shall require prior approval by Council.

(d) To devise appropriate policies, regulations and procedures for including

participation by businesses owned by minorities, women, and persons with disabilities as prime contractors including, but not limited to, (i) encouraging the inclusions of qualified businesses owned by minorities, women, and persons with disabilities on solicitation lists, (ii) investigating the potential of blanket bonding programs for small construction jobs, (iii) investigating and making recommendations concerning the use of the sheltered market process.

(e) To devise procedures for the waiver of the participation goals in appropriate circumstances.

(f) To accept donations and, with the approval of the Council or the Director of Central Management Services, grants related to the purposes of this Act; to conduct seminars related to the purpose of this Act and to charge reasonable registration fees; and to sell directories, vendor lists and other such information to interested parties, except that forms necessary to become eligible for the program shall be provided free of charge to a business or individual applying for the program.

(Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 4 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Hutchinson, **Senate Bill No. 3106** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Lightford	Rooney
Anderson	Cunningham	Link	Rose
Barickman	Curran	Manar	Sandoval
Bennett	Fowler	Martinez	Schimpf
Bertino-Tarrant	Harmon	McCann	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Mulroe	Steans
Brady	Holmes	Muñoz	Syverson
Bush	Hunter	Murphy	Tracy
Castro	Hutchinson	Nybo	Van Pelt
Clayborne	Jones, E.	Oberweis	Mr. President
Collins	Koehler	Raoul	
Connelly	Landek	Rezin	

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

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

SENATE BILL RECALLED

On motion of Senator Hunter, **Senate Bill No. 3116** was recalled from the order of third reading to the order of second reading.

Senator Hunter offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3116

AMENDMENT NO. 1. Amend Senate Bill 3116 by replacing everything after the enacting clause with the following:

"Section 5. The Nurse Practice Act is amended by changing Section 65-35 as follows:

(225 ILCS 65/65-35) (was 225 ILCS 65/15-15)

(Section scheduled to be repealed on January 1, 2028)

Sec. 65-35. Written collaborative agreements.

(a) A written collaborative agreement is required for all advanced practice registered nurses engaged in clinical practice prior to meeting the requirements of Section 65-43, except for advanced practice registered nurses who are privileged to practice in a hospital, hospital affiliate, or ambulatory surgical treatment center.

(a-5) If an advanced practice registered nurse engages in clinical practice outside of a hospital, hospital affiliate, or ambulatory surgical treatment center in which he or she is privileged to practice, the advanced practice registered nurse must have a written collaborative agreement, except as set forth in Section 65-43.

(b) A written collaborative agreement shall describe the relationship of the advanced practice registered nurse with the collaborating physician and shall describe the categories of care, treatment, or procedures to be provided by the advanced practice registered nurse. A collaborative agreement with a podiatric physician must be in accordance with subsection (c-5) or (c-15) of this Section. A collaborative agreement with a dentist must be in accordance with subsection (c-10) of this Section. A collaborative agreement with a podiatric physician must be in accordance with subsection (c-5) of this Section. Collaboration does not require an employment relationship between the collaborating physician and the advanced practice registered nurse.

The collaborative relationship under an agreement shall not be construed to require the personal presence of a collaborating physician at the place where services are rendered. Methods of communication shall be available for consultation with the collaborating physician in person or by telecommunications or electronic communications as set forth in the written agreement.

(b-5) Absent an employment relationship, a written collaborative agreement may not (1) restrict the categories of patients of an advanced practice registered nurse within the scope of the advanced practice registered nurses training and experience, (2) limit third party payors or government health programs, such as the medical assistance program or Medicare with which the advanced practice registered nurse contracts, or (3) limit the geographic area or practice location of the advanced practice registered nurse in this State.

(c) In the case of anesthesia services provided by a certified registered nurse anesthetist, an anesthesiologist, a physician, a dentist, or a podiatric physician must participate through discussion of and agreement with the anesthesia plan and remain physically present and available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions.

(c-5) A certified registered nurse anesthetist, who provides anesthesia services outside of a hospital or ambulatory surgical treatment center shall enter into a written collaborative agreement with an anesthesiologist or the physician licensed to practice medicine in all its branches or the podiatric physician performing the procedure. Outside of a hospital or ambulatory surgical treatment center, the certified registered nurse anesthetist may provide only those services that the collaborating podiatric physician is authorized to provide pursuant to the Podiatric Medical Practice Act of 1987 and rules adopted thereunder. A certified registered nurse anesthetist may select, order, and administer medication, including controlled substances, and apply appropriate medical devices for delivery of anesthesia services under the anesthesia plan agreed with by the anesthesiologist or the operating physician or operating podiatric physician.

(c-10) A certified registered nurse anesthetist who provides anesthesia services in a dental office shall enter into a written collaborative agreement with an anesthesiologist or the physician licensed to practice medicine in all its branches or the operating dentist performing the procedure. The agreement shall describe the working relationship of the certified registered nurse anesthetist and dentist and shall authorize the categories of care, treatment, or procedures to be performed by the certified registered nurse anesthetist. In a collaborating dentist's office, the certified registered nurse anesthetist may only provide those services that the operating dentist with the appropriate permit is authorized to provide pursuant to the Illinois Dental Practice Act and rules adopted thereunder. For anesthesia services, an anesthesiologist, physician, or operating dentist shall participate through discussion of and agreement with the anesthesia plan and shall remain physically present and be available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions. A certified registered nurse anesthetist may select, order, and administer medication, including controlled substances, and apply

appropriate medical devices for delivery of anesthesia services under the anesthesia plan agreed with by the operating dentist.

(c-15) An advanced practice registered nurse who had a written collaborative agreement with a podiatric physician immediately before the effective date of Public Act 100-513 may continue in that collaborative relationship or enter into a new written collaborative relationship with a podiatric physician under the requirements of this Section and Section 65-40, as those Sections existed immediately before the amendment of those Sections by Public Act 100-513 with regard to a written collaborative agreement between an advanced practice registered nurse and a podiatric physician ~~, until the collaborative relationship between the advanced practice registered nurse and podiatric physician terminates~~.

(d) A copy of the signed, written collaborative agreement must be available to the Department upon request from both the advanced practice registered nurse and the collaborating physician, dentist, or podiatric physician.

(e) Nothing in this Act shall be construed to limit the delegation of tasks or duties by a physician to a licensed practical nurse, a registered professional nurse, or other persons in accordance with Section 54.2 of the Medical Practice Act of 1987. Nothing in this Act shall be construed to limit the method of delegation that may be authorized by any means, including, but not limited to, oral, written, electronic, standing orders, protocols, guidelines, or verbal orders.

(e-5) Nothing in this Act shall be construed to authorize an advanced practice registered nurse to provide health care services required by law or rule to be performed by a physician, including those acts to be performed by a physician in Section 3.1 of the Illinois Abortion Law of 1975.

(f) An advanced practice registered nurse shall inform each collaborating physician, dentist, or podiatric physician of all collaborative agreements he or she has signed and provide a copy of these to any collaborating physician, dentist, or podiatric physician upon request.

(g) (Blank).

(Source: P.A. 99-173, eff. 7-29-15; 100-513, eff. 1-1-18; 100-577, eff. 1-26-18.)

Section 99. Effective date. This Act takes effect January 1, 2018.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Hunter, **Senate Bill No. 3116** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Manar	Rose
Anderson	Curran	Martinez	Sandoval
Barickman	Fowler	McCann	Schimpf
Bennett	Haine	McCarter	Sims
Bertino-Tarrant	Harmon	McConchie	Stadelman
Biss	Harris	Morrison	Steans
Bivins	Hastings	Mulroe	Syverson
Brady	Holmes	Muñoz	Tracy
Bush	Hunter	Murphy	Van Pelt
Castro	Hutchinson	Nybo	Weaver
Clayborne	Koehler	Oberweis	Mr. President
Collins	Landek	Raoul	
Connelly	Lightford	Rezin	
Cullerton, T.	Link	Rooney	

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

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

On motion of Senator Bivins, **Senate Bill No. 3117** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rose
Anderson	Curran	Manar	Sandoval
Barickman	Fowler	Martinez	Schimpf
Bennett	Haine	McCann	Sims
Bertino-Tarrant	Harmon	McConchie	Stadelman
Biss	Harris	Morrison	Steans
Bivins	Hastings	Mulroe	Syverson
Brady	Holmes	Muñoz	Tracy
Bush	Hunter	Murphy	Van Pelt
Castro	Hutchinson	Nybo	Weaver
Clayborne	Jones, E.	Oberweis	Mr. President
Collins	Koehler	Raoul	
Connelly	Landek	Rezin	
Cullerton, T.	Lightford	Rooney	

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

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

On motion of Senator Althoff, **Senate Bill No. 3119** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval
Bennett	Haine	McCann	Schimpf
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	Mr. President
Connelly	Landek	Raoul	

Cullerton, T. 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.

SENATE BILL RECALLED

On motion of Senator Rezin, **Senate Bill No. 3131** was recalled from the order of third reading to the order of second reading.

Senator Rezin offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3131

AMENDMENT NO. 3 . Amend Senate Bill 3131 on page 5, line 15, after "2-106," by inserting "4-204,"; and

on page 5, line 15, after "8-103B," by inserting "8-507,"; and

on page 5, line 18, by replacing "16-108.5, and 16-111" with "and 16-108.5"; and

on page 9, immediately below line 20, by inserting the following:

"(220 ILCS 5/4-204) (from Ch. 111 2/3, par. 4-204)

Sec. 4-204. If ~~Whenever the Commission receives notice from~~ the Secretary of State has dissolved or revoked the authority of ~~that~~ any domestic or foreign company ~~corporation~~ regulated under this Act to do business in Illinois because that company has not paid a franchise tax, license fee, filing fee, or penalty required under the ~~The~~ Business Corporation Act of 1983 or under any other Illinois statute governing the formation or organization of domestic or foreign corporations, limited liability companies, partnerships, associations, or other organizations ~~, approved January 5, 1984, as amended~~, then ~~the Commission shall institute proceedings for the revocation of~~ the franchise, license, permit , or right to engage in any business required under this Act shall be suspended by operation of law ~~or the suspension thereof~~ until such time within a one-year period after the date of suspension as the delinquent franchise tax, license fee, filing fee, or penalty is paid and revoked by operation of law for failure to pay the delinquent franchise tax, license fee, filing fee, or penalty within the one-year suspension period.

(Source: P.A. 84-617.)"; and

on page 14, lines 18 and 19, by replacing "Section ~~Sections 8-304, 9-242, 9-244 and~~" with "Sections ~~8-304, 9-242,~~ 9-244 and"; and

on page 74, immediately below line 13, by inserting the following:

"(220 ILCS 5/8-507) (from Ch. 111 2/3, par. 8-507)

Sec. 8-507. Every public utility shall file with the Commission, under such rules and regulations as the Commission may prescribe, a report of every accident occurring to or on its plant, equipment, or other property of such a nature to endanger the safety, health or property of any person. Whenever any accident occasions the loss of life or limb to any person, such public utility shall immediately give notice to the Commission of the fact by the speediest means of communication, whether telephone, electronic notification, ~~telegraph~~ or post.

The Commission shall investigate all accidents occurring within this State upon the property of any public utility or directly or indirectly arising from or connected with its maintenance or operation, resulting in loss of life or injury to person or property and requiring, in the judgment of the Commission, investigation by it, and shall have the power to make such order or recommendation with respect thereto as in its judgment may seem just and reasonable. Neither the order or recommendation of the Commission nor any accident report filed with the Commission shall be admitted in evidence in any action for damages based on or arising out of the loss of life, or injury to person or property, in this Section referred to.

(Source: P.A. 84-617; 84-1025.)"; and

by deleting line 6 on page 203 through line 20 on page 220; and

on page 221, by deleting line 3; and

on page 221, line 7, by deleting "9-244,".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Rezin offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 3131

AMENDMENT NO. 4. Amend Senate Bill 3131 on page 5, line 18, after "10-204,", by inserting "13-401.1,"; and

on page 122, immediately below line 3, by inserting the following:

"(220 ILCS 5/13-401.1)

(Section scheduled to be repealed on December 31, 2020)

Sec. 13-401.1. Interconnected voice over Internet protocol (VoIP) service surcharge ~~provider registration~~.

~~(a) An Interconnected VoIP provider providing fixed or non-nomadic service in Illinois on December 1, 2010 shall register with the Commission no later than January 1, 2011. All other Interconnected VoIP providers providing fixed or non-nomadic service in Illinois shall register with the Commission at least 30 days before providing service in Illinois. The Commission shall prescribe a registration form no later than October 1, 2010. The registration form prescribed by the Commission shall only require the following information:~~

~~(1) the provider's legal name and any name under which the provider does or will do business in Illinois, as authorized by the Secretary of State;~~

~~(2) the provider's address and telephone number, along with contact information for the person responsible for ongoing communications with the Commission;~~

~~(3) a description of the provider's dispute resolution process and, if any, the telephone number to initiate the dispute resolution process; and~~

~~(4) a description of each exchange of a local exchange company, in whole or in part, or the cities, towns, or geographic areas, in whole or in part, in which the provider is offering or proposes to offer Interconnected VoIP service.~~

~~A provider must notify the Commission of any change in the information identified in paragraphs (1), (2), (3), or (4) of this subsection (a) within 5 business days after any such change.~~

An interconnected voice over Internet protocol ~~(b) A~~ provider shall charge and collect from its end-user customers, and remit to the appropriate authority, fees and surcharges in the same manner as are charged and collected upon end-user customers of local exchange telecommunications service and remitted by local exchange telecommunications companies for local enhanced 9-1-1 surcharges.

~~(c) A provider may designate information that it submits in its registration form or subsequent reports as confidential or proprietary, provided that the provider states the reasons the confidential designation is necessary. The Commission shall provide adequate protection for such information pursuant to Section 4-404 of this Act. If the Commission or any other party seeks public disclosure of information designated as confidential, the Commission shall consider the confidential designation in a proceeding under the Illinois Administrative Procedure Act, and the burden of proof to demonstrate that the designated information is confidential shall be upon the provider. Designated information shall remain confidential pending the Commission's determination of whether the information is entitled to confidential treatment. Information designated as confidential shall be provided to local units of government for purposes of assessing compliance with this Article as permitted under a protective order issued by the Commission pursuant to the Commission's rules and to the Attorney General pursuant to Section 6.5 of the Attorney General Act. Information designated as confidential under this Section or determined to be confidential upon Commission review shall only be disclosed pursuant to a valid and enforceable subpoena or court order or as required by the Freedom of Information Act.~~

~~(d) Notwithstanding any other provision of law to the contrary, the Commission shall have the authority, after notice and hearing, to revoke or suspend the registration of any provider that fails to comply with the requirements of this Section.~~

~~(e) The provisions of this Section are severable under Section 1.31 of the Statute on Statutes.~~

(Source: P.A. 100-20, eff. 7-1-17.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 3 and 4 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Rezin, **Senate Bill No. 3131** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval
Bennett	Haine	McCann	Schimpf
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	Mr. President
Connelly	Landek	Raoul	
Cullerton, T.	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.

On motion of Senator Rose, **Senate Bill No. 3135** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval
Bennett	Haine	McCann	Schimpf
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	Mr. President
Connelly	Landek	Raoul	

Cullerton, T. 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.

SENATE BILL RECALLED

On motion of Senator Bennett, **Senate Bill No. 3138** was recalled from the order of third reading to the order of second reading.

Senator Bennett offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3138

AMENDMENT NO. 2. Amend Senate Bill 3138, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Freedom of Information Act is amended by changing Section 7.5 as follows:
(5 ILCS 140/7.5)
(Text of Section before amendment by P.A. 100-512 and 100-517)
Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

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

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

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

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

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

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

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

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

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

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

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

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

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

(n) Defense budgets and petitions for certification of compensation and expenses for

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

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

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

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

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

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

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

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

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

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

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

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.

(ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.

(ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.

(gg) ~~(ff)~~ Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.

(hh) ~~(ff)~~ Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.

(ii) ~~(ff)~~ Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(ll) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

(Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18; 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff. 8-28-17; 100-465, eff. 8-31-17; revised 11-2-17.)

(Text of Section after amendment by P.A. 100-517 but before amendment by P.A. 100-512)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(t) All identified or deidentified health information in the form of health data or

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

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

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

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

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

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.

(ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.

(ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.

(gg) ~~(ff)~~ Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.

(hh) ~~(ff)~~ Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.

(ii) ~~(ff)~~ Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(jj) ~~(ff)~~ Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.

(ll) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

(Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18; 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff. 8-28-17; 100-465, eff. 8-31-17; 100-517, eff. 6-1-18; revised 11-2-17.)

(Text of Section after amendment by P.A. 100-512)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the

Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

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

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

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.

(ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.

(ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.

(gg) ~~(ff)~~ Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.

(hh) ~~(ff)~~ Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.

(ii) ~~(ff)~~ Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(jj) ~~(ff)~~ Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.

(kk) ~~(ff)~~ Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.

(ll) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

(Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18; 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff. 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517, eff. 6-1-18; revised 11-2-17.)

Section 10. The Higher Education Student Assistance Act is amended by changing Section 70 as follows:

(110 ILCS 947/70)

Sec. 70. Administration of scholarship and grant programs.

(a) An applicant to whom the Commission has awarded a scholarship or grant under this Act may apply for enrollment as a student in any qualified institution of higher learning. The institution is not required to accept the applicant for enrollment, but is free to exact compliance with its own admissions requirements, standards, and policies. The institution may receive the payments of tuition and other necessary fees provided by the scholarship or grant, for credit against the student's obligation for such tuition and fees, and for no other purpose, and shall be contractually obligated:

(1) to provide facilities and instruction to the student on the same terms as to other students generally;

(2) to provide the notices and information described in this Act; and to maintain records and documents which demonstrate the eligibility of the students for whom scholarships and grants are claimed.

(b) If, in the course of any academic period, any student enrolled in any institution pursuant to a scholarship or grant awarded under this Act for any reason ceases to be a student in good standing, the institution shall promptly give written notice to the Commission concerning that change of status and the

reason therefor. For purposes of this Section, a student does not cease to be a student in good standing merely because he or she is not classified as a full-time student.

(c) A student to whom a renewal scholarship or grant has been awarded may either re-enroll in the institution which he or she attended during the preceding year, or enroll in any other qualified institution of higher learning; and in either event, the institution accepting the student for enrollment or re-enrollment shall notify the Commission of that acceptance and may receive payments and shall be contractually obligated as provided with respect to a first-year scholarship or grant.

(d) The Commission shall administer the scholarship and grant accounts and related records of each student who is attending an institution of higher learning under financial assistance awarded pursuant to this Act, and at each proper time shall certify to the State Comptroller, in the manner prescribed by law, the current payment to be made to the institution on account of such financial assistance, in accordance with an appropriate certificate from the institution. The Commission may require the participating institution of higher learning to perform specific eligibility evaluation procedures as a condition of participation.

(e) The Commission shall conduct on-site audits of educational institutions participating in Commission administered programs. When institutions have claimed and received funds on behalf of ineligible recipients, the Commission may adjust subsequent institutional payments to recover those funds.

(f) The Commission may, upon the request of any institution which received payment for scholarship and grant awards for each of the last 5 years, certify to the Comptroller an advance payment for the current term to be made to the institution on account of such financial assistance in an amount not to exceed 75% of announced awards for the institution for such financial assistance for the current term, adjusted for attrition over the last 5 years. For the purposes of this Section, "attrition" is the number of announced award winners enrolled on the 10th class day as a percentage of the total announced awards. The request for an advance payment for the current term shall not be submitted until 10 class days after the last day for registration for that term. Upon appropriate certification from the institution presented for each payment period, after the standard tuition and mandatory fees have been established for all students for the term of payment and the award recipient has enrolled, the Commission shall certify to the State Comptroller the balance of the current payment to be made to the institution on account of such financial assistance. If an advance payment received by an institution exceeds the payment to which that institution is entitled, the Commission shall reduce subsequent payments to that institution for later terms within the same academic year as the overpayment by an amount equal to the overpayment; if the reduction cannot be made, the institution shall refund the overpayment to the Commission. The Commission may deny or reduce the advance payment provided to any institution under this Section if it has reason to believe that the advance payment for the current term may exceed the full payment the institution is entitled to receive for such assistance for that term.

(g) The personal identity and address of a scholarship, grant, or other financial assistance applicant or recipient under a non-discretionary program administered by the Commission, including, but not limited to, the Monetary Award Program under Section 35 of this Act, where eligibility data is obtained from the Free Application for Federal Student Aid authorized by 20 U.S.C. 1090 or is protected from disclosure under federal or State law or under rules and regulations implementing federal or State law, is information that is intended to remain private and shall be exempt from inspection and copying under the Freedom of Information Act.

(Source: P.A. 92-713, eff. 7-23-02.)

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.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Bennett, **Senate Bill No. 3138** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Lightford	Rezin
Anderson	Curran	Link	Rose
Barickman	Fowler	Manar	Sandoval
Bennett	Haine	Martinez	Sims
Bertino-Tarrant	Harmon	McCann	Stadelman
Biss	Harris	McConchie	Steans
Brady	Hastings	Morrison	Syverson
Bush	Holmes	Mulroe	Tracy
Castro	Hunter	Muñoz	Van Pelt
Clayborne	Hutchinson	Murphy	Weaver
Collins	Jones, E.	Nybo	Mr. President
Connelly	Koehler	Oberweis	
Cullerton, T.	Landek	Raoul	

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

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

On motion of Senator Harris, **Senate Bill No. 3148** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval
Bennett	Haine	McCann	Schimpf
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	Mr. President
Connelly	Landek	Raoul	
Cullerton, T.	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.

On motion of Senator Althoff, **Senate Bill No. 3151** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Curran	Manar	Rose
Anderson	Fowler	Martinez	Sandoval
Barickman	Haine	McCann	Schimpf
Bennett	Harmon	McCarter	Sims
Bertino-Tarrant	Harris	McConchie	Stadelman
Biss	Hastings	Morrison	Steans
Bivins	Holmes	Mulroe	Syverson
Brady	Hunter	Muñoz	Tracy
Bush	Hutchinson	Murphy	Van Pelt
Castro	Jones, E.	Nybo	Mr. President
Clayborne	Koehler	Oberweis	
Collins	Landek	Raoul	
Connelly	Lightford	Rezin	
Cunningham	Link	Rooney	

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

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

On motion of Senator Althoff, **Senate Bill No. 3152** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 51; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Cullerton, T.	Landek	Rezin
Anderson	Cunningham	Lightford	Rooney
Barickman	Curran	Link	Sandoval
Bennett	Fowler	Manar	Schimpf
Bertino-Tarrant	Haine	Martinez	Sims
Biss	Harmon	McCann	Stadelman
Bivins	Harris	McCarter	Steans
Brady	Hastings	McConchie	Syverson
Bush	Holmes	Mulroe	Tracy
Castro	Hunter	Muñoz	Van Pelt
Clayborne	Hutchinson	Murphy	Weaver
Collins	Jones, E.	Nybo	Mr. President
Connelly	Koehler	Raoul	

The following voted present:

Oberweis

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

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

At the hour of 12:14 o'clock p.m., Senator Harmon, presiding.

On motion of Senator Link, **Senate Bill No. 3166** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 41; NAYS 5.

The following voted in the affirmative:

Althoff	Harmon	Manar	Sims
Anderson	Harris	Martinez	Stadelman
Bennett	Hastings	McCann	Steans
Biss	Holmes	Morrison	Syverson
Bush	Hunter	Mulroe	Tracy
Castro	Hutchinson	Muñoz	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Cunningham	Koehler	Raoul	Mr. President
Curran	Landek	Rezin	
Fowler	Lightford	Sandoval	
Haine	Link	Schimpf	

The following voted in the negative:

Bivins	McCarter	Rooney
Connelly	McConchie	

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

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

On motion of Senator Koehler, **Senate Bill No. 3174** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 32; NAYS 17.

The following voted in the affirmative:

Bennett	Harmon	Link	Sims
Biss	Hastings	Martinez	Stadelman
Bush	Holmes	Morrison	Steans
Castro	Hunter	Mulroe	Van Pelt
Clayborne	Hutchinson	Muñoz	Mr. President
Collins	Jones, E.	Murphy	
Cullerton, T.	Koehler	Nybo	
Cunningham	Landek	Raoul	
Haine	Lightford	Sandoval	

The following voted in the negative:

Althoff	Curran	Oberweis	Tracy
Barickman	Fowler	Rezin	Weaver
Bivins	McCann	Rooney	
Brady	McCarter	Schimpf	
Connelly	McConchie	Syverson	

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

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

Senator Nybo asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the negative on **Senate Bill No. 3174**.

At the hour of 12:20 o'clock p.m., Senator Link, presiding.

SENATE BILL RECALLED

On motion of Senator Althoff, **Senate Bill No. 3185** was recalled from the order of third reading to the order of second reading.

Senator Althoff offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3185

AMENDMENT NO. 1. Amend Senate Bill 3185 as follows:

on page 10, by replacing line 11 with "~~U.S.C. 9858).~~"; and

on page 10, by replacing line 13 with "~~Child Care and Development Fund (42 U.S.C. 9858).~~"; and

on page 16, by replacing lines 3 through 13 with "institution of higher education. The Unit shall be responsible for providing technical assistance and ensuring that ~~reviewing and approving amendments to~~ the Administrative Code amendments proposed by State grant-making ~~grant~~ agencies comply ~~in connection~~ with ~~the implementation of~~ this Act and shall be responsible for establishing standardized policies and procedures for State grant-making agencies in order to ensure compliance with the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards set forth in 2 CFR Part 200, all of which must be adhered to by the State grant-making agencies throughout the life cycle of the grant.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Althoff, **Senate Bill No. 3185** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval

Bennett	Haine	McCann	Schimpf
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	Mr. President
Connelly	Landek	Raoul	
Cullerton, T.	Lightford	Rezin	
Cunningham	Link	Rooney	

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

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

Senator Althoff asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 3185**.

On motion of Senator Murphy, **Senate Bill No. 3179** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Curran	Manar	Rose
Anderson	Fowler	Martinez	Sandoval
Barickman	Haine	McCann	Schimpf
Bennett	Harmon	McCarter	Sims
Bertino-Tarrant	Harris	McConchie	Stadelman
Biss	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	Mr. President
Connelly	Landek	Raoul	
Cullerton, T.	Lightford	Rezin	
Cunningham	Link	Rooney	

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

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

SENATE BILL RECALLED

On motion of Senator Althoff, **Senate Bill No. 3186** was recalled from the order of third reading to the order of second reading.

Floor Amendment Nos. 1 and 2 were postponed in the Committee on State Government.

Senator Althoff offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3186

AMENDMENT NO. _3_. Amend Senate Bill 3186 on page 94, by replacing lines 18 and 19 with the following:

"(c) This Section is repealed on July 1, 2019."; and

by deleting line 23 on page 144 through line 13 on page 149; and

on page 172, by replacing lines 21 through 23 with "Offender Registration Fund. This Section is repealed on July 1, 2019.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Althoff, **Senate Bill No. 3186** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval
Bennett	Haine	McCann	Schimpf
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	Mr. President
Connelly	Landek	Raoul	
Cullerton, T.	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.

On motion of Senator Koehler, **Senate Bill No. 3195** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval

Bennett	Haine	McCann	Schimpf
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	Mr. President
Connelly	Landek	Raoul	
Cullerton, T.	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.

SENATE BILL RECALLED

On motion of Senator Mulroe, **Senate Bill No. 3197** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 2 was postponed in the Committee on Executive.

Senator Mulroe offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3197

AMENDMENT NO. _3_. Amend Senate Bill 3197, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by adding Section 15-169.1 as follows:

(35 ILCS 200/15-169.1 new)

Sec. 15-169.1. Homestead exemption for police officers and firefighters with certain duty-related injuries.

(99) Beginning with taxable year 2019, an annual homestead exemption, limited to a reduction of $5,000 from the equalized assessed value of the property, is granted for property that is used as a qualified residence by a qualified police officer or a qualified firefighter.

(b) If a homestead exemption is granted under this Section to a qualified police officer or a qualified firefighter and the person awarded the exemption subsequently becomes a resident of a facility licensed under the Nursing Home Care Act or a facility operated by the United States Department of Veterans Affairs, then the exemption shall continue so long as (i) the residence continues to be occupied by the qualifying person's spouse or (ii) the residence remains unoccupied but is still owned by the person who qualified for the homestead exemption.

(c) The tax exemption under this Section carries over to the benefit of the surviving spouse of a qualified police officer or qualified firefighter as long as the spouse holds the legal or beneficial title to the homestead, permanently resides thereon, and does not remarry. If the surviving spouse sells the property, an exemption not to exceed the amount granted from the most recent ad valorem tax roll may be transferred to his or her new residence as long as it is used as his or her primary residence and he or she does not remarry.

(d) The homestead exemption under this Section is also granted for property that is used as a qualified residence by the surviving spouse of a police officer or firefighter killed in the line of duty, so long as the surviving spouse does not remarry. If a homestead exemption is granted under this Section to a surviving spouse and the surviving spouse awarded the exemption subsequently becomes a resident of a facility licensed under the Nursing Home Care Act or a facility operated by the United States Department of Veterans Affairs, then the exemption shall continue if the residence remains unoccupied but is still owned by the person who qualified for the homestead exemption.

(c) Each qualified police officer or qualified firefighter shall submit proof of the qualifying injury in such form and manner as the Department shall by rule prescribe. Each taxpayer who has been granted an exemption under this Section must reapply on an annual basis. Application must be made during the application period in effect for the county of his or her residence. The assessor or chief county assessment

officer may determine the eligibility of residential property to receive the homestead exemption provided by this Section by application, visual inspection, questionnaire, or other reasonable methods. The determination must be made in accordance with guidelines established by the Department.

(f) As used in this Section:

"Firefighter" means: (i) a person who is a "firefighter" or "fireman" as defined in Sections 4-106 or 6-106 of the Illinois Pension Code; (ii) a paramedic employed by a unit of local government; or (iii) an EMT, emergency medical technician-intermediate (EMT-I), or advanced emergency medical technician (A-EMT) employed by a unit of local government.

"Police officer" means: a policeman, as defined in Section 10-3-1 of the Illinois Municipal Code; a conservation police officer; a sheriff or deputy sheriff; or a law enforcement officer employed by the State Police, the Secretary of State, or any other State agency, college, or university.

"Qualified firefighter" means a firefighter who:

(99) has suffered an injury related to his or her service as a firefighter resulting in one or more of the following:

(99) paraplegia;

(B) quadriplegia;

(C) dismemberment of a limb or other body part; or

(D) amputation of a limb or other body part; and

(2) currently receives, or prior to retiring received, a disability benefit under Section 4-110 of the Illinois Pension Code or Section 6-151 of the Illinois Pension Code.

"Qualified police officer" means a police officer who:

(99) has suffered an injury related to his or her service as a police officer resulting in one or more of the following:

(99) paraplegia;

(B) quadriplegia;

(C) dismemberment of a limb or other body part; or

(D) amputation of a limb or other body part; and

(2) currently receives, or prior to retiring received, a disability benefit under Section 3-114.1 of the Illinois Pension Code or Section 5-154 of the Illinois Pension Code.

"Qualified residence" means real property, but less any portion of that property that is used for commercial purposes, with an equalized assessed value of less than $250,000 that is owned and occupied as the primary residence of (i) a qualified police officer, (ii) a qualified firefighter, or (iii) if applicable, the surviving spouse of a qualified police officer or qualified firefighter killed in the line of duty, if that police officer, firefighter, or spouse is liable for paying real estate taxes on the property and is an owner of record of the property or has a legal or equitable interest therein, as evidenced by a written instrument. In the case of a leasehold interest in the property, the lease must be for a single family residence. Property rented for more than 6 months is presumed to be used for commercial purposes.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Mulroe, **Senate Bill No. 3197** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAY 1.

The following voted in the affirmative:

Althoff	Cunningham	Link	Sandoval
Anderson	Curran	Manar	Schimpf

Barickman	Fowler	Martinez	Sims
Bennett	Haine	McCann	Stadelman
Bertino-Tarrant	Harmon	McConchie	Steans
Biss	Harris	Morrison	Syverson
Bivins	Hastings	Mulroe	Tracy
Brady	Holmes	Muñoz	Van Pelt
Bush	Hunter	Murphy	Weaver
Castro	Hutchinson	Nybo	Mr. President
Clayborne	Jones, E.	Raoul	
Collins	Koehler	Rezin	
Connelly	Landek	Rooney	
Cullerton, T.	Lightford	Rose	

The following voted in the negative:

Oberweis

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

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

On motion of Senator Harmon, **Senate Bill No. 3205** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval
Bennett	Haine	McCann	Schimpf
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	Mr. President
Connelly	Landek	Raoul	
Cullerton, T.	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.

SENATE BILL RECALLED

On motion of Senator Barickman, **Senate Bill No. 3215** was recalled from the order of third reading to the order of second reading.

Senator Barickman offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3215

AMENDMENT NO. 1. Amend Senate Bill 3215 on page 7, by replacing line 3 with the following: "for such period as may be designated by the holder of the certificate, such period not to exceed 36 months from the date of the assignment to the collector.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Barickman, **Senate Bill No. 3215** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rose
Anderson	Curran	Manar	Sandoval
Barickman	Fowler	Martinez	Schimpf
Bennett	Haine	McCann	Sims
Bertino-Tarrant	Harmon	McConchie	Stadelman
Biss	Harris	Morrison	Steans
Bivins	Hastings	Mulroe	Syverson
Brady	Holmes	Muñoz	Tracy
Bush	Hunter	Murphy	Van Pelt
Castro	Hutchinson	Nybo	Weaver
Clayborne	Jones, E.	Oberweis	Mr. President
Collins	Koehler	Raoul	
Connelly	Landek	Rezin	
Cullerton, T.	Lightford	Rooney	

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

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

SENATE BILL RECALLED

On motion of Senator Barickman, **Senate Bill No. 3214** was recalled from the order of third reading to the order of second reading.

Senator Barickman offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3214

AMENDMENT NO. 1. Amend Senate Bill 3214 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Pollinator Friendly Solar Site Act.

Section 5. Definitions. In this Act:

"Department" means the Department of Natural Resources.

"Exotic weed" has the same meaning ascribed to the term in Section 2 of the Illinois Exotic Weed Act.

"Noxious weed" has the same meaning ascribed to the term in Section 2 of the Illinois Noxious Weed Law.

Section 10. Site management practices. An owner of a ground-mounted solar site may follow practices that: (1) provide native perennial vegetation and foraging habitat which is beneficial to game birds, songbirds, and pollinators; and (2) reduce storm water runoff and erosion at the solar site. To the extent practicable, if establishing perennial vegetation and beneficial foraging habitat, a solar site owner or manager shall use native plant species and seed mixes that are free from noxious weed or exotic weed seeds.

Section 15. Recognition of beneficial habitat. An owner or manager of a solar site with a generating capacity of more than 40 kilowatts implementing site management practices under this Act may claim that the site is "pollinator-friendly" or provides benefits to game birds, songbirds, and pollinators only if the site adheres to guidance set forth by the pollinator friendly scorecard published by the Department in consultation with the University of Illinois, Department of Entomology. The scorecard shall be posted on the Department's website on or before 6 months after the effective date of this Act. An owner making a beneficial habitat claim shall make the solar site's pollinator scorecard, and where available, related vegetation management plans, available to the public and provide a copy to the Department and a nonprofit solar industry trade association of this State.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Barickman, **Senate Bill No. 3214** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval
Bennett	Haine	McCann	Schimpf
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	Mr. President
Connelly	Landek	Raoul	
Cullerton, T.	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.

On motion of Senator Manar, **Senate Bill No. 3234** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval
Bennett	Haine	McCann	Schimpf
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	Mr. President
Connelly	Landek	Raoul	
Cullerton, T.	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.

On motion of Senator Manar, **Senate Bill No. 3236** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Curran	Manar	Sandoval
Anderson	Fowler	Martinez	Schimpf
Barickman	Haine	McCann	Sims
Bennett	Harmon	McCarter	Stadelman
Bertino-Tarrant	Harris	McConchie	Steans
Biss	Hastings	Morrison	Syverson
Bivins	Holmes	Mulroe	Tracy
Brady	Hunter	Muñoz	Van Pelt
Bush	Hutchinson	Murphy	Weaver
Castro	Jones, E.	Nybo	Mr. President
Clayborne	Koehler	Oberweis	
Collins	Landek	Raoul	
Connelly	Lightford	Rooney	
Cunningham	Link	Rose	

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

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

On motion of Senator Harmon, **Senate Bill No. 3237** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Schimpf
Bennett	Haine	McCann	Sims
Bertino-Tarrant	Harmon	McCarter	Stadelman
Biss	Harris	McConchie	Steans
Bivins	Hastings	Morrison	Syverson
Brady	Holmes	Mulroe	Tracy
Bush	Hunter	Muñoz	Van Pelt
Castro	Hutchinson	Murphy	Weaver
Clayborne	Jones, E.	Nybo	Mr. President
Collins	Koehler	Oberweis	
Connelly	Landek	Raoul	
Cullerton, T.	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.

On motion of Senator Rose, **Senate Bill No. 3255** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval
Bennett	Haine	McCann	Schimpf
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	Mr. President
Connelly	Landek	Raoul	
Cullerton, T.	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.

On motion of Senator Sandoval, **Senate Bill No. 3003** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 48; NAY 1.

The following voted in the affirmative:

Althoff	Cunningham	Lightford	Schimpf
Anderson	Curran	Link	Sims
Barickman	Fowler	Martinez	Stadelman
Bennett	Haine	McConchie	Steans
Bertino-Tarrant	Harmon	Mulroe	Syverson
Biss	Harris	Muñoz	Tracy
Brady	Hastings	Murphy	Van Pelt
Bush	Holmes	Nybo	Weaver
Castro	Hunter	Oberweis	Mr. President
Clayborne	Hutchinson	Raoul	
Collins	Jones, E.	Rezin	
Connelly	Koehler	Rooney	
Cullerton, T.	Landek	Sandoval	

The following voted in the negative:

McCann

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

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

On motion of Senator Sandoval, **Senate Bill No. 3010** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval
Bennett	Haine	McCann	Schimpf
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	Mr. President
Connelly	Landek	Raoul	

Cullerton, T. 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.

SENATE BILL RECALLED

On motion of Senator Muñoz, **Senate Bill No. 3022** was recalled from the order of third reading to the order of second reading.

Senator Muñoz offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3022

AMENDMENT NO. 1. Amend Senate Bill 3022 by replacing everything after the enacting clause with the following:

"Section 5. The Executive Reorganization Implementation Act is amended by changing Section 3.1 as follows:

(15 ILCS 15/3.1) (from Ch. 127, par. 1803.1)

Sec. 3.1. "Agency directly responsible to the Governor" or "agency" means any office, officer, division, or part thereof, and any other office, nonelective officer, department, division, bureau, board, or commission in the executive branch of State government, except that it does not apply to any agency whose primary function is service to the General Assembly or the Judicial Branch of State government, or to any agency administered by the Attorney General, Secretary of State, State Comptroller or State Treasurer. In addition the term does not apply to the following agencies created by law with the primary responsibility of exercising regulatory or adjudicatory functions independently of the Governor:

(99) the State Board of Elections;

(2) the State Board of Education;

(3) the Illinois Commerce Commission;

(4) the Illinois Workers' Compensation Commission;

(5) the Civil Service Commission;

(6) the Fair Employment Practices Commission;

(7) the Pollution Control Board;

(8) the Department of State Police Merit Board;

(9) the Illinois Racing Board;

(10) the Illinois Power Agency; ~~.~~

(11) the Illinois Liquor Control Commission.

(Source: P.A. 96-796, eff. 10-29-09; 97-618, eff. 10-26-11.)

Section 10. The Liquor Control Act of 1934 is amended by changing Sections 3-2, 3-12, and 8-5 and by adding Section 3-20 as follows:

(235 ILCS 5/3-2) (from Ch. 43, par. 98)

Sec. 3-2. Immediately, or soon as may be after the effective date of this Act, the Governor shall appoint 3 members of the commission, one of whom shall be designated as "Chairman", one to hold office for a period of 2 years, one to hold office for a period of 4 years and one to hold office for a period of 6 years. Immediately, or as soon as may be after the effective date of this amendatory Act of 1983, the Governor shall appoint 2 members to the commission to the offices created by this amendatory Act of 1983, one for an initial term expiring the third Monday in January of 1986 and one for an initial term expiring the third Monday in January of 1988. At the expiration of the term of any such commissioner the Governor shall reappoint said commissioner or appoint a successor of said commissioner for a period of 6 years. The Governor shall have power to fill vacancies in the office of any commissioner.

Notwithstanding any provision of this Section to the contrary, the term of office of each member of the commission is abolished on the effective date of this amendatory Act of 1985, but the incumbent members shall continue to exercise all of the powers and be subject to all of the duties of members of the commission until their respective successors are appointed and qualified. The Governor shall appoint 2 members of the commission whose terms of office shall expire on February 1, 1986, 2 members of the commission whose terms of office shall expire on February 1, 1988, and one member of the commission whose term shall

expire on February 1, 1990. Their respective successors shall be appointed for terms of 6 years from the first day of February of the year of appointment. Each member shall serve until his successor is appointed and qualified.

The initial term of both of the 2 additional members appointed pursuant to this amendatory Act of the 91st General Assembly shall expire on February 1, 2006. Their respective successors shall be appointed for terms of 6 years from the first day of February of the year of appointment. Each member shall serve until his or her successor is appointed and qualified.

Notwithstanding any action taken to fill the office on an acting, temporary, or other basis, the office of Executive Director of the Commission shall be vacant on January 1, 2019. On and after January 1, 2019, the Governor shall appoint the Executive Director of the Commission for a 4-year term, with the advice and consent of the Senate.

(Source: P.A. 91-798, eff. 7-9-00.)

(235 ILCS 5/3-12)

Sec. 3-12. Powers and duties of State Commission.

(99) The State commission shall have the following powers, functions, and duties:

(1) To receive applications and to issue licenses to manufacturers, foreign importers, importing distributors, distributors, non-resident dealers, on premise consumption retailers, off premise sale retailers, special event retailer licensees, special use permit licenses, auction liquor licenses, brew pubs, caterer retailers, non-beverage users, railroads, including owners and lessees of sleeping, dining and cafe cars, airplanes, boats, brokers, and wine maker's premises licensees in accordance with the provisions of this Act, and to suspend or revoke such licenses upon the State commission's determination, upon notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation. Except in the case of an action taken pursuant to a violation of Section 6-3, 6-5, or 6-9, any action by the State Commission to suspend or revoke a licensee's license may be limited to the license for the specific premises where the violation occurred. An action for a violation of this Act shall be commenced by the State Commission within 2 years after the date the State Commission becomes aware of the violation.

In lieu of suspending or revoking a license, the commission may impose a fine, upon the State commission's determination and notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation.

For the purpose of this paragraph (1), when determining multiple violations for the sale of alcohol to a person under the age of 21, a second or subsequent violation for the sale of alcohol to a person under the age of 21 shall only be considered if it was committed within 5 years after the date when a prior violation for the sale of alcohol to a person under the age of 21 was committed.

The fine imposed under this paragraph may not exceed $500 for each violation. Each day that the activity, which gave rise to the original fine, continues is a separate violation. The maximum fine that may be levied against any licensee, for the period of the license, shall not exceed $20,000. The maximum penalty that may be imposed on a licensee for selling a bottle of alcoholic liquor with a foreign object in it or serving from a bottle of alcoholic liquor with a foreign object in it shall be the destruction of that bottle of alcoholic liquor for the first 10 bottles so sold or served from by the licensee. For the eleventh bottle of alcoholic liquor and for each third bottle thereafter sold or served from by the licensee with a foreign object in it, the maximum penalty that may be imposed on the licensee is the destruction of the bottle of alcoholic liquor and a fine of up to $50.

Any notice issued by the State Commission to a licensee for a violation of this Act or any notice with respect to settlement or offer in compromise shall include the field report, photographs, and any other supporting documentation necessary to reasonably inform the licensee of the nature and extent of the violation or the conduct alleged to have occurred. The failure to include such required documentation shall result in the dismissal of the action.

(2) To adopt such rules and regulations consistent with the provisions of this Act which shall be necessary to carry on its functions and duties to the end that the health, safety and welfare of the People of the State of Illinois shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted and to distribute copies of such rules and regulations to all licensees affected thereby.

(3) To call upon other administrative departments of the State, county and municipal governments, county and city police departments and upon prosecuting officers for such information and assistance as it deems necessary in the performance of its duties.

(4) To recommend to local commissioners rules and regulations, not inconsistent with the law, for the distribution and sale of alcoholic liquors throughout the State.

(5) To inspect, or cause to be inspected, any premises in this State where alcoholic

liquors are manufactured, distributed, warehoused, or sold. Nothing in this Act authorizes an agent of the Commission to inspect private areas within the premises without reasonable suspicion or a warrant during an inspection. "Private areas" include, but are not limited to, safes, personal property, and closed desks.

(5.1) Upon receipt of a complaint or upon having knowledge that any person is engaged in business as a manufacturer, importing distributor, distributor, or retailer without a license or valid license, to notify the local liquor authority, file a complaint with the State's Attorney's Office of the county where the incident occurred, or initiate an investigation with the appropriate law enforcement officials.

(5.2) To issue a cease and desist notice to persons shipping alcoholic liquor into this State from a point outside of this State if the shipment is in violation of this Act.

(5.3) To receive complaints from licensees, local officials, law enforcement agencies, organizations, and persons stating that any licensee has been or is violating any provision of this Act or the rules and regulations issued pursuant to this Act. Such complaints shall be in writing, signed and sworn to by the person making the complaint, and shall state with specificity the facts in relation to the alleged violation. If the Commission has reasonable grounds to believe that the complaint substantially alleges a violation of this Act or rules and regulations adopted pursuant to this Act, it shall conduct an investigation. If, after conducting an investigation, the Commission is satisfied that the alleged violation did occur, it shall proceed with disciplinary action against the licensee as provided in this Act.

(6) To hear and determine appeals from orders of a local commission in accordance with the provisions of this Act, as hereinafter set forth. Hearings under this subsection shall be held in Springfield or Chicago, at whichever location is the more convenient for the majority of persons who are parties to the hearing.

(7) The commission shall establish uniform systems of accounts to be kept by all retail licensees having more than 4 employees, and for this purpose the commission may classify all retail licensees having more than 4 employees and establish a uniform system of accounts for each class and prescribe the manner in which such accounts shall be kept. The commission may also prescribe the forms of accounts to be kept by all retail licensees having more than 4 employees, including but not limited to accounts of earnings and expenses and any distribution, payment, or other distribution of earnings or assets, and any other forms, records and memoranda which in the judgment of the commission may be necessary or appropriate to carry out any of the provisions of this Act, including but not limited to such forms, records and memoranda as will readily and accurately disclose at all times the beneficial ownership of such retail licensed business. The accounts, forms, records and memoranda shall be available at all reasonable times for inspection by authorized representatives of the State commission or by any local liquor control commissioner or his or her authorized representative. The commission, may, from time to time, alter, amend or repeal, in whole or in part, any uniform system of accounts, or the form and manner of keeping accounts.

(8) In the conduct of any hearing authorized to be held by the commission, to appoint, at the commission's discretion, hearing officers to conduct hearings involving complex issues or issues that will require a protracted period of time to resolve, to examine, or cause to be examined, under oath, any licensee, and to examine or cause to be examined the books and records of such licensee; to hear testimony and take proof material for its information in the discharge of its duties hereunder; to administer or cause to be administered oaths; for any such purpose to issue subpoena or subpoenas to require the attendance of witnesses and the production of books, which shall be effective in any part of this State, and to adopt rules to implement its powers under this paragraph (8).

Any Circuit Court may by order duly entered, require the attendance of witnesses and the production of relevant books subpoenaed by the State commission and the court may compel obedience to its order by proceedings for contempt.

(9) To investigate the administration of laws in relation to alcoholic liquors in this and other states and any foreign countries, and to recommend from time to time to the Governor and through him or her to the legislature of this State, such amendments to this Act, if any, as it may think desirable and as will serve to further the general broad purposes contained in Section 1-2 hereof.

(10) To adopt such rules and regulations consistent with the provisions of this Act which shall be necessary for the control, sale or disposition of alcoholic liquor damaged as a result of an accident, wreck, flood, fire or other similar occurrence.

(11) To develop industry educational programs related to responsible serving and selling, particularly in the areas of overserving consumers and illegal underage purchasing and consumption of alcoholic beverages.

(11.1) To license persons providing education and training to alcohol beverage sellers

and servers for mandatory and non-mandatory training under the Beverage Alcohol Sellers and Servers Education and Training (BASSET) programs and to develop and administer a public awareness program in Illinois to reduce or eliminate the illegal purchase and consumption of alcoholic beverage products by persons under the age of 21. Application for a license shall be made on forms provided by the State Commission.

(12) To develop and maintain a repository of license and regulatory information.

(13) On or before January 15, 1994, the Commission shall issue a written report to the Governor and General Assembly that is to be based on a comprehensive study of the impact on and implications for the State of Illinois of Section 1926 of the federal ADAMHA Reorganization Act of 1992 (Public Law 102-321). This study shall address the extent to which Illinois currently complies with the provisions of P.L. 102-321 and the rules promulgated pursuant thereto.

As part of its report, the Commission shall provide the following essential information:

(i) the number of retail distributors of tobacco products, by type and geographic area, in the State;

(ii) the number of reported citations and successful convictions, categorized by type and location of retail distributor, for violation of the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act and the Smokeless Tobacco Limitation Act;

(iii) the extent and nature of organized educational and governmental activities that are intended to promote, encourage or otherwise secure compliance with any Illinois laws that prohibit the sale or distribution of tobacco products to minors; and

(iv) the level of access and availability of tobacco products to individuals under the age of 18.

To obtain the data necessary to comply with the provisions of P.L. 102-321 and the requirements of this report, the Commission shall conduct random, unannounced inspections of a geographically and scientifically representative sample of the State's retail tobacco distributors.

The Commission shall consult with the Department of Public Health, the Department of Human Services, the Illinois State Police and any other executive branch agency, and private organizations that may have information relevant to this report.

The Commission may contract with the Food and Drug Administration of the U.S. Department of Health and Human Services to conduct unannounced investigations of Illinois tobacco vendors to determine compliance with federal laws relating to the illegal sale of cigarettes and smokeless tobacco products to persons under the age of 18.

(14) On or before April 30, 2008 and every 2 years thereafter, the Commission shall present a written report to the Governor and the General Assembly that shall be based on a study of the impact of Public Act 95-634 on the business of soliciting, selling, and shipping wine from inside and outside of this State directly to residents of this State. As part of its report, the Commission shall provide all of the following information:

(99) The amount of State excise and sales tax revenues generated.

(B) The amount of licensing fees received.

(C) The number of cases of wine shipped from inside and outside of this State directly to residents of this State.

(D) The number of alcohol compliance operations conducted.

(C) The number of winery shipper's licenses issued.

(F) The number of each of the following: reported violations; cease and desist notices issued by the Commission; notices of violations issued by the Commission and to the Department of Revenue; and notices and complaints of violations to law enforcement officials, including, without limitation, the Illinois Attorney General and the U.S. Department of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

(15) As a means to reduce the underage consumption of alcoholic liquors, the Commission shall conduct alcohol compliance operations to investigate whether businesses that are soliciting, selling, and shipping wine from inside or outside of this State directly to residents of this State are licensed by this State or are selling or attempting to sell wine to persons under 21 years of age in violation of this Act.

(16) The Commission shall, in addition to notifying any appropriate law enforcement agency, submit notices of complaints or violations of Sections 6-29 and 6-29.1 by persons who do not hold a winery shipper's license under this Act to the Illinois Attorney General and to the U.S. Department of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

(17)(A) A person licensed to make wine under the laws of another state who has a winery

shipper's license under this Act and annually produces less than 25,000 gallons of wine or a person who has a first-class or second-class wine manufacturer's license, a first-class or second-class wine-maker's license, or a limited wine manufacturer's license under this Act and annually produces less than 25,000 gallons of wine may make application to the Commission for a self-distribution exemption to allow the sale of not more than 5,000 gallons of the exemption holder's wine to retail licensees per year.

(B) In the application, which shall be sworn under penalty of perjury, such person shall state (1) the date it was established; (2) its volume of production and sales for each year since its establishment; (3) its efforts to establish distributor relationships; (4) that a self-distribution exemption is necessary to facilitate the marketing of its wine; and (5) that it will comply with the liquor and revenue laws of the United States, this State, and any other state where it is licensed.

(C) The Commission shall approve the application for a self-distribution exemption if such person: (1) is in compliance with State revenue and liquor laws; (2) is not a member of any affiliated group that produces more than 25,000 gallons of wine per annum or produces any other alcoholic liquor; (3) will not annually produce for sale more than 25,000 gallons of wine; and (4) will not annually sell more than 5,000 gallons of its wine to retail licensees.

(D) A self-distribution exemption holder shall annually certify to the Commission its production of wine in the previous 12 months and its anticipated production and sales for the next 12 months. The Commission may fine, suspend, or revoke a self-distribution exemption after a hearing if it finds that the exemption holder has made a material misrepresentation in its application, violated a revenue or liquor law of Illinois, exceeded production of 25,000 gallons of wine in any calendar year, or become part of an affiliated group producing more than 25,000 gallons of wine or any other alcoholic liquor.

(C) Except in hearings for violations of this Act or Public Act 95-634 or a bona fide investigation by duly sworn law enforcement officials, the Commission, or its agents, the Commission shall maintain the production and sales information of a self-distribution exemption holder as confidential and shall not release such information to any person.

(F) The Commission shall issue regulations governing self-distribution exemptions consistent with this Section and this Act.

(G) Nothing in this subsection (17) shall prohibit a self-distribution exemption holder from entering into or simultaneously having a distribution agreement with a licensed Illinois distributor.

(H) It is the intent of this subsection (17) to promote and continue orderly markets. The General Assembly finds that in order to preserve Illinois' regulatory distribution system it is necessary to create an exception for smaller makers of wine as their wines are frequently adjusted in varietals, mixes, vintages, and taste to find and create market niches sometimes too small for distributor or importing distributor business strategies. Limited self-distribution rights will afford and allow smaller makers of wine access to the marketplace in order to develop a customer base without impairing the integrity of the 3-tier system.

(18)(A) A class 1 brewer licensee, who must also be either a licensed brewer or licensed non-resident dealer and annually manufacture less than 930,000 gallons of beer, may make application to the State Commission for a self-distribution exemption to allow the sale of not more than 232,500 gallons of the exemption holder's beer to retail licensees per year.

(B) In the application, which shall be sworn under penalty of perjury, the class 1 brewer licensee shall state (1) the date it was established; (2) its volume of beer manufactured and sold for each year since its establishment; (3) its efforts to establish distributor relationships; (4) that a self-distribution exemption is necessary to facilitate the marketing of its beer; and (5) that it will comply with the alcoholic beverage and revenue laws of the United States, this State, and any other state where it is licensed.

(C) Any application submitted shall be posted on the State Commission's website at least 45 days prior to action by the State Commission. The State Commission shall approve the application for a self-distribution exemption if the class 1 brewer licensee: (1) is in compliance with the State, revenue, and alcoholic beverage laws; (2) is not a member of any affiliated group that manufactures more than 930,000 gallons of beer per annum or produces any other alcoholic beverages; (3) shall not annually manufacture for sale more than 930,000 gallons of beer; (4) shall not annually sell more than 232,500 gallons of its beer to retail licensees; and (5) has relinquished any brew pub license held by the licensee, including any ownership interest it held in the licensed brew pub.

(D) A self-distribution exemption holder shall annually certify to the State Commission its manufacture of beer during the previous 12 months and its anticipated manufacture and sales of beer for the next 12 months. The State Commission may fine, suspend, or revoke a self-distribution exemption after a hearing if it finds that the exemption holder has made a material misrepresentation in

its application, violated a revenue or alcoholic beverage law of Illinois, exceeded the manufacture of 930,000 gallons of beer in any calendar year or became part of an affiliated group manufacturing more than 930,000 gallons of beer or any other alcoholic beverage.

(C) The State Commission shall issue rules and regulations governing self-distribution exemptions consistent with this Act.

(F) Nothing in this paragraph (18) shall prohibit a self-distribution exemption holder from entering into or simultaneously having a distribution agreement with a licensed Illinois importing distributor or a distributor. If a self-distribution exemption holder enters into a distribution agreement and has assigned distribution rights to an importing distributor or distributor, then the self-distribution exemption holder's distribution rights in the assigned territories shall cease in a reasonable time not to exceed 60 days.

(G) It is the intent of this paragraph (18) to promote and continue orderly markets. The General Assembly finds that in order to preserve Illinois' regulatory distribution system, it is necessary to create an exception for smaller manufacturers in order to afford and allow such smaller manufacturers of beer access to the marketplace in order to develop a customer base without impairing the integrity of the 3-tier system.

(b) On or before April 30, 1999, the Commission shall present a written report to the Governor and the General Assembly that shall be based on a study of the impact of Public Act 90-739 on the business of soliciting, selling, and shipping alcoholic liquor from outside of this State directly to residents of this State. As part of its report, the Commission shall provide the following information:

(i) the amount of State excise and sales tax revenues generated as a result of Public Act 90-739;

(ii) the amount of licensing fees received as a result of Public Act 90-739;

(iii) the number of reported violations, the number of cease and desist notices issued by the Commission, the number of notices of violations issued to the Department of Revenue, and the number of notices and complaints of violations to law enforcement officials.

(Source: P.A. 99-78, eff. 7-20-15; 99-448, eff. 8-24-15; 100-134, eff. 8-18-17; 100-201, eff. 8-18-17.)

(235 ILCS 5/3-20 new)

Sec. 3-20. State Commission; separation from the Department of Revenue.

(99) Executive Order No. 2003-9 is hereby superseded by this amendatory Act of the 100th General Assembly to the extent that Executive Order No. 2003-9 transferred clerks, management and staff support, employees, and other resources from the State Commission to the Department of Revenue.

(b) To the extent that Executive Order No. 2003-9 transferred personnel to the Department of Revenue from the State Commission, those personnel shall be transferred to the State Commission. The status and rights of such employees under the Personnel Code shall not be affected by the transfer. The rights of the employees and the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement, or annuity plan shall not be affected by this amendatory Act of the 100th General Assembly. To the extent that an employee performs duties for the State Commission and the Department of Revenue itself or any other division or agency within the Department of Revenue, that employee shall be transferred at the Governor's discretion.

(c) All books, records, papers, documents, property (real and personal), contracts, causes of action, and pending business pertaining to the powers, duties, rights, and responsibilities transferred by this amendatory Act of the 100th General Assembly from the Department of Revenue to the State Commission, including, but not limited to, material in electronic or magnetic format and necessary computer hardware and software, shall be transferred to the State Commission.

(d) All unexpended appropriations and balances and other funds available for use by the Department of Revenue to operate the State Commission shall be transferred for use by the State Commission. Unexpended balances so transferred shall be expended only for the purpose for which the appropriations were originally made.

(c) The powers, duties, rights, and responsibilities transferred from the Department of Revenue by this amendatory Act of the 100th General Assembly shall be vested in and shall be exercised by the State Commission.

(f) Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Department of Revenue in connection with any of the powers, duties, rights, and responsibilities transferred by this amendatory Act of the 100th General Assembly, the same shall be made, given, furnished, or served in the same manner to or upon the State Commission.

(g) Any rules of the Department of Revenue that relate to the functions transferred from the State Commission to the Department of Revenue by Executive Order No. 2003-9 that are in full force on the

effective date of this amendatory Act of the 100th General Assembly shall become the rules of the State Commission. This amendatory Act of the 100th General Assembly does not affect the legality of any such rules in the Illinois Administrative Code.

Any proposed rules filed with the Secretary of State by the Department of Revenue that are pending in the rulemaking process on the effective date of this amendatory Act of the 100th General Assembly and pertain to the functions transferred from the State Commission to the Department of Revenue by Executive Order No. 2003-9 shall be deemed to have been filed by the State Commission. As soon as practicable hereafter, the State Commission shall revise and clarify the rules transferred to it under this amendatory Act of the 100th General Assembly to reflect the reorganization of powers, duties, rights, and responsibilities affected by this amendatory Act of the 100th General Assembly, using the procedures for recodification of rules available under the Illinois Administrative Procedure Act, except that existing title, part, and section numbering for the affected rules may be retained.

(235 ILCS 5/8-5) (from Ch. 43, par. 163a)

Sec. 8-5. As soon as practicable after any return is filed but not before 90 days after the return is filed, or any amendments to that return, whichever is later, the Department shall examine such return or amended return and shall correct such return according to its best judgment and information, which return so corrected by the Department shall be prima facie correct and shall be prima facie evidence of the correctness of the amount of tax due, as shown therein. Instead of requiring the licensee to file an amended return, the Department may simply notify the licensee of the correction or corrections it has made. Proof of such correction by the Department, or of the determination of the amount of tax due as provided in Sections 8-4 and 8-10, may be made at any hearing before the Department or in any legal proceeding by a reproduced copy of the Department's record relating thereto in the name of the Department under the certificate of the Director of Revenue. Such reproduced copy shall, without further proof, be admitted into evidence before the Department or in any legal proceeding and shall be prima facie proof of the correctness of the amount of tax due, as shown therein. If the return so corrected by the Department discloses the sale or use, by a licensed manufacturer or importing distributor, of alcoholic liquors as to which the tax provided for in this Article should have been paid, but has not been paid, in excess of the alcoholic liquors reported as being taxable by the licensee, and as to which the proper tax was paid the Department shall notify the licensee that it shall issue the taxpayer a notice of tax liability for the amount of tax claimed by the Department to be due, together with penalties at the rates prescribed by Sections 3-3, 3-5 and 3-6 of the Uniform Penalty and Interest Act, which amount of tax shall be equivalent to the amount of tax which, at the prescribed rate per gallon, should have been paid with respect to the alcoholic liquors disposed of in excess of those reported as being taxable. In a case where no return has been filed, the Department shall determine the amount of tax due according to its best judgment and information and shall issue the taxpayer a notice of tax liability for the amount of tax claimed by the Department to be due as herein provided together with penalties at the rates prescribed by Sections 3-3, 3-5 and 3-6 of the Uniform Penalty and Interest Act. If, in administering the provisions of this Act, a comparison of a licensee's return or returns with the books, records and physical inventories of such licensee discloses a deficiency which cannot be allocated by the Department to a particular month or months, the Department shall issue the taxpayer a notice of tax liability for the amount of tax claimed by the Department to be due for a given period, but without any obligation upon the Department to allocate such deficiency to any particular month or months, together with penalties at the rates prescribed by Sections 3-3, 3-5 and 3-6 of the Uniform Penalty and Interest Act, which amount of tax shall be equivalent to the amount of tax which, at the prescribed rate per gallon, should have been paid with respect to the alcoholic liquors disposed of in excess of those reported being taxable, with the tax thereon having been paid under which circumstances the aforesaid notice of tax liability shall be prima facie correct and shall be prima facie evidence of the correctness of the amount of tax due as shown therein; and proof of such correctness may be made in accordance with, and the admissibility of a reproduced copy of such notice of the Department's notice of tax liability shall be governed by, all the provisions of this Act applicable to corrected returns.

If the licensee dies or becomes a person under legal disability at any time before the Department issues its notice of tax liability, such notice shall be issued to the administrator, executor or other legal representative, as such, of the deceased or licensee who is under legal disability.

If such licensee or legal representative, within 60 days after such notice of tax liability, files a protest to such notice of tax liability and requests a hearing thereon, the Department shall give at least 7 days' notice to such licensee or legal representative, as the case may be, of the time and place fixed for such hearing and shall hold a hearing in conformity with the provisions of this Act, and pursuant thereto shall issue a final assessment to such licensee or legal representative for the amount found to be due as a result of such hearing.

If a protest to the notice of tax liability and a request for a hearing thereon is not filed within 60 days after such notice of tax liability, such notice of tax liability shall become final without the necessity of a final assessment being issued and shall be deemed to be a final assessment.

In case of failure to pay the tax, or any portion thereof, or any penalty provided for herein, when due, the Department may recover the amount of such tax, or portion thereof, or penalty in a civil action; or if the licensee dies or becomes a person under legal disability, by filing a claim therefor against his or her estate; provided that no such claim shall be filed against the estate of any deceased or of the licensee who is under legal disability for any tax or penalty or portion thereof except in the manner prescribed and within the time limited by the Probate Act of 1975, as amended.

The collection of any such tax and penalty, or either, by any means provided for herein, shall not be a bar to any prosecution under this Act.

In addition to any other penalty provided for in this Article, any licensee who fails to pay any tax within the time required by this Article shall be subject to assessment of penalties and interest at rates set forth in the Uniform Penalty and Interest Act.

(Source: P.A. 87-205; 87-879.)

Section 99. Effective date. This Act takes effect January 1, 2019, except that this Section and changes to Section 3-12 of the Liquor Control Act of 1934 take effect upon becoming law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Muñoz, **Senate Bill No. 3022** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 43; NAYS 2; Present 3.

The following voted in the affirmative:

Althoff	Curran	Link	Rooney
Barickman	Haine	Manar	Sandoval
Bennett	Harmon	Martinez	Schimpf
Bertino-Tarrant	Harris	McCann	Sims
Biss	Hastings	McCarter	Stadelman
Bivins	Holmes	Morrison	Steans
Bush	Hunter	Mulroe	Tracy
Castro	Jones, E.	Muñoz	Van Pelt
Connelly	Koehler	Murphy	Weaver
Cullerton, T.	Landek	Nybo	Mr. President
Cunningham	Lightford	Rezin	

The following voted in the negative:

Oberweis
Syverson

The following voted present:

Clayborne
Hutchinson
Raoul

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

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

On motion of Senator Sims, **Senate Bill No. 3256** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rose
Anderson	Curran	Martinez	Sandoval
Barickman	Fowler	McCann	Schimpf
Bennett	Haine	McCarter	Sims
Bertino-Tarrant	Harmon	McConchie	Stadelman
Biss	Harris	Morrison	Steans
Bivins	Hastings	Mulroe	Syverson
Brady	Holmes	Muñoz	Tracy
Bush	Hunter	Murphy	Van Pelt
Castro	Hutchinson	Nybo	Weaver
Clayborne	Jones, E.	Oberweis	Mr. President
Collins	Koehler	Raoul	
Connelly	Landek	Rezin	
Cullerton, T.	Lightford	Rooney	

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

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

SENATE BILL RECALLED

On motion of Senator Sims, **Senate Bill No. 3261** was recalled from the order of third reading to the order of second reading.

Senator Sims offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3261

AMENDMENT NO. 1. Amend Senate Bill 3261 by replacing everything after the enacting clause with the following:

"Section 5. The Abandoned Mobile Home Act is amended by changing the title of the Act and Sections 10 and 15 and by adding Section 10.1 as follows:

(210 ILCS 117/Act title)

An Act authorizing municipalities, ~~and~~ counties , and mobile home park owners and operators to remove and dispose of abandoned mobile homes, amending named Acts.

(210 ILCS 117/10)

Sec. 10. Definitions. As used in this Act:

"Manufactured home" means a factory-assembled, completely integrated structure designed for permanent habitation, with a permanent chassis, and so constructed as to permit its transport, on wheels temporarily or permanently attached to its frame, and is a movable or portable unit that is (i) 8 body feet or more in width, (ii) 40 body feet or more in length, and (iii) 320 or more square feet, constructed to be towed on its own chassis (comprised of frame and wheels) from the place of its construction to the location,

or subsequent locations, at which it is connected to utilities for year-round occupancy for use as a permanent habitation, and designed and situated so as to permit its occupancy as a dwelling place for one or more persons, and specifically includes a "manufactured home" as defined in subdivision (53) of Section 9-102 of the Uniform Commercial Code. The term shall include units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expected to provide additional cubic capacity, and that are designed to be joined into one integral unit capable of being separated again into the components for repeated towing. The term excludes campers and recreational vehicles. The words "mobile home" and "manufactured home" are synonymous for the purposes of this Act.

"Abandoned mobile home" means a mobile home located inside a mobile home park that has no owner currently residing in the mobile home or authorized tenant of the owner currently residing in the mobile home to the best knowledge of the mobile home park owner or operator or municipality; has had its electricity, natural gas, sewer, and water utilities terminated or disconnected ~~payments declared delinquent~~ by the utility companies or mobile home park owner or operator that are providing such services; and for which the Mobile Home Privilege Tax, imposed under the Mobile Home Local Services Tax Act, is delinquent for at least 3 months. A mobile home affixed to a foundation and abandoned outside a mobile home park must be treated like other real property for condemnation purposes.

"Manufactured home owner" means a person who holds title to a manufactured home.

"Manufactured home resident" means a manufactured home owner who rents space in a mobile home park from a mobile home park owner or operator for the purpose of locating his or her manufactured home or a person who rents a manufactured home in a mobile home park from a mobile home park owner or operator.

"Mobile home park" has the meaning provided under Section 2.5 of the Mobile Home Park Act.

"Municipality" means any city, village, incorporated town, or its duly authorized agent. If an abandoned mobile home is located in an unincorporated area, the county where the mobile home is located shall have all powers granted to a municipality under this Act.

(Source: P.A. 98-749, eff. 7-16-14.)

(210 ILCS 117/10.1 new)

Sec. 10.1. Proceedings.

(99) A proceeding to remove an abandoned mobile home may be maintained by the mobile home park owner or operator in the circuit court in the county in which the manufactured home is situated.

(b) A mobile home park owner or operator may commence a proceeding to obtain a judgment of the court declaring that a manufactured home has been abandoned upon proof of all of the following:

(99) The manufactured home has been vacant for a period of not less than 180 days without notice to the mobile home park owner or operator; however, the period shall be 90 days if a judgment of eviction with respect to the manufactured home has been entered.

(2) The manufactured home resident has defaulted in the payment of rent for a period of more than 60 days.

(3) At least 30 days before commencing the proceeding, the mobile home park owner or operator has notified all known holders of liens against the manufactured home, manufactured home owners, and manufactured home residents to the last known address by certified mail, return receipt requested. The notice shall also be sent by certified mail, return receipt requested, to the last person who paid the mobile home privilege tax on the mobile home as shown on the records of the county treasurer of the county where the mobile home is located. Before commencing a proceeding under this Act, the mobile home park owner or operator shall cause a search to be done to determine whether there are any lienholders with an existing interest in the manufactured home. The notice shall include a description of the manufactured home and its location, and that proceedings will be initiated by the mobile home park owner or operator under this Section for the removal and disposal of the manufactured home. The notice shall also describe the procedure for the manufactured home owner or manufactured home resident to retrieve any household goods or other personal property in the manufactured home before the conclusion of proceedings under this Section.

(4) At least 3 of the following factors apply:

(99) the manufactured home has no owner currently residing in the home or authorized tenant of the owner currently residing in the home to the best knowledge of the mobile home park owner or operator;

(B) electricity, natural gas, sewer, and water utility services to the manufactured home have been terminated or disconnected by the utility provider or the mobile home park owner or operator;

(C) the mobile home privilege tax, imposed under the Mobile Home Local Services Tax Act, is delinquent for at least 3 months;

(D) the manufactured home is in a state of substantial disrepair that makes the manufactured home uninhabitable; or

(C) other objective evidence of abandonment that the court finds reliable.

(c) A proceeding under this Act shall be commenced by filing a complaint naming as defendants all known holders of liens against the manufactured home, manufactured home owners, and manufactured home residents. The complaint shall comply with the requirements of a complaint under the Code of Civil Procedure. The summons shall state that if the defendant fails to answer and establish any defense that he or she may have, then he or she may be precluded from asserting such defense or the claim on which it is based in any other proceeding or action, that a final judgment may be entered if the court finds that the plaintiff has made the requisite showing, and that the result of that final judgment shall be the loss of the manufactured home resident's home. Service of the summons and complaint, return of process, and filing of an answer or other responsive pleading shall conform to the requirements of the Code of Civil Procedure and Supreme Court Rules.

(d) Upon the entry of a judgment that a manufactured home has been abandoned, the mobile home park owner or operator shall execute the judgment and cause the removal of the manufactured home from the mobile home park within 30 days after delivery of the judgment.

(c) The judgment shall clearly recite that a declaration of abandonment has been granted and that the manufactured home will be removed from the mobile home park no later than the 30th day after the delivery of the judgment unless an alternate disposition is ordered under subsection (f).

(f) As used in this subsection, "diligent inquiry" means sending a notice by certified mail to the last known address.

In lieu of ordering the removal of a manufactured home, the court may, upon good cause shown, provide for an alternate disposition of the manufactured home, including, but not limited to, sale, assignment of title, or destruction. When a manufactured home is disposed of under this Section through a sale of the manufactured home, the mobile home park owner or operator shall, after payment of all outstanding rent, fees, costs, and expenses to the community, and payment in priority order to lienholders, including providers of any utility services, pay any remaining balance to the title holder of the manufactured home. If the title holder cannot be found through diligent inquiry after 90 days, then the funds shall be forfeited.

(g) If any household goods or other personal property of the defendant remain in the manufactured home at the conclusion of proceedings under this Act, then the mobile home park owner or operator shall provide for the storage of the household goods and personal property for a period of not less than 30 days after the date of the final judgment of the court providing for the disposition of the manufactured home. If the household goods or other personal property are stored in a self-storage facility, then an amount equal to the charges imposed for such storage may be recovered from the defendant. Upon the expiration of such period, the mobile home park owner or operator: (1) has no further liability for the storage or safekeeping of such household goods or personal property; and (2) may provide for the destruction or other disposition of such household goods or personal property. At least 20 days before removing any household goods or other personal property of the defendant that remains in the manufactured home at the conclusion of proceedings under this Act, the mobile home park owner or operator shall send all known manufactured home owners and manufactured home residents written notice to the last known address by certified mail, return receipt requested. The notice shall include a description of the procedures, deadlines, and costs for the retrieval of items being stored in accordance with this subsection (g).

(210 ILCS 117/15)

Sec. 15. Authorization. The corporate authority of a municipality may remove and dispose of any abandoned mobile home found within the municipality and may legally enter upon any land to do so if the mobile home park owner or operator of the mobile home park where the abandoned mobile home is located has not initiated proceedings under Section 10.1 of this Act within 45 days after written notice to the mobile home park owner or operator by certified mail, return receipt requested stating that the corporate authority intends to take action under this Act. The notice to the mobile home park owner or operator shall specify the location of the abandoned mobile home in the park. This amendatory Act of the 100th General Assembly shall not be construed to affect any other authorization or obligation of the corporate authority under this Act.

(Source: P.A. 88-516.)

Section 10. The Illinois Vehicle Code is amended by changing Section 3-117.1 as follows:

(625 ILCS 5/3-117.1) (from Ch. 95 1/2, par. 3-117.1)

Sec. 3-117.1. When junking certificates or salvage certificates must be obtained.

(99) Except as provided in Chapter 4 and Section 3-117.3 of this Code, a person who possesses a junk vehicle shall within 15 days cause the certificate of title, salvage certificate, certificate of purchase,

or a similarly acceptable out of state document of ownership to be surrendered to the Secretary of State along with an application for a junking certificate, except as provided in Section 3-117.2, whereupon the Secretary of State shall issue to such a person a junking certificate, which shall authorize the holder thereof to possess, transport, or, by an endorsement, transfer ownership in such junked vehicle, and a certificate of title shall not again be issued for such vehicle.

A licensee who possesses a junk vehicle and a Certificate of Title, Salvage Certificate, Certificate of Purchase, or a similarly acceptable out-of-state document of ownership for such junk vehicle, may transport the junk vehicle to another licensee prior to applying for or obtaining a junking certificate, by executing a uniform invoice. The licensee transferor shall furnish a copy of the uniform invoice to the licensee transferee at the time of transfer. In any case, the licensee transferor shall apply for a junking certificate in conformance with Section 3-117.1 of this Chapter. The following information shall be contained on a uniform invoice:

(1) The business name, address and dealer license number of the person disposing of the vehicle, junk vehicle or vehicle cowl;

(2) The name and address of the person acquiring the vehicle, junk vehicle or vehicle cowl, and if that person is a dealer, the Illinois or out-of-state dealer license number of that dealer;

(3) The date of the disposition of the vehicle, junk vehicle or vehicle cowl;

(4) The year, make, model, color and description of each vehicle, junk vehicle or vehicle cowl disposed of by such person;

(5) The manufacturer's vehicle identification number, Secretary of State identification number or Illinois Department of State Police number, for each vehicle, junk vehicle or vehicle cowl part disposed of by such person;

(6) The printed name and legible signature of the person or agent disposing of the vehicle, junk vehicle or vehicle cowl; and

(7) The printed name and legible signature of the person accepting delivery of the vehicle, junk vehicle or vehicle cowl.

The Secretary of State may certify a junking manifest in a form prescribed by the Secretary of State that reflects those vehicles for which junking certificates have been applied or issued. A junking manifest may be issued to any person and it shall constitute evidence of ownership for the vehicle listed upon it. A junking manifest may be transferred only to a person licensed under Section 5-301 of this Code as a scrap processor. A junking manifest will allow the transportation of those vehicles to a scrap processor prior to receiving the junk certificate from the Secretary of State.

(b) An application for a salvage certificate shall be submitted to the Secretary of State in any of the following situations:

(1) When an insurance company makes a payment of damages on a total loss claim for a vehicle, the insurance company shall be deemed to be the owner of such vehicle and the vehicle shall be considered to be salvage except that ownership of (i) a vehicle that has incurred only hail damage that does not affect the operational safety of the vehicle or (ii) any vehicle 9 model years of age or older may, by agreement between the registered owner and the insurance company, be retained by the registered owner of such vehicle. The insurance company shall promptly deliver or mail within 20 days the certificate of title along with proper application and fee to the Secretary of State, and a salvage certificate shall be issued in the name of the insurance company. Notwithstanding the foregoing, an insurer making payment of damages on a total loss claim for the theft of a vehicle shall not be required to apply for a salvage certificate unless the vehicle is recovered and has incurred damage that initially would have caused the vehicle to be declared a total loss by the insurer.

(1.1) When a vehicle of a self-insured company is to be sold in the State of Illinois and has sustained damaged by collision, fire, theft, rust corrosion, or other means so that the self-insured company determines the vehicle to be a total loss, or if the cost of repairing the damage, including labor, would be greater than 70% of its fair market value without that damage, the vehicle shall be considered salvage. The self-insured company shall promptly deliver the certificate of title along with proper application and fee to the Secretary of State, and a salvage certificate shall be issued in the name of the self-insured company. A self-insured company making payment of damages on a total loss claim for the theft of a vehicle may exchange the salvage certificate for a certificate of title if the vehicle is recovered without damage. In such a situation, the self-insured shall fill out and sign a form prescribed by the Secretary of State which contains an affirmation under penalty of perjury that the vehicle was recovered without damage and the Secretary of State may, by rule, require photographs to be submitted.

(2) When a vehicle the ownership of which has been transferred to any person through a certificate of purchase from acquisition of the vehicle at an auction, other dispositions as set forth in Sections 4-208 and 4-209 of this Code, or a lien arising under Section 18a-501 of this Code ~~, or a public~~

~~sale under the Abandoned Mobile Home Act~~ shall be deemed salvage or junk at the option of the purchaser. The person acquiring such vehicle in such manner shall promptly deliver or mail, within 20 days after the acquisition of the vehicle, the certificate of purchase, the proper application and fee, and, if the vehicle is an abandoned mobile home under the Abandoned Mobile Home Act, a certification from a local law enforcement agency that the vehicle was purchased or acquired at a public sale under the Abandoned Mobile Home Act to the Secretary of State and a salvage certificate or junking certificate shall be issued in the name of that person. The salvage certificate or junking certificate issued by the Secretary of State under this Section shall be free of any lien that existed against the vehicle prior to the time the vehicle was acquired by the applicant under this Code.

(3) A vehicle which has been repossessed by a lienholder shall be considered to be salvage only when the repossessed vehicle, on the date of repossession by the lienholder, has sustained damage by collision, fire, theft, rust corrosion, or other means so that the cost of repairing such damage, including labor, would be greater than 33 1/3% of its fair market value without such damage. If the lienholder determines that such vehicle is damaged in excess of 33 1/3% of such fair market value, the lienholder shall, before sale, transfer or assignment of the vehicle, make application for a salvage certificate, and shall submit with such application the proper fee and evidence of possession. If the facts required to be shown in subsection (f) of Section 3-114 are satisfied, the Secretary of State shall issue a salvage certificate in the name of the lienholder making the application. In any case wherein the vehicle repossessed is not damaged in excess of 33 1/3% of its fair market value, the lienholder shall comply with the requirements of subsections (f), (f-5), and (f-10) of Section 3-114, except that the affidavit of repossession made by or on behalf of the lienholder shall also contain an affirmation under penalty of perjury that the vehicle on the date of sale is not damaged in excess of 33 1/3% of its fair market value. If the facts required to be shown in subsection (f) of Section 3-114 are satisfied, the Secretary of State shall issue a certificate of title as set forth in Section 3-116 of this Code. The Secretary of State may by rule or regulation require photographs to be submitted.

(4) A vehicle which is a part of a fleet of more than 5 commercial vehicles registered in this State or any other state or registered proportionately among several states shall be considered to be salvage when such vehicle has sustained damage by collision, fire, theft, rust, corrosion or similar means so that the cost of repairing such damage, including labor, would be greater than 33 1/3% of the fair market value of the vehicle without such damage. If the owner of a fleet vehicle desires to sell, transfer, or assign his interest in such vehicle to a person within this State other than an insurance company licensed to do business within this State, and the owner determines that such vehicle, at the time of the proposed sale, transfer or assignment is damaged in excess of 33 1/3% of its fair market value, the owner shall, before such sale, transfer or assignment, make application for a salvage certificate. The application shall contain with it evidence of possession of the vehicle. If the fleet vehicle at the time of its sale, transfer, or assignment is not damaged in excess of 33 1/3% of its fair market value, the owner shall so state in a written affirmation on a form prescribed by the Secretary of State by rule or regulation. The Secretary of State may by rule or regulation require photographs to be submitted. Upon sale, transfer or assignment of the fleet vehicle the owner shall mail the affirmation to the Secretary of State.

(5) A vehicle that has been submerged in water to the point that rising water has reached over the door sill and has entered the passenger or trunk compartment is a “flood vehicle”. A flood vehicle shall be considered to be salvage only if the vehicle has sustained damage so that the cost of repairing the damage, including labor, would be greater than 33 1/3% of the fair market value of the vehicle without that damage. The salvage certificate issued under this Section shall indicate the word “flood”, and the word “flood” shall be conspicuously entered on subsequent titles for the vehicle. A person who possesses or acquires a flood vehicle that is not damaged in excess of 33 1/3% of its fair market value shall make application for title in accordance with Section 3-116 of this Code, designating the vehicle as “flood” in a manner prescribed by the Secretary of State. The certificate of title issued shall indicate the word “flood”, and the word “flood” shall be conspicuously entered on subsequent titles for the vehicle.

(6) When any licensed rebuilder, repairer, new or used vehicle dealer, or remittance agent has submitted an application for title to a vehicle (other than an application for title to a rebuilt vehicle) that he or she knows or reasonably should have known to have sustained damages in excess of 33 1/3% of the vehicle’s fair market value without that damage; provided, however, that any application for a salvage certificate for a vehicle recovered from theft and acquired from an insurance company shall be made as required by paragraph (1) of this subsection (b).

(c) Any person who without authority acquires, sells, exchanges, gives away, transfers or destroys or offers to acquire, sell, exchange, give away, transfer or destroy the certificate of title to any vehicle which is a junk or salvage vehicle shall be guilty of a Class 3 felony.

(d) Any person who knowingly fails to surrender to the Secretary of State a certificate of title, salvage certificate, certificate of purchase or a similarly acceptable out-of-state document of ownership as required under the provisions of this Section is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a subsequent offense; except that a person licensed under this Code who violates paragraph (5) of subsection (b) of this Section is guilty of a business offense and shall be fined not less than $1,000 nor more than $5,000 for a first offense and is guilty of a Class 4 felony for a second or subsequent violation.

(c) Any vehicle which is salvage or junk may not be driven or operated on roads and highways within this State. A violation of this subsection is a Class A misdemeanor. A salvage vehicle displaying valid special plates issued under Section 3-601(b) of this Code, which is being driven to or from an inspection conducted under Section 3-308 of this Code, is exempt from the provisions of this subsection. A salvage vehicle for which a short term permit has been issued under Section 3-307 of this Code is exempt from the provisions of this subsection for the duration of the permit.
(Source: P.A. 99-932, eff. 6-1-17; 100-104, eff. 11-9-17.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Sims, **Senate Bill No. 3261** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Curran	Martinez	Sandoval
Anderson	Fowler	McCann	Schimpf
Barickman	Haine	McCarter	Sims
Bennett	Harmon	McConchie	Stadelman
Bertino-Tarrant	Harris	Morrison	Steans
Biss	Hastings	Mulroe	Syverson
Brady	Holmes	Muñoz	Tracy
Bush	Hunter	Murphy	Van Pelt
Castro	Hutchinson	Nybo	Weaver
Clayborne	Jones, E.	Oberweis	Mr. President
Collins	Koehler	Raoul	
Connelly	Landek	Rezin	
Cullerton, T.	Lightford	Rooney	
Cunningham	Link	Rose	

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

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

SENATE BILL RECALLED

On motion of Senator J. Cullerton, **Senate Bill No. 34** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 1 TO SENATE BILL 34

AMENDMENT NO. 1. Amend Senate Bill 34 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Voices of Immigrant Communities Empowering Survivors (VOICES) Act.

Section 5. Definitions. In this Act:

"Certification form" means a law enforcement certification form or statement required by federal immigration law certifying that a person is a victim of qualifying criminal activity including, but not limited to, the information required by Section 1184(p) of Title 8 of the United States Code, including current United States Citizenship and Immigration Services Form I-918, Supplement B, or any successor form for purposes of obtaining a U visa or by Section 1184(o) of Title 8 of the United States Code, including current United States Citizenship and Immigration Services Form I-914, Supplement B, or any successor form for purposes of obtaining a T visa.

"Certifying agency" means a State or local law enforcement agency, prosecutor, or other public authority that has responsibility for the investigation or prosecution of a qualifying crime or criminal activity, including an agency that has criminal investigative jurisdiction in its respective areas of expertise, including the Department of Labor, the Department of Children and Family Services, the Department of Human Services, and the Illinois Workers' Compensation Commission, but not including any State court.

"Qualifying criminal activity" means any activity, regardless of the stage of detection, investigation, or prosecution, designated in Section 1101(a)(15)(U)(iii) of Title 8 of the United States Code, any implementing federal regulations, supplementary information, guidance, and instructions.

"Victim of qualifying criminal activity" means a person described in Section 1101(a)(15)(U)(i)(I) of Title 8 of the United States Code, in the definition of "victim of a severe form of trafficking" in Section 7102(14) of Title 22 of the United States Code, or in any implementing federal regulations, supplementary information, guidance, and instructions.

Section 10. Certifications for victims of qualifying criminal activity.

(99) The head of each certifying agency shall designate an official or officials in supervisory roles, either within the agency or, by agreement with another agency with concurrent jurisdiction over the geographic area or subject matter covered by that agency, within that other agency. Designated officials may not be members of a collective bargaining unit represented by a labor organization, unless the official is an attorney or is employed in an agency in which all supervisory officials are members of a collective bargaining unit. Certifying officials shall:

(1) respond to requests for completion of certification forms received by the agency, as required by this Section; and

(2) make information regarding the agency's procedures for certification requests publicly available for victims of qualifying criminal activity and their representatives.

(b) Any person seeking completion of a certification form shall first submit a request for completion of the certification form to the certifying official for any certifying agency that detected, investigated, or prosecuted the criminal activity upon which the request is based.

(c) A request for completion of a certification form under this Section may be submitted by a representative of the person seeking the certification form, including, but not limited to, an attorney, accredited representative, or domestic violence or sexual assault services provider.

(d) Upon receiving a request for completion of a certification form, a certifying official shall complete the certification form for any victim of qualifying criminal activity. If the certifying official cannot determine that the applicant is a victim of qualifying criminal activity, the certifying official may provide written notice to the person or the person's representative explaining why the available evidence does not support a finding that the person is a victim of qualifying criminal activity. The certifying official shall complete the certification form and provide it to the person within 90 business days of receiving the request, except:

(1) if the person making the request for completion of the certification form is in federal immigration removal proceedings or detained, the certifying official shall complete and provide the certification form to the person no later than 21 business days after the request is received by the certifying agency;

(2) if the children, parents, or siblings of the person making the request for

completion of the certification form would become ineligible for benefits under Sections 1184(p) and 1184(o) of Title 8 of the United States Code by virtue of the person's children having reached the age of 21 years, the person having reached the age of 21 years, or the person's sibling having reached the age of 18 years within 90 business days from the date that the certifying official receives the certification request, the certifying official shall complete and provide the certification form to the person no later than 21 business days after the request is received by the certifying agency;

(3) if the person's children, parents, or siblings under paragraph (2) of this subsection (d) would become ineligible for benefits under Sections 1184(p) and 1184(o) of Title 8 of the United States Code in less than 21 business days of receipt of the certification request, the certifying official shall complete and provide a certification form to the person within 5 business days; or

(4) a certifying official may extend the time period by which it must complete and provide the certification form to the person as required under this subsection (d) only upon written agreement with the person or person's representative.

Requests for expedited completion of a certification form under paragraphs (1), (2), and (3) of this subsection (d) shall be affirmatively raised by the person or that person's representative in writing to the certifying agency and shall establish that the person is eligible for expedited review.

(c) A certifying official who issued an initial certification form shall complete and reissue a certification form within 90 business days of receiving a request from a victim to reissue. If the victim seeking recertification has a deadline to respond to a request for evidence from United States Citizenship and Immigration Services, the certifying official shall complete and issue the form no later than 21 business days after the request is received by the certifying official. Requests for expedited recertification shall be affirmatively raised by the victim or victim's representative in writing and shall establish that the victim is eligible for expedited review. A certifying official may extend the deadline by which he or she will complete and reissue the certification form only upon written agreement with the victim or victim's representative.

(f) Notwithstanding any other provision of this Section, a certifying official's completion of a certification form shall not be considered sufficient evidence that an applicant for a U or T visa has met all eligibility requirements for that visa and completion of a certification form by a certifying official shall not be construed to guarantee that the victim will receive federal immigration relief. It is the exclusive responsibility of federal immigration officials to determine whether a person is eligible for a U or T visa. Completion of a certification form by a certifying official merely verifies factual information relevant to the federal immigration benefit sought, including information relevant for federal immigration officials to determine eligibility for a U or T visa. By completing a certification form, the certifying official attests that the information is true and correct to the best of the certifying official's knowledge. If, after completion of a certification form, the certifying official later determines the person was not the victim of qualifying criminal activity or the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim, the certifying official may notify United States Citizenship and Immigration Services in writing.

(g) A certifying official or agency receiving requests for completion of certification forms shall not disclose the immigration status of a victim or person requesting the certification form, except to comply with federal law or State law, legal process, or if authorized, by the victim or person requesting the certification form.

Section 15. Immunity. A certifying agency or certifying official acting or failing to act in good faith in compliance with this Act shall have immunity from civil or criminal liability that might otherwise occur as a result of so acting or failing to act, with the exception of willful or wanton misconduct. Any action brought to seek enforcement of this Act shall be ineligible to seek attorney's fees and costs, unless the action demonstrates willful or wanton misconduct by a certifying agency or certifying official.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator J. Cullerton, **Senate Bill No. 34** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 37; NAYS 9.

The following voted in the affirmative:

Althoff	Haine	Link	Sandoval
Bertino-Tarrant	Harmon	Manar	Schimpf
Biss	Harris	Martinez	Sims
Bush	Hastings	Morrison	Stadelman
Castro	Holmes	Mulroe	Steans
Clayborne	Hunter	Muñoz	Van Pelt
Collins	Jones, E.	Murphy	Mr. President
Cullerton, T.	Koehler	Nybo	
Cunningham	Landek	Raoul	
Fowler	Lightford	Rooney	

The following voted in the negative:

Barickman	McCarter	Rezin
Bivins	McConchie	Tracy
McCann	Oberweis	Weaver

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

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

On motion of Senator J. Cullerton, **Senate Bill No. 3136** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval
Bennett	Haine	McCann	Schimpf
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	Mr. President
Connelly	Landek	Raoul	
Cullerton, T.	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.

On motion of Senator Sims, **Senate Bill No. 3263** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval
Bennett	Haine	McCann	Schimpf
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	Mr. President
Connelly	Landek	Raoul	
Cullerton, T.	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.

On motion of Senator Sims, **Senate Bill No. 3276** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Landek	Raoul
Anderson	Cunningham	Lightford	Rezin
Barickman	Curran	Link	Rooney
Bennett	Fowler	Manar	Rose
Bertino-Tarrant	Haine	Martinez	Sandoval
Biss	Harmon	McCann	Sims
Bivins	Harris	McCarter	Stadelman
Brady	Hastings	Morrison	Steans
Bush	Holmes	Mulroe	Syverson
Castro	Hunter	Muñoz	Van Pelt
Clayborne	Hutchinson	Murphy	Weaver
Collins	Jones, E.	Nybo	Mr. President
Connelly	Koehler	Oberweis	

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

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

On motion of Senator Sims, **Senate Bill No. 3285** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval
Bennett	Haine	McCann	Schimpf
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	Mr. President
Connelly	Landek	Raoul	
Cullerton, T.	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.

On motion of Senator Sims, **Senate Bill No. 3288** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval
Bennett	Haine	McCann	Schimpf
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	Mr. President
Connelly	Landek	Raoul	
Cullerton, T.	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.

On motion of Senator Koehler, **Senate Bill No. 3290** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval
Bennett	Haine	McCann	Schimpf
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	Mr. President
Connelly	Landek	Raoul	
Cullerton, T.	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.

SENATE BILL RECALLED

On motion of Senator Clayborne, **Senate Bill No. 3291** was recalled from the order of third reading to the order of second reading.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3291

AMENDMENT NO. 3. Amend Senate Bill 3291, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Aeronautics Act is amended by adding Section 42.1 as follows:

(620 ILCS 5/42.1 new)

Sec. 42.1. Regulation of unmanned aircraft systems.

(99) As used in this Section:

"Unmanned aircraft" means a device used or intended to be used for flight in the air that is operated without the possibility of direct human intervention within or on the device.

"Unmanned aircraft system" means an unmanned aircraft and its associated elements, including communication links and the components that control the unmanned aircraft, that are required for the safe and efficient operation of the unmanned aircraft in the national airspace system.

(b) To the extent that State-level oversight does not conflict with federal laws, rules, or regulations, the regulation of an unmanned aircraft system is an exclusive power and function of the State. No unit of local government, including home rule unit, may enact an ordinance or resolution to regulate unmanned aircraft systems. 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. This Section does not apply to any local ordinance enacted by a municipality of more than 1,000,000 inhabitants.

(c) Nothing in this Section shall infringe or impede any current right or remedy available under existing State law.

(d) The Department may adopt any rules that it finds appropriate to address the safe and legal operation of unmanned aircraft systems in this State, so that those engaged in the operation of unmanned aircraft systems may so engage with the least possible restriction, consistent with their safety and with the safety and the rights of others, and in compliance with federal rules and regulations.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Clayborne, **Senate Bill No. 3291** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Manar	Sandoval
Anderson	Curran	Martinez	Schimpf
Barickman	Fowler	McCann	Sims
Bennett	Haine	McCarter	Stadelman
Bertino-Tarrant	Harmon	McConchie	Steans
Biss	Hastings	Morrison	Syverson
Bivins	Holmes	Mulroe	Tracy
Brady	Hunter	Muñoz	Van Pelt
Bush	Hutchinson	Nybo	Weaver
Castro	Jones, E.	Oberweis	Mr. President
Clayborne	Koehler	Raoul	
Collins	Landek	Rezin	
Connelly	Lightford	Rooney	
Cullerton, T.	Link	Rose	

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

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

SENATE BILL RECALLED

On motion of Senator Syverson, **Senate Bill No. 3387** was recalled from the order of third reading to the order of second reading.

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3387

AMENDMENT NO. 2. Amend Senate Bill 3387, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 13, lines 14 through 16, by deleting ", provided that these limitations on civil penalties shall not apply to civil penalties assessed under the Video Gaming Act".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Syverson, **Senate Bill No. 3387** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 45; NAY 1; Present 1.

The following voted in the affirmative:

Althoff	Haine	Manar	Sandoval
Anderson	Harmon	Martinez	Schimpf
Barickman	Harris	McCann	Sims
Bennett	Hastings	Morrison	Stadelman
Biss	Holmes	Mulroe	Steans
Brady	Hunter	Muñoz	Syverson
Bush	Hutchinson	Murphy	Tracy
Castro	Jones, E.	Nybo	Van Pelt
Clayborne	Koehler	Raoul	Mr. President
Cunningham	Landek	Rezin	
Curran	Lightford	Rooney	
Fowler	Link	Rose	

The following voted in the negative:

McCarter

The following voted present:

Oberweis

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

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

Senator McCarter asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 3387**.

SENATE BILL RECALLED

On motion of Senator Raoul, **Senate Bill No. 3404** was recalled from the order of third reading to the order of second reading.

Senator Raoul offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3404

AMENDMENT NO. 3. Amend Senate Bill 3404, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 26, line 17, by deleting "medical examination,".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Raoul, **Senate Bill No. 3404** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval
Bennett	Haine	McCann	Schimpf
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	Mr. President
Connelly	Landek	Raoul	
Cullerton, T.	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.

SENATE BILL RECALLED

On motion of Senator Althoff, **Senate Bill No. 3398** was recalled from the order of third reading to the order of second reading.

Senator Althoff offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3398

AMENDMENT NO. 1. Amend Senate Bill 3398 on page 15, immediately below line 1, by inserting the following:

"A limited liability company that provides professional services and requires registration with the Department may convert to a professional limited liability company by filing the appropriate forms with the Secretary of State. There shall be no fee for this conversion.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Althoff, **Senate Bill No. 3398** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval
Bennett	Haine	McCann	Schimpf
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	Mr. President
Connelly	Landek	Raoul	
Cullerton, T.	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.

On motion of Senator Raoul, **Senate Bill No. 3415**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

Pending roll call, on motion of Senator Raoul, further consideration of **Senate Bill No. 3415** was postponed.

At the hour of 1:21 o'clock p.m., Senator Harmon, presiding.

On motion of Senator Link, **Senate Bill No. 3452** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

Althoff	Curran	Link	Rose
Anderson	Fowler	Manar	Sandoval
Barickman	Haine	Martinez	Schimpf
Bennett	Harmon	McCann	Sims
Bertino-Tarrant	Harris	Morrison	Stadelman
Biss	Hastings	Mulroe	Steans
Brady	Holmes	Muñoz	Syverson
Bush	Hunter	Murphy	Tracy
Castro	Hutchinson	Nybo	Van Pelt
Clayborne	Jones, E.	Oberweis	Weaver
Connelly	Koehler	Raoul	Mr. President
Cullerton, T.	Landek	Rezin	
Cunningham	Lightford	Rooney	

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

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

At the hour of 1:22 o'clock p.m., Senator Link, presiding.

SENATE BILL RECALLED

On motion of Senator Lightford, **Senate Bill No. 3466** was recalled from the order of third reading to the order of second reading.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3466

AMENDMENT NO. 2. Amend Senate Bill 3466 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 10-22.6, 26-2a, and 26-12 as follows:

(105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

Sec. 10-22.6. Suspension or expulsion of pupils; school searches.

(a) To expel pupils guilty of gross disobedience or misconduct, including gross disobedience or misconduct perpetuated by electronic means, pursuant to subsection (b-20) of this Section, and no action shall lie against them for such expulsion. Expulsion shall take place only after the parents have been requested to appear at a meeting of the board, or with a hearing officer appointed by it, to discuss their child's behavior. Such request shall be made by registered or certified mail and shall state the time, place and purpose of the meeting. The board, or a hearing officer appointed by it, at such meeting shall state the reasons for dismissal and the date on which the expulsion is to become effective. If a hearing officer is appointed by the board, he shall report to the board a written summary of the evidence heard at the meeting and the board may take such action thereon as it finds appropriate. If the board acts to expel a pupil, the written expulsion decision shall detail the specific reasons why removing the pupil from the learning environment is in the best interest of the school. The expulsion decision shall also include a rationale as to the specific duration of the expulsion. An expelled pupil may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the expulsion, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

(b) To suspend or by policy to authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend pupils guilty of gross disobedience or misconduct, or to suspend pupils guilty of gross disobedience or misconduct on the school bus from riding the school bus, pursuant to subsections (b-15) and (b-20) of this Section, and no action shall lie against them for such suspension. The board may by policy authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend pupils guilty of such acts for a period not to exceed 10 school days. If a pupil is suspended due to gross disobedience or misconduct on a school bus, the board may suspend the pupil in excess of 10 school days for safety reasons.

Any suspension shall be reported immediately to the parents or guardian of a pupil along with a full statement of the reasons for such suspension and a notice of their right to a review. The school board must be given a summary of the notice, including the reason for the suspension and the suspension length. Upon request of the parents or guardian, the school board or a hearing officer appointed by it shall review such action of the superintendent or principal, assistant principal, or dean of students. At such review, the parents or guardian of the pupil may appear and discuss the suspension with the board or its hearing officer. If a hearing officer is appointed by the board, he shall report to the board a written summary of the evidence heard at the meeting. After its hearing or upon receipt of the written report of its hearing officer, the board may take such action as it finds appropriate. If a student is suspended pursuant to this subsection (b), the board shall, in the written suspension decision, detail the specific act of gross disobedience or misconduct resulting in the decision to suspend. The suspension decision shall also include a rationale as to the specific duration of the suspension. A pupil who is suspended in excess of 20 school days may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil

must not be denied transfer because of the suspension, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

(b-5) Among the many possible disciplinary interventions and consequences available to school officials, school exclusions, such as out-of-school suspensions and expulsions, are the most serious. School officials shall limit the number and duration of expulsions and suspensions to the greatest extent practicable, and it is recommended that they use them only for legitimate educational purposes. To ensure that students are not excluded from school unnecessarily, it is recommended that school officials consider forms of non-exclusionary discipline prior to using out-of-school suspensions or expulsions.

(b-10) Unless otherwise required by federal law or this Code, school boards may not institute zero-tolerance policies by which school administrators are required to suspend or expel students for particular behaviors.

(b-15) Out-of-school suspensions of 3 days or less may be used only if the student's continuing presence in school would pose a threat to school safety or a disruption to other students' learning opportunities. For purposes of this subsection (b-15), "threat to school safety or a disruption to other students' learning opportunities" shall be determined on a case-by-case basis by the school board or its designee. School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of suspensions to the greatest extent practicable.

(b-20) Unless otherwise required by this Code, out-of-school suspensions of longer than 3 days, expulsions, and disciplinary removals to alternative schools may be used only if other appropriate and available behavioral and disciplinary interventions have been exhausted and the student's continuing presence in school would either (i) pose a threat to the safety of other students, staff, or members of the school community or (ii) substantially disrupt, impede, or interfere with the operation of the school. For purposes of this subsection (b-20), "threat to the safety of other students, staff, or members of the school community" and "substantially disrupt, impede, or interfere with the operation of the school" shall be determined on a case-by-case basis by school officials. For purposes of this subsection (b-20), the determination of whether "appropriate and available behavioral and disciplinary interventions have been exhausted" shall be made by school officials. School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of student exclusions to the greatest extent practicable. Within the suspension decision described in subsection (b) of this Section or the expulsion decision described in subsection (a) of this Section, it shall be documented whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.

(b-25) Students who are suspended out-of-school for longer than 4 school days shall be provided appropriate and available support services during the period of their suspension. For purposes of this subsection (b-25), "appropriate and available support services" shall be determined by school authorities. Within the suspension decision described in subsection (b) of this Section, it shall be documented whether such services are to be provided or whether it was determined that there are no such appropriate and available services.

A school district may refer students who are expelled to appropriate and available support services.

A school district shall create a policy to facilitate the re-engagement of students who are suspended out-of-school, expelled, or returning from an alternative school setting.

(b-30) A school district shall create a policy by which suspended pupils, including those pupils suspended from the school bus who do not have alternate transportation to school, shall have the opportunity to make up work for equivalent academic credit. It shall be the responsibility of a pupil's parent or guardian to notify school officials that a pupil suspended from the school bus does not have alternate transportation to school.

(c) The Department of Human Services shall be invited to send a representative to consult with the board at such meeting whenever there is evidence that mental illness may be the cause for expulsion or suspension.

(c-5) School districts shall make reasonable efforts to provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff on the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates.

(d) The board may expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case ~~case by case~~ basis. A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of not less than one year:

(1) A firearm. For the purposes of this Section, "firearm" means any gun, rifle, shotgun, weapon as defined by Section 921 of Title 18 of the United States Code, firearm as defined in Section 1.1 of the Firearm Owners Identification Card Act, or firearm as defined in Section 24-1 of the Criminal Code of 2012. The expulsion period under this subdivision (1) may be modified by the superintendent, and the superintendent's determination may be modified by the board on a case-by-case basis.

(2) A knife, brass knuckles or other knuckle weapon regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily harm, including "look alikes" of any firearm as defined in subdivision (1) of this subsection (d). The expulsion requirement under this subdivision (2) may be modified by the superintendent, and the superintendent's determination may be modified by the board on a case-by-case basis.

Expulsion or suspension shall be construed in a manner consistent with the Federal Individuals with Disabilities Education Act. A student who is subject to suspension or expulsion as provided in this Section may be eligible for a transfer to an alternative school program in accordance with Article 13A of the School Code.

(d-5) The board may suspend or by regulation authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend a student for a period not to exceed 10 school days or may expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case ~~case by case~~ basis, if (i) that student has been determined to have made an explicit threat on an Internet website against a school employee, a student, or any school-related personnel, (ii) the Internet website through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and (iii) the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school.

(e) To maintain order and security in the schools, school authorities may inspect and search places and areas such as lockers, desks, parking lots, and other school property and equipment owned or controlled by the school, as well as personal effects left in those places and areas by students, without notice to or the consent of the student, and without a search warrant. As a matter of public policy, the General Assembly finds that students have no reasonable expectation of privacy in these places and areas or in their personal effects left in these places and areas. School authorities may request the assistance of law enforcement officials for the purpose of conducting inspections and searches of lockers, desks, parking lots, and other school property and equipment owned or controlled by the school for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs. If a search conducted in accordance with this Section produces evidence that the student has violated or is violating either the law, local ordinance, or the school's policies or rules, such evidence may be seized by school authorities, and disciplinary action may be taken. School authorities may also turn over such evidence to law enforcement authorities.

(f) Suspension or expulsion may include suspension or expulsion from school and all school activities and a prohibition from being present on school grounds.

(g) A school district may adopt a policy providing that if a student is suspended or expelled for any reason from any public or private school in this or any other state, the student must complete the entire term of the suspension or expulsion in an alternative school program under Article 13A of this Code or an alternative learning opportunities program under Article 13B of this Code before being admitted into the school district if there is no threat to the safety of students or staff in the alternative program.

(h) School officials shall not advise or encourage students to drop out voluntarily due to behavioral or academic difficulties.

(i) A student may not be issued a monetary fine or fee as a disciplinary consequence, though this shall not preclude requiring a student to provide restitution for lost, stolen, or damaged property.

(j) Subsections (a) through (i) of this Section shall apply to elementary and secondary schools, charter schools, special charter districts, and school districts organized under Article 34 of this Code.

(k) The expulsion of children enrolled in programs funded under Section 1C-2 of this Code is subject to the requirements under paragraph (7) of subsection (a) of Section 2-3.71 of this Code.

(Source: P.A. 99-456, eff. 9-15-16; 100-105, eff. 1-1-18; revised 1-22-18.)

(105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

Sec. 26-2a. A "truant" is defined as a child subject to compulsory school attendance and who is absent without valid cause from such attendance for a school day or portion thereof.

"Valid cause" for absence shall be illness, observance of a religious holiday, death in the immediate family, family emergency, and shall include such other situations beyond the control of the student as

determined by the board of education in each district, or such other circumstances which cause reasonable concern to the parent for the mental, emotional, or physical ~~safety or~~ health or safety of the student.

"Chronic or habitual truant" shall be defined as a child who is subject to compulsory school attendance and who is absent without valid cause from such attendance for 5% or more of the previous 180 regular attendance days.

"Truant minor" is defined as a chronic truant to whom supportive services, including prevention, diagnostic, intervention and remedial services, alternative programs and other school and community resources have been provided and have failed to result in the cessation of chronic truancy, or have been offered and refused.

A "dropout" is defined as any child enrolled in grades 9 through 12 whose name has been removed from the district enrollment roster for any reason other than the student's death, extended illness, removal for medical non-compliance, expulsion, aging out, graduation, or completion of a program of studies and who has not transferred to another public or private school and is not known to be home-schooled by his or her parents or guardians or continuing school in another country.

"Religion" for the purposes of this Article, includes all aspects of religious observance and practice, as well as belief.

(Source: P.A. 96-1423, eff. 8-3-10; 97-218, eff. 7-28-11.)

(105 ILCS 5/26-12) (from Ch. 122, par. 26-12)

Sec. 26-12. Punitive action.

(a) No punitive action, including out of school suspensions, expulsions or court action, shall be taken against chronic truants for such truancy unless appropriate and available supportive services and other school resources have been provided to the student.

(b) A school district may not refer a truant, chronic truant, or truant minor to any other local public entity, as defined under Section 1-206 of the Local Governmental and Governmental Employees Tort Immunity Act, for that local public entity to issue the child a fine or a fee as punishment for his or her truancy.

(c) A school district may refer any person having custody or control of a truant, chronic truant, or truant minor to any other local public entity, as defined under Section 1-206 of the Local Governmental and Governmental Employees Tort Immunity Act, for that local public entity to issue the person a fine or fee for the child's truancy only if the school district's truant officer, regional office of education, or intermediate service center has been notified of the truant behavior and the school district, regional office of education, or intermediate service center has offered all appropriate and available supportive services and other school resources to the child. Before a school district may refer a person having custody or control of a child to a municipality, as defined under Section 1-1-2 of the Illinois Municipal Code, the school district must provide the following appropriate and available services:

(1) For any child who is a homeless child, as defined under Section 1-5 of the Education for Homeless Children Act, a meeting between the child, the person having custody or control of the child, relevant school personnel, and a homeless liaison to discuss any barriers to the child's attendance due to the child's transitional living situation and to construct a plan that removes these barriers.

(2) For any child with a documented disability, a meeting between the child, the person having custody or control of the child, and relevant school personnel to review the child's current needs and address the appropriateness of the child's placement and services. For any child subject to Article 14 of this Code, this meeting shall be an individualized education program meeting and shall include relevant members of the individualized education program team. For any child with a disability under Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794), this meeting shall be a Section 504 plan review and include relevant members of the Section 504 plan team.

(3) For any child currently being evaluated by a school district for a disability or for whom the school has a basis of knowledge that the child is a child with a disability under 20 U.S.C. 1415(k)(5), the completion of the evaluation and determination of the child's eligibility for special education services.

(d) Before a school district may refer a person having custody or control of a child to a local public entity under this Section, the school district must document any appropriate and available supportive services offered to the child. In the event a meeting under this Section does not occur, a school district must have documentation that it made reasonable efforts to convene the meeting at a mutually convenient time and date for the school district and the person having custody or control of the child and, but for the conduct of that person, the meeting would have occurred.

(Source: P.A. 85-234.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Lightford, **Senate Bill No. 3466** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 47; NAYS 3.

The following voted in the affirmative:

Althoff	Curran	Lightford	Oberweis
Anderson	Fowler	Link	Raoul
Bennett	Haine	Manar	Rezin
Bertino-Tarrant	Harmon	Martinez	Rooney
Biss	Harris	McCann	Sandoval
Brady	Hastings	McCarter	Sims
Bush	Holmes	McConchie	Stadelman
Castro	Hunter	Morrison	Steans
Clayborne	Hutchinson	Mulroe	Tracy
Collins	Jones, E.	Muñoz	Van Pelt
Cullerton, T.	Koehler	Murphy	Mr. President
Cunningham	Landek	Nybo	

The following voted in the negative:

Barickman
Rose
Schimpf

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

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

SENATE BILL RECALLED

On motion of Senator Collins, **Senate Bill No. 3489** was recalled from the order of third reading to the order of second reading.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3489

AMENDMENT NO. 1. Amend Senate Bill 3489 by replacing everything after the enacting clause with the following:

"Section 5. The Murderer and Violent Offender Against Youth Registration Act is amended by changing Section 85 and by adding Sections 13 and 46 as follows:

(730 ILCS 154/13 new)

Sec. 13. Request for Review.

(a) Any person who is required to register under this Act may file a Request for Review with the office of the State's Attorney of the county in which he or she was convicted, and request that the office of the State's Attorney review his or her registration information. Upon receipt of a Request for Review, the State's Attorney shall review the information provided by the offender, and if he or she determines that the information currently relied upon for registration is inaccurate, the State's Attorney shall correct the error

before reporting the offender's personal information to the Department of State Police. If the State's Attorney makes a determination to deny a Request for Review, the State's Attorney shall give the reason why and the information relied upon for denying the Request for Review.

(b) Within 60 days of a denial of a request for review an offender may appeal the decision of the State's Attorney to deny the Request for Review in the circuit court.

(730 ILCS 154/46 new)

Sec. 46. Notification of case information from the office of the State's Attorney. The office of the State's Attorney shall provide the Department of State Police Registration Unit all relevant case information that determines a registrant's place on the registry, including, but not limited to, the date of the offense, the name of the offender, the date of birth of the offender, the nature of the crime, and the date of birth of the victim in order to facilitate proper registry placement and to prevent the necessity for future Requests for Review of a registrant's information.

(730 ILCS 154/85)

Sec. 85. Murderer and Violent Offender Against Youth Database.

(a) The Department of State Police shall establish and maintain a Statewide Murderer and Violent Offender Against Youth Database for the purpose of identifying violent offenders against youth and making that information available to the persons specified in Section 95. The Database shall be created from the Law Enforcement Agencies Data System (LEADS) established under Section 6 of the Intergovernmental Missing Child Recovery Act of 1984. The Department of State Police shall examine its LEADS database for persons registered as violent offenders against youth under this Act and shall identify those who are violent offenders against youth and shall add all the information, including photographs if available, on those violent offenders against youth to the Statewide Murderer and Violent Offender Against Youth Database.

(b) The Department of State Police must make the information contained in the Statewide Murderer and Violent Offender Against Youth Database accessible on the Internet by means of a hyperlink labeled "Murderer and Violent Offender Against Youth Information" on the Department's World Wide Web home page. The Department of State Police must update that information as it deems necessary.

The Department of State Police may require that a person who seeks access to the violent offender against youth information submit biographical information about himself or herself before permitting access to the violent offender against youth information. The Department of State Police must promulgate rules in accordance with the Illinois Administrative Procedure Act to implement this subsection (b) and those rules must include procedures to ensure that the information in the database is accurate.

(c) The Department of State Police must develop and conduct training to educate all those entities involved in the Murderer and Violent Offender Against Youth Registration Program.

(d) The Department of State Police shall commence the duties prescribed in the Murderer and Violent Offender Against Youth Registration Act within 12 months after the effective date of this Act.

(e) The Department of State Police shall collect and annually report, on or before December 31 of each year, the following information, making it publicly accessible on the Department of State Police website:

(1) the number of registrants;

(2) the number of registrants currently registered for each offense requiring registration; and

(3) biographical data, such as age of the registrant, race of the registrant, and age of the victim.

(Source: P.A. 97-154, eff. 1-1-12.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Collins, **Senate Bill No. 3489** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

Althoff	Fowler	Manar	Rooney
Anderson	Haine	Martinez	Rose
Barickman	Harmon	McCann	Sandoval
Bennett	Harris	McCarter	Schimpf
Biss	Hastings	McConchie	Sims
Brady	Holmes	Morrison	Steans
Bush	Hunter	Mulroe	Syverson
Castro	Hutchinson	Muñoz	Tracy
Clayborne	Jones, E.	Murphy	Van Pelt
Collins	Koehler	Nybo	Weaver
Connelly	Landek	Oberweis	Mr. President
Cullerton, T.	Lightford	Raoul	
Curran	Link	Rezin	

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

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

On motion of Senator Sims, **Senate Bill No. 3500** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Curran	Manar	Sandoval
Anderson	Fowler	Martinez	Schimpf
Barickman	Haine	McCann	Sims
Bennett	Harmon	McCarter	Stadelman
Bertino-Tarrant	Harris	McConchie	Steans
Biss	Hastings	Morrison	Syverson
Brady	Holmes	Muñoz	Tracy
Bush	Hunter	Murphy	Van Pelt
Castro	Hutchinson	Nybo	Weaver
Clayborne	Jones, E.	Oberweis	Mr. President
Collins	Koehler	Raoul	
Connelly	Landek	Rezin	
Cullerton, T.	Lightford	Rooney	
Cunningham	Link	Rose	

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

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

On motion of Senator Murphy, **Senate Bill No. 3507** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Curran	Manar	Sandoval
Anderson	Fowler	Martinez	Schimpf
Barickman	Haine	McCann	Sims
Bennett	Harmon	McCarter	Stadelman
Bertino-Tarrant	Harris	McConchie	Steans
Biss	Hastings	Morrison	Syverson
Brady	Holmes	Muñoz	Tracy
Bush	Hunter	Murphy	Van Pelt
Castro	Hutchinson	Nybo	Weaver
Clayborne	Jones, E.	Oberweis	Mr. President
Collins	Koehler	Raoul	
Connelly	Landek	Rezin	
Cullerton, T.	Lightford	Rooney	
Cunningham	Link	Rose	

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

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

On motion of Senator Steans, **Senate Bill No. 3508** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 40; NAYS 9.

The following voted in the affirmative:

Anderson	Fowler	Manar	Sandoval
Bennett	Haine	Martinez	Sims
Bertino-Tarrant	Harmon	McCann	Stadelman
Biss	Hastings	Morrison	Steans
Bush	Holmes	Mulroe	Van Pelt
Castro	Hunter	Muñoz	Weaver
Clayborne	Jones, E.	Murphy	Mr. President
Collins	Koehler	Nybo	
Cullerton, T.	Landek	Raoul	
Cunningham	Lightford	Rezin	
Curran	Link	Rooney	

The following voted in the negative:

Barickman	McCarter	Schimpf
Bivins	McConchie	Syverson
Brady	Oberweis	Tracy

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

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

On motion of Senator Cunningham, **Senate Bill No. 3509** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Curran	Manar	Rose
Anderson	Fowler	Martinez	Sandoval
Barickman	Haine	McCann	Schimpf
Bennett	Harmon	McCarter	Sims
Bertino-Tarrant	Harris	McConchie	Stadelman
Biss	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	Mr. President
Connelly	Landek	Raoul	
Cullerton, T.	Lightford	Rezin	
Cunningham	Link	Rooney	

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

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

SENATE BILL TABLED

Senator Rose moved that **Senate Bill No. 2593**, on the order of second reading, be ordered to lie on the table.

The motion to table prevailed.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 26, 2018 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Licensed Activities and Pensions: **Senate Joint Resolution No. 67.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 26, 2018 meeting, reported that the following Legislative Measures have been approved for consideration:

Floor Amendment No. 2 to Senate Bill 1265
Floor Amendment No. 2 to Senate Bill 2213
Floor Amendment No. 5 to Senate Bill 3047
Floor Amendment No. 2 to Senate Bill 3528

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Stadelman, **Senate Bill No. 3527** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAY 1.

The following voted in the affirmative:

Althoff	Curran	Manar	Sandoval
Anderson	Fowler	Martinez	Schimpf
Barickman	Haine	McCann	Sims
Bennett	Harmon	McCarter	Stadelman
Bertino-Tarrant	Harris	McConchie	Steans
Biss	Hastings	Morrison	Syverson
Bivins	Holmes	Mulroe	Tracy
Brady	Hunter	Muñoz	Van Pelt
Bush	Hutchinson	Murphy	Weaver
Castro	Jones, E.	Nybo	Mr. President
Clayborne	Koehler	Raoul	
Collins	Landek	Rezin	
Connelly	Lightford	Rooney	
Cullerton, T.	Link	Rose	

The following voted in the negative:

Oberweis

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

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

SENATE BILL RECALLED

On motion of Senator Hunter, **Senate Bill No. 3513** was recalled from the order of third reading to the order of second reading.

Senator Hunter offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3513

AMENDMENT NO. 1. Amend Senate Bill 3513 by replacing everything after the enacting clause with the following:

"Section 1. Reference to Act. This Act may be referred to as the Stay of Driver's License Suspension for Child Support Arrearage Law.

Section 5. The Illinois Vehicle Code is amended by adding Section 7-701.5 as follows:
(625 ILCS 5/7-701.5 new)
Sec. 7-701.5. Loss of driving privileges for nonpayment of support; stay.
(a) The purposes of the Section are:

(1) To safeguard the best interests of children and families by establishing procedures, in appropriate cases, for a parent with a child support arrearage ("obligor") to retain his or her driver's license for up to 12 months, to enable him or her to maintain or obtain gainful employment, seek self-employment, start a business, or participate in job training or other programs to enable the parent to obtain employment and pay child support.

(2) To mitigate potential financial and relationship harm to children and families caused by the loss of a parent's driving privileges.

(3) To recognize the financial cost and difficulty of transporting children and families and maintaining employment, seeking employment or self-employment, or starting a business caused by a loss of driving privileges, while balancing the obligor's financial responsibility as outlined in the child support order.

(b) In any proceeding to enforce arrearages in child support payments or orders, the obligor has the right to petition the court or child support administrative body for an order to stay the suspension of driver's license ("Stay Order") for a period of up to 12 months after the date of the Stay Order. As the child support arrearage accrued while the obligor's license had yet to be suspended, the obligor must prove by clear and convincing evidence that the suspension should be stayed and that the child support obligation will be paid.

(c) The court or the child support administrative body shall oversee the Stay Order and shall review the Stay Order every 90 days to determine if the obligor has either started to pay child support if already employed or gains employment, made efforts to gain employment, or participated in job training or another work program towards employment, or became self-employed or started a business, for a period of up to 12 months after the date of the Stay Order, and shall have the discretion to extend the time of review upon good cause shown, as indicated in subsection (h).

(d) The court or child support administrative body shall, after issuance of a Stay Order:

(1) Require that evidence of employment be presented to the court or child support administrative body, if the obligor is employed at the time that the Stay Order is entered, and order the obligor to either sign a wage garnishment or wage assignment agreement or sign a request to the employer for withholding of child support, in order to avoid license suspension.

(2) Require that an obligor who is not employed seek employment, job training, or a work program through the Department of Employment Security and other means, and report to the court, in accordance with the provisions above, with a diary, listing, or other documentation of his or her efforts to gain employment in accordance with such order.

(3) Require that evidence be presented to the court or child support administrative body, at the next hearing, if the obligor obtains employment, and order the obligor to either sign a wage garnishment or wage assignment agreement, or sign a request to the employer for withholding of child support, in order to avoid license suspension.

(4) Require that evidence be presented to the court or child support administrative body if the obligor starts a business or obtains income by self-employment.

(5) Upon the receipt of proper proof by the court or child support administrative body of the existence of a business owned by the obligor, require the obligor to begin a process of repayment in order to avoid license suspension.

(6) Require an obligor who is self-employed, or starts a business, to provide, on an annual basis until the child support is completely repaid, to an administrative agency designated by the court or child support administrative body, financial statements showing income and expenses from the business or the self-employment, which shall be treated as evidence of the income available for child support payments.

(e) The court shall require clear and convincing evidence to adjudicate any additional issues raised by the obligor, including temporary disability or incapacity of the obligor and any reasonable efforts undertaken by the obligor to begin a process of repayment, modification, or reconsideration of the arrearage or child support order in determining whether to issue a Stay Order.

(f) Any support orders entered by the court in cases subject to this Section shall include the status of the driver's license until the child support arrearages are paid.

(g) The court or child support administrative body may terminate the Stay Order and order the immediate suspension of the obligor's driver's license before the 12-month period is over if the obligor fails to meet any or all of the provisions set forth within this Section. The court may also enter additional sanctions against an obligor who fails to meet any or all of the provisions set forth within this Section.

(h) The court or child support administrative body shall review the obligor's request for stay of the driver's license suspension every 90 days, for a period up to 12 months, and may make a determination as to the obligor's actual compliance and the obligor's efforts to comply with the order. The court or child support administrative body shall have the discretion to extend the Stay Order after the first 12-month period, upon good cause shown, including a good faith effort on the part of the obligor to pay the child support obligation, and continue to review the obligor's compliance with the Stay Order every 90 days, as provided in this Section.

(i) If the provisions of this Section are inconsistent with the requirements pertaining to Sections 7-705 and 7-706 of this Code, the provisions of this Section control.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Hunter, **Senate Bill No. 3513** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 33; NAYS 18; Present 1.

The following voted in the affirmative:

Bertino-Tarrant	Harmon	Lightford	Sandoval
Biss	Harris	Link	Sims
Bush	Hastings	Martinez	Stadelman
Castro	Holmes	Morrison	Steans
Clayborne	Hunter	Mulroe	Van Pelt
Collins	Hutchinson	Muñoz	Mr. President
Cullerton, T.	Jones, E.	Murphy	
Cunningham	Koehler	Raoul	
Haine	Landek	Rose	

The following voted in the negative:

Althoff	Connelly	McConchie	Syverson
Anderson	Curran	Nybo	Tracy
Barickman	Fowler	Rezin	Weaver
Bivins	McCann	Rooney	
Brady	McCarter	Schimpf	

The following voted present:

Oberweis

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

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

SENATE BILL RECALLED

On motion of Senator Stadelman, **Senate Bill No. 3528** was recalled from the order of third reading to the order of second reading.

Senator Stadelman offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3528

AMENDMENT NO. 2. Amend Senate Bill 3528 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Lottery Law is amended by changing Section 7.12 as follows:
(20 ILCS 1605/7.12)
(Section scheduled to be repealed on July 1, 2018)
Sec. 7.12. Internet program.
(a) The General Assembly finds that:
(1) the consumer market in Illinois has changed since the creation of the Illinois State Lottery in 1974;
(2) the Internet has become an integral part of everyday life for a significant number

of Illinois residents not only in regards to their professional life, but also in regards to personal business and communication; and

(3) the current practices of selling lottery tickets does not appeal to the new form of market participants who prefer to make purchases on the Internet at their own convenience.

It is the intent of the General Assembly to create an Internet program for the sale of lottery tickets to capture this new form of market participant.

(b) The Department shall create a program that allows an individual 18 years of age or older to purchase lottery tickets or shares on the Internet without using a Lottery retailer with on-line status, as those terms are defined by rule. The Department shall restrict the sale of lottery tickets on the Internet to transactions initiated and received or otherwise made exclusively within the State of Illinois. The Department shall adopt rules necessary for the administration of this program. These rules shall include, among other things, requirements for marketing of the Lottery to infrequent players, as well as limitations on the purchases that may be made through any one individual's lottery account. The provisions of this Act and the rules adopted under this Act shall apply to the sale of lottery tickets or shares under this program.

The Department may offer Lotto, Lucky Day Lotto, Mega Millions, Powerball, Pick 3, and Pick 4 through the Internet program. The Department shall maintain responsible gaming controls in its policies.

Before beginning the program, the Department of the Lottery must submit a request to the United States Department of Justice for review of the State's plan to implement a program for the sale of lottery tickets on the Internet and its propriety under federal law. The Department shall implement the Internet program only if the Department of Justice does not object to the implementation of the program within a reasonable period of time after its review.

The Department is obligated to implement the program set forth in this Section and Sections 7.15 and 7.16 only at such time, and to such extent, that the Department of Justice does not object to the implementation of the program within a reasonable period of time after its review. While the Illinois Lottery may only offer Lotto, Mega Millions, and Powerball games through the program, the Department shall request review from the federal Department of Justice for the Illinois Lottery to sell lottery tickets on the Internet on behalf of the State of Illinois that are not limited to just these games.

The Department shall authorize the private manager to implement and administer the program pursuant to the management agreement entered into under Section 9.1 and in a manner consistent with the provisions of this Section. If a private manager has not been selected pursuant to Section 9.1 at the time the Department is obligated to implement the program, then the Department shall not proceed with the program until after the selection of the private manager, at which time the Department shall authorize the private manager to implement and administer the program pursuant to the management agreement entered into under Section 9.1 and in a manner consistent with the provisions of this Section.

Nothing in this Section shall be construed as prohibiting the Department from implementing and operating a website portal whereby individuals who are 18 years of age or older with an Illinois mailing address may apply to purchase lottery tickets via subscription. Nothing in this Section shall also be construed as prohibiting the sale of Lotto, Mega Millions, and Powerball games by a lottery licensee pursuant to the Department's rules.

(c) (Blank).

(d) This Section is repealed on July 1, 2026 ~~2018~~.

(Source: P.A. 99-523, eff. 6-30-16; 100-23, eff. 7-6-17.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Stadelman, **Senate Bill No. 3528** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 47; NAYS 3.

The following voted in the affirmative:

Althoff	Curran	Lightford	Rose
Anderson	Fowler	Link	Sandoval
Barickman	Haine	Manar	Schimpf
Bertino-Tarrant	Harmon	Martinez	Sims
Biss	Harris	Morrison	Stadelman
Brady	Hastings	Mulroe	Steans
Bush	Holmes	Muñoz	Syverson
Castro	Hunter	Murphy	Tracy
Clayborne	Hutchinson	Nybo	Van Pelt
Connelly	Jones, E.	Oberweis	Weaver
Cullerton, T.	Koehler	Raoul	Mr. President
Cunningham	Landek	Rezin	

The following voted in the negative:

McCann
McCarter
McConchie

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

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

SENATE BILL RECALLED

On motion of Senator T. Cullerton, **Senate Bill No. 3547** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 2 TO SENATE BILL 3547

AMENDMENT NO. 2. Amend Senate Bill 3547, AS AMENDED, by replacing the preamble with the following:

"WHEREAS, The persistent use of the reserve components as an operational force in continuous support of active duty has reinforced the need for robust service member employment protections; and

WHEREAS, Extreme weather events require State activations of the National Guard to save lives and protect property; and

WHEREAS, Terror threats require increased dependency on reserve components; and

WHEREAS, The Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301-4335) establishes the minimal legal protections of service member employees; and

WHEREAS, This Act is meant to consolidate and clarify existing State employment rights and protections; therefore"; and

by replacing everything after the enacting clause with the following:

"Article 1. General Provisions.

Section 1-1. Short title; references to Act.

(a) Short title. This Act may be cited as the Service Member Employment and Reemployment Rights Act.

(b) References to Act. This Act may be referred to as ISERRA.

Section 1-5. Legislative intent. As a guide to the interpretation and application of this Act, the public policy of the State is declared as follows:

(1) The General Assembly recognizes the common public interest in safeguarding and promoting military service by:

(A) minimizing disadvantages to military service in civilian careers;

(B) providing for prompt reemployment and protections of service members in a manner that minimizes disruption to the lives of such employees, their employers, and co-workers;

(C) prohibiting discrimination against and interference with military service; and

(D) ensuring that public entities are model employers of reserve components by providing additional benefits.

(2) This law should be interpreted as comprising a foundation of protections guaranteed by this Act; therefore, nothing in this Act shall supersede, nullify, or diminish any federal or State law, including any local law or ordinance, contract, agreement, policy, plan, practice, or other matter that establishes a right or benefit that is more beneficial to, or is in addition to, a right or benefit provided for in this Act. The benefits and protections under this Act cannot be diminished.

(3) This Act shall be liberally construed so as to effectuate the purposes and provisions of this Act for the benefit of the service member who has set aside civilian pursuits to serve his or her country or this State in a time of need. Such sacrifice benefits everyone but is made by relatively few.

Section 1-10. Definitions. As used in this Act:

"Accrue" means to accumulate in regular or increasing amounts over time subject to customary allocation of cost.

"Active duty" means any full-time military service regardless of length or voluntariness including, but not limited to, annual training, full-time National Guard duty, and State active duty. "Active Duty" does not include any form of inactive duty service such as drill duty or muster duty. "Active duty", unless provided otherwise, includes active duty without pay.

"Active service" means all forms of active and inactive duty regardless of voluntariness including, but not limited to, annual training, active duty for training, initial active duty training, overseas training duty, full-time National Guard duty, active duty other than training, state active duty, mobilizations, and muster duty. "Active service", unless provided otherwise, includes active service without pay. "Active service" includes:

(1) Reserve component voluntary active service means service under one of the following authorities;

(A) Any duty under 32 U.S.C. 502(f)(1)(B);

(B) active guard reserve duty, operational support, or additional duty under 10 U.S.C. 12301(d) or 32 U.S.C. 502(f)(1)(B);

(C) funeral honors under 10 U.S.C. 12503 or 32 U.S.C. 115;

(D) duty at the National Guard Bureau under 10 U.S.C. 12402;

(E) unsatisfactory participation under 10 U.S.C. 10148 or 10 U.S.C. 12303;

(F) disciplinary under 10 U.S.C. 802(d);

(G) extended active duty under 10 U.S.C. 12311; and

(H) reserve program administrator under 10 U.S.C. 10211.

(2) Reserve component involuntary active service includes, but is not limited to, service under one of the following authorities;

(A) annual training or drill requirements under 10 U.S.C. 10147, 10 U.S.C. 12301(b) or 32 U.S.C. 502(a).

(B) additional training duty or other duty under 32 U.S.C. 502(f)(1)(A);

(C) pre-planned or pre-programmed combatant commander support under 10 U.S.C. 12304b;

(D) mobilization under 10 U.S.C. 12301(a) or 10 U.S.C. 12302;

(E) presidential reserve call-up under 10 U.S.C. 12304;

(F) emergencies and natural disasters under 10 U.S.C. 12304a or 14 U.S.C. 712;

(G) muster duty under 10 U.S.C. 12319;

(H) retiree recall under 10 U.S.C. 688;

(I) captive status under 10 U.S.C. 12301(g);

(J) insurrection under 10 U.S.C. 331, U.S.C. 332, or 10 U.S.C. 12406;

(K) pending line of duty determination for response to sexual assault under 10 U.S.C.12323; and

(L) initial active duty for training under 10 U.S.C. 671.

Reserve component active service not listed in paragraph (1) or (2) shall be considered involuntary active service under paragraph (2).

"Active service without pay" means active service performed under any authority in which base pay is not received regardless of other allowances.

"Annual training" means any active duty performed under Section 10147 or 12301(b) of Title 10 of the United States Code or under Section 502(a) of Title 32 of the United States Code.

"Base pay" means the main component of military pay, whether active or inactive, based on rank and time in service. It does not include the addition of conditional funds for specific purposes such as allowances, incentive and special pay. Base pay, also known as basic pay, can be determined by referencing the appropriate military pay chart covering the time period in question located on the federal Defense Finance and Accounting Services website or as reflected on a federal Military Leave and Earnings Statement.

"Benefits" includes, but is not limited to, the terms, conditions, or privileges of employment, including any advantage, profit, privilege, gain, status, account, or interest, including wages or salary for work performed, that accrues by reason of an employment contract or agreement or an employer policy, plan, or practice and includes rights and benefits under a pension plan, a health plan, an employee stock ownership plan, insurance coverage and awards, bonuses, severance pay, supplemental unemployment benefits, vacations, and the opportunity to select work hours or location of employment.

"Differential compensation" means pay due when the employee's daily rate of compensation for military service is less than his or her daily rate of compensation as a public employee.

"Employee" means anyone employed by an employer. "Employee" includes any person who is a citizen, national, or permanent resident alien of the United States employed in a workplace that the State has legal authority to regulate business and employment. "Employee" does not include an independent contractor.

"Employer" means any person, institution, organization, or other entity that pays salary or wages for work performed or that has control over employment opportunities, including:

(1) a person, institution, organization, or other entity to whom the employer has delegated the performance of employment-related responsibilities;

(2) an employer of a public employee;

(3) any successor in interest to a person, institution, organization, or other entity referred to under this definition; and

(4) a person, institution, organization, or other entity that has been denied initial employment in violation of Section 5-15.

"Inactive duty" means inactive duty training, including drills, consisting of regularly scheduled unit training assemblies, additional training assemblies, periods of appropriate duty or equivalent training, and any special additional duties authorized for reserve component personnel by appropriate military authority. "Inactive duty" does not include active duty.

"Military leave" means a furlough or leave of absence while performing active service. It cannot be substituted for accrued vacation, annual, or similar leave with pay except at the sole discretion of the service member employee. It is not a benefit of employment that is requested but a legal requirement upon receiving notice of pending military service.

"Military service" means:

(1) Service in the Armed Forces of the United States, the National Guard of any State or Territory regardless of status, and the State Guard as defined in the State Guard Act. "Military service", whether active or reserve, includes service under the authority of U.S.C. Titles 10, 14, or 32, or State active duty.

(2) Service in a federally recognized auxiliary of the United States Armed Forces when performing official duties in support of military or civilian authorities as a result of an emergency.

(3) A period for which an employee is absent from a position of employment for the purpose of medical or dental treatment for a condition, illness, or injury sustained or aggravated during a period of active service in which treatment is paid by the United States Department of Defense Military Health System.

"Public employee" means any person classified as a full-time employee of the State of Illinois, a unit of local government, a public institution of higher education as defined in Section 1 of the Board of Higher Education Act, or a school district, other than an independent contractor.

"Reserve component" means the reserve components of Illinois and the United States Armed Forces regardless of status.

"Service member" means any person who is a member of a military service.

"State active duty" means full-time State-funded military duty under the command and control of the Governor and subject to the Military Code of Illinois.

"Unit of local government" means any city, village, town, county, or special district.

Section 1-15. Differential compensation.

(a) As used in this Section, "work days" are the actual number of days the employee would have worked during the period of military leave but for the service member's military obligation. "Work days" are tabulated without regard for the number of hours in a work day. Work hours that extend into the next calendar day count as 2 work days.

(b) Differential compensation under this Act is calculated on a daily basis and only applies to days in which the employee would have otherwise been scheduled or required to work as a public employee. Differential compensation shall be paid to all forms of active service except active service without pay. Differential compensation is calculated as follows:

(1) To calculate differential compensation, subtract the daily rate of compensation for military service from the daily rate of compensation as a public employee.

(2) To calculate the daily rate of compensation as a public employee, divide the employee's regular compensation as a public employee during the pay period by the number of work days in the pay period.

(3) To calculate the rate of compensation for military activities, divide the employee's base pay for the applicable military service by the number of calendar days in the month the service member was paid by the military.

Section 1-20. Independent contractors. Whether an individual is an employee or independent contractor under this Act is determined based on the following factors:

(1) the extent of the employer's right to control the manner in which the individual's work is to be performed;

(2) the opportunity for profit or loss that depends upon the individual's managerial skill;

(3) any investment in equipment or materials required for the individual's tasks, or his or her employment of helpers;

(4) whether the service the individual performs requires a special skill;

(5) the degree of permanence of the individual's working relationship; and

(6) whether the service the individual performs is an integral part of the employer's business.

No single one of these factors is controlling, but all are relevant to determining whether an individual is an employee or an independent contractor.

Article 5. Service Member Employment Protections.

Section 5-5. Basic Protections. This Section incorporates Sections 4304, 4312, 4313, 4316, 4317, and 4318 of the Uniformed Services Employment and Reemployment Rights Act under Title 38 of the United States Code, as may be amended, including case law and regulations promulgated under that Act, subject to the following;

(1) For the purposes of this Section, all employment rights shall be extended to all employees in military service under this Act, unless otherwise stated.

(2) Military leave. A service member employee is not required to get permission from his or her employer for military leave. The service member employee is only required to give such employer advance notice of pending service. This advance notice entitles a service member employee to military leave.

An employer may not impose conditions for military leave, such as work shift replacement, not otherwise imposed by this Act or other applicable law.

A service member employee is not required to accommodate his or her employer's needs as to the timing, frequency, or duration of military leave; however, employers are permitted to bring concerns over the timing, frequency, or duration of military leave to the attention of the appropriate military authority. The accommodation of these requests are subject to military law and discretion.

Military necessity as an exception to advance notice of pending military leave for state active duty will be determined by appropriate State military authority and is not subject to judicial review.

For purposes of notice of pending military service under paragraphs (2) or (3) of the definition of "military service" under Section 1-10, an employer may require notice by appropriate military authority on official letterhead. For purposes of this paragraph, notice exceptions do not apply.

(3) Service, efficiency, and performance rating. A service member employee who is absent on military leave shall, minimally, for the period of military leave, be credited with the average of the efficiency or performance ratings or evaluations received for the 3 years immediately before the absence for military leave. Additionally, the rating shall not be less than the rating that he or she received for the rated period immediately prior to his or her absence on military leave. In computing seniority and service requirements for promotion eligibility or any other benefit of employment, the period of military duty shall be counted as civilian service.

(4) State active duty ineligible discharge. For purposes of State active duty, a disqualifying discharge or separation will be the State equivalent under the Military Code of Illinois for purposes of ineligibility of reemployment under the Uniformed Services Employment and Reemployment Rights Act as determined by appropriate State military authority.

(5) A retroactive upgrade of a disqualifying discharge or release will restore reemployment rights providing the service member employee otherwise meets this Acts eligibility criteria.

Section 5-10. Additional benefits for public employee members of a reserve component.

(a) Concurrent compensation. During periods of military leave for annual training, public employees shall continue to receive full compensation as a public employee for up to 30 days per calendar year and military leave for purposes of receiving concurrent compensation may be performed nonsynchronously.

(b) Differential Compensation. During periods of military leave for active service, public employees shall receive differential compensation subject to the following:

(1) Public employees may elect the use of accrued vacation, annual, or similar leave with pay in lieu of differential compensation during any period of military leave.

(2) Differential compensation for voluntary active service under Section 1-10 is limited to 60 work days in a calendar year.

(3) Differential compensation shall not be paid for active service without pay.

(4) Public employees who have exhausted concurrent compensation under subsection (a) of Section 5-10 in a calendar year shall receive differential compensation when authorized under subsection (b) of Section 5-10 in the same calendar year.

(c) Employer-based health plan benefits shall continue in accordance with Section 5-5 of this Act, except the employer's share of the full premium and administrative costs shall continue to be paid by the employer for active duty beyond 30 days.

(d) In the event that 20% or more employees of a unit of local government are mobilized under 10 U.S.C. 12301(a), 10 U.S.C. 12302, 10 U.S.C. 12304, or 10 U.S.C. 12304a, or 14 U.S.C. 712 concurrently, additional benefits under this Section are not required without funding for that purpose.

Section 5-15. Prohibitions on Discrimination. For the purposes of this Section, Section 4311 of the federal Uniformed Services Employment and Reemployment Rights Act entitled Discrimination Against Persons Who Serve in the Uniformed Services and Acts of Reprisal Prohibited and the regulations promulgated under that Act are incorporated.

Section 5-20. Notice of rights and duties

(a) Each employer shall provide to employees entitled to rights and benefits under this Act a notice of the rights, benefits, and obligations of service member employees under this Act.

(b) The requirement for the provision of notice under this Act may be met by the posting of the notice where the employer's customarily place notices for employees.

Article 10. Violations.

Section 10-5. Violations. Any violation of Article 5 is a violation of this Act.

Article 15. Compliance.

Section 15-5. Private right enforcement. A service member may bring a private civil action for enforcement of a violation of this Act. A violation of Section 5-20 may not be a sole basis for a civil action under this Act

Section 15-10. Circuit court actions by the Attorney General.

(a) If the Attorney General has reasonable cause to believe that any employer is engaged in a violation of this Act, then the Attorney General may commence a civil action in the name of the People of the State, as parens patriae on behalf of persons within the State to enforce the provisions of this Act in any appropriate circuit court.

(b) Prior to initiating a civil action, the Attorney General shall conduct a preliminary investigation to determine whether there is reasonable cause to believe that any employer is engaged in a violation of this Act and whether the dispute can be resolved without litigation. In conducting this investigation, the Attorney General may:

(1) require the individual or entity to file a statement or report in writing under oath or otherwise, as to all information the Attorney General may consider necessary;

(2) examine under oath any person alleged to have participated in or with knowledge of the alleged violation; or

(3) issue subpoenas or conduct hearings in aid of any investigation.

(c) Service by the Attorney General of any notice requiring a person to file a statement or report, or of a subpoena upon any person, shall be made:

(1) personally by delivery of a duly executed copy thereof to the person to be served or, if a person is not a natural person, in the manner provided by the Civil Procedure law when a complaint is filed; or

(2) by mailing by certified mail a duly executed copy thereof to the person to be served at his last known abode or principal place of business within this State.

(d) In lieu of a civil action, the individual or entity alleged to have violated this Act may enter into an Assurance of Voluntary Compliance with respect to the alleged violation.

(e) Whenever any person fails to comply with any subpoena issued under this Section or whenever satisfactory copying or reproduction of any material requested in an investigation cannot be done and the person refuses to surrender the material, the Attorney General may file in any appropriate circuit court, and serve upon the person, a petition for a court order for the enforcement of the subpoena or other request.

Any person who has received a subpoena issued under subsection (b) may file in the appropriate circuit court, and serve upon the Attorney General, a petition for a court order to modify or set aside the subpoena or other request. The petition must be filed either: (1) within 20 days after the date of service of the subpoena or at any time before the return date specified in the subpoena, whichever date is earlier, or (2) within a longer period as may be prescribed in writing by the Attorney General.

The petition shall specify each ground upon which the petitioner relies in seeking relief under this subsection and may be based upon any failure of the subpoena to comply with the provisions of this Section or upon any constitutional or other legal right or privilege of the petitioner. During the pendency of the petition in the court, the court may stay, as it deems proper, the running of the time allowed for compliance with the subpoena or other request, in whole or in part, except that the petitioner shall comply with any portion of the subpoena or other request not sought to be modified or set aside.

Section 15-20. Remedies.

(a) A court in its discretion may award actual damages or any other relief that the court deems proper.

Punitive damages are not authorized except in cases involving violations under Section 5-15 and may not exceed $50,000 per violation.

Reasonable attorney's fees may be awarded to the prevailing party, however, prevailing defendants may only receive attorney's fees if the court makes a finding that the plaintiff acted in bad faith.

(b) The Attorney General may bring an action in the name of the People of the State against any employer to restrain by preliminary or permanent injunction the use of any practice that violates this Act. In such an action, the court may award restitution to a service member. In addition, the court may assess a civil penalty not to exceed $5,000 per violation of this Act.

If a court orders a party to make payments to the Attorney General and the payments are to be used for the operations of the Office of the Attorney General or a party agrees, in an Assurance of Voluntary Compliance under this Act, to make payment to the Attorney General for the operations of the Office of the Attorney General, then moneys shall be deposited into the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund. Moneys in the Fund shall be used, subject to appropriation, for the performance of any function pertaining to the exercise of the duties of the Attorney General including, but not limited to, enforcement of any law of this State and conducting public education programs; however, any moneys in the Fund that are required by the court or by an agreement to be used for a particular purpose shall be used for that purpose.

In any action brought under the provisions of this Act, the Attorney General is entitled to recover costs.

Article 20. Home Rule.

Section 20-5. Home Rule. A home rule unit may not regulate its employees in a manner that is inconsistent with the regulation of employees by the State under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Article 25. Statute of Limitations.

Section 25-5. Inapplicability of Statute of Limitations. No statute of limitations applies to any private right or Attorney General action under this Act.

Article 30. Illinois Service Member Employment and Reemployment Rights Act Advocate.

Section 30-5. ISERRA Advocate.

(a) The Attorney General shall appoint an Illinois Service Member Employment and Reemployment Rights Act Advocate and provide staff as are deemed necessary by the Attorney General for the Advocate. The ISERRA Advocate shall be an attorney licensed to practice in Illinois.

(b) Through the ISERRA Advocate, the Attorney General shall have the power:

(1) to establish and make available a program to provide training to employers and service members;

(2) to prepare and make available interpretative and educational materials and programs;

(3) to respond to informal inquiries made by members of the public and public bodies;

(4) to prepare and make available required Service Member Employment & Reemployment Rights Act notice to employers;

(5) to investigate allegations of violations of this Act on behalf of the Attorney General; and

(6) to prepare an annual report on this Act for the Attorney General.

Article 35. Rulemaking.

Section 35-5. Rules. To accomplish the objectives and to carry out the duties prescribed by this Act, the Attorney General may adopt the rules necessary to implement this Act.

Article 40. Coverage Under Special Circumstances.

Section 40-5. Governor's election. In a time of national or State emergency, the Governor has the authority to designate any category of persons as entitled to protections under this Act.

Article 90. Amendatory Provisions.

(5 ILCS 325/Act rep.)

Section 90-5. The Military Leave of Absence Act is repealed.

(5 ILCS 330/Act rep.)

Section 90-10. The Public Employee Armed Services Rights Act is repealed.

Section 90-15. The Military Code of Illinois is amended by changing the heading of Article V-A as follows:

(20 ILCS 1805/Art. V-A heading)

ARTICLE V-A. NATIONAL GUARD <u>SUPPLEMENTAL</u> ~~EMPLOYMENT~~ RIGHTS

(20 ILCS 1805/22-10 rep.) (20 ILCS 1805/30.1 rep.) (20 ILCS 1805/30.5 rep.) (20 ILCS 1805/30.10 rep.) (20 ILCS 1805/30.20 rep.) (20 ILCS 1805/30.15 rep.)

Section 90-20. The Military Code of Illinois is amended by repealing Sections 22-10, 30.1, 30.5, 30.10, 30.20, and 30.15.

(20 ILCS 1815/79 rep.)

Section 90-25. The State Guard Act is amended by repealing Section 79.

(50 ILCS 120/Act rep.)

Section 90-30. The Municipal Employees Military Active Duty Act is repealed.

(50 ILCS 140/Act rep.)

Section 90-35. The Local Government Employees Benefits Continuation Act is repealed.

Section 90-40. The Metropolitan Transit Authority Act is amended by changing Section 29 as follows:

(70 ILCS 3605/29) (from Ch. 111 2/3, par. 329)

Sec. 29. If the Authority acquires a transportation system in operation by a public utility, all of the employees in the operating and maintenance divisions of such public utility and all other employees except executive and administrative officers and employees, shall be transferred to and appointed as employees of the Authority, subject to all rights and benefits of this Act, and these employees shall be given seniority credit in accordance with the records and labor agreements of the public utility. Employees who left the employ of such a public utility to enter the military service of the United States shall have the same rights as to the Authority, under the provisions of the Service Member Employment and Reemployment Rights Act ~~Service Member's Employment Tenure Act~~ as they would have had thereunder as to such public utility. After such acquisition the authority shall be required to extend to such former employees of such public utility only the rights and benefits as to pensions and retirement as are accorded other employees of the Authority.

(Source: P.A. 93-828, eff. 7-28-04.)

Section 90-45. The Local Mass Transit District Act is amended by changing Section 3.5 as follows:

(70 ILCS 3610/3.5) (from Ch. 111 2/3, par. 353.5)

Sec. 3.5. If the district acquires a mass transit facility, all of the employees in such mass transit facility shall be transferred to and appointed as employees of the district, subject to all rights and benefits of this Act, and these employees shall be given seniority credit in accordance with the records and labor agreements of the mass transit facility. Employees who left the employ of such a mass transit facility to enter the military service of the United States shall have the same rights as to the district, under the provisions of the Service Member Employment and Reemployment Rights, Act ~~Service Member's Employment Tenure Act~~ as they would have had thereunder as to such mass transit facility. After such acquisition the district shall be required to extend to such former employees of such mass transit facility only the rights and benefits as to pensions and retirement as are accorded other employees of the district.

(Source: P.A. 93-590, eff. 1-1-04; 93-828, eff. 7-28-04.)

Section 90-50. The Service Member's Employment Tenure Act is amended by changing Sections 1, 2, and 3 as follows:

(330 ILCS 60/1) (from Ch. 126 1/2, par. 29)

Sec. 1. Short title. This Act may be cited as the Service Member's ~~Employment~~ Tenure Act.

(Source: P.A. 93-828, eff. 7-28-04.)

(330 ILCS 60/2) (from Ch. 126 1/2, par. 30)

Sec. 2. As a guide to the interpretation and application of this Act, the public policy of the State is declared as follows:

As a constituent commonwealth of the United States of America, the State of Illinois is dedicated to the urgent task of strengthening and expediting the national defense under the emergent conditions which are threatening the peace and security of this nation. It is the considered judgment of the General Assembly that the service members ~~wage earners~~ of Illinois who respond to their country's call to service in this time of crisis, are deserving of every protection ~~of their employment status which~~ the law may afford, and that repetition of the regrettable experience existing after the great war of 1917-1918, wherein returning service men were subjected to serious discrimination with regard to tenure and other rights ~~of employment~~, must be avoided, since any form of economic discrimination against returning service men is a serious menace to the entire social fabric of the United States of America and the State of Illinois.

~~By safeguarding the employment and the rights and privileges inhering in the employment contract, of service men, the State of Illinois encourages its workers to participate to the fullest extent in the national defense program and thereby heightens the contribution of our State to the protection of our heritage of liberty and democracy.~~

(Source: Laws 1941, vol. 1, p. 1202.)

(330 ILCS 60/3) (from Ch. 126 1/2, par. 31)

Sec. 3. Definitions. The term "persons in the military service", as used in this Act, shall include the following persons and no others: All members of the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard and all members of the State Militia called into the

service or training of the United States of America or of this State. The term "military service", as used in this Act, shall signify Federal service or active duty with any branch of service heretofore referred to as well as training or education under the supervision of the United States preliminary to induction into the military service. The term "military service" also includes any period of active duty with the State of Illinois pursuant to the orders of the President of the United States or the Governor. The term "military service" also includes any period of active duty by members of the National Guard who are called to active duty pursuant to an order of the Governor of this State or an order of a governor of any other state as provided by law. The term "military service" also includes the full-time duties of the Adjutant General and Assistant Adjutants General under Section 17 of the Military Code of Illinois.

The foregoing definitions shall apply both to voluntary enlistment and to induction into service by draft or conscription.

~~The term "political subdivision", as used in this Act, means any unit of local government or school district.~~

(Source: P.A. 99-88, eff. 7-21-15; 99-557, eff. 1-1-17.)

(330 ILCS 60/4 rep.) (330 ILCS 60/4.5 rep.) (330 ILCS 60/5 rep.) (330 ILCS 60/6 rep.) (330 ILCS 60/7 rep.) (330 ILCS 60/8 rep.)

Section 90-55. The Service Member's Employment Tenure Act is amended by repealing Sections 4, 4.5, 5, 6, 7, and 8.

Section 90-60. The Illinois Service Member Civil Relief Act is amended by changing Section 10 as follows:

(330 ILCS 63/10)

Sec. 10. Definitions. In this Act:

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

"Primary occupant" means the current residential customer of record in whose name the utility company or electric cooperative account is registered.

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

"State Active Duty" has the same meaning ascribed to that term in Section 1-10 of the Service Member Employment and Reemployment Rights Act ~~30.10 of the Military Code of Illinois~~.

"Training or duty under Title 32 of the United States Code" has the same meaning ascribed to that term in Section 30.10 of the Military Code of Illinois.

(Source: P.A. 97-913, eff. 1-1-13.)

Section 90-65. The Criminal Code of 2012 is amended by changing Section 17-6 as follows:

(720 ILCS 5/17-6) (from Ch. 38, par. 17-6)

Sec. 17-6. State benefits fraud.

(a) A person commits State benefits fraud when he or she obtains or attempts to obtain money or benefits from the State of Illinois, from any political subdivision thereof, or from any program funded or administered in whole or in part by the State of Illinois or any political subdivision thereof through the knowing use of false identification documents or through the knowing misrepresentation of his or her age, place of residence, number of dependents, marital or family status, employment status, financial status, or any other material fact upon which his eligibility for or degree of participation in any benefit program might be based.

(b) Notwithstanding any provision of State law to the contrary, every application or other document submitted to an agency or department of the State of Illinois or any political subdivision thereof to establish or determine eligibility for money or benefits from the State of Illinois or from any political subdivision thereof, or from any program funded or administered in whole or in part by the State of Illinois or any political subdivision thereof, shall be made available upon request to any law enforcement agency for use in the investigation or prosecution of State benefits fraud or for use in the investigation or prosecution of any other crime arising out of the same transaction or occurrence. Except as otherwise permitted by law, information disclosed pursuant to this subsection shall be used and disclosed only for the purposes provided herein. The provisions of this Section shall be operative only to the extent that they do not conflict with any federal law or regulation governing federal grants to this State.

(c) Any employee of the State of Illinois or any agency or political subdivision thereof may seize as evidence any false or fraudulent document presented to him or her in connection with an application for

or receipt of money or benefits from the State of Illinois, from any political subdivision thereof, or from any program funded or administered in whole or in part by the State of Illinois or any political subdivision thereof.

(d) Sentence.

(1) State benefits fraud is a Class 4 felony except when more than $300 is obtained, in which case State benefits fraud is a Class 3 felony.

(2) If a person knowingly misrepresents oneself as a veteran or as a dependent of a veteran with the intent of obtaining benefits or privileges provided by the State or its political subdivisions to veterans or their dependents, then State benefits fraud is a Class 3 felony when $300 or less is obtained and a Class 2 felony when more than $300 is obtained. For the purposes of this paragraph (2), benefits and privileges include, but are not limited to, those benefits and privileges available under the Veterans' Employment Act, the Viet Nam Veterans Compensation Act, the Prisoner of War Bonus Act, the War Bonus Extension Act, the Military Veterans Assistance Act, the Veterans' Employment Representative Act, the Veterans Preference Act, Service Member Employment and Reemployment Rights Act, the Service Member's ~~Employment~~ Tenure Act, the Housing for Veterans with Disabilities Act, the Under Age Veterans Benefits Act, the Survivors Compensation Act, the Children of Deceased Veterans Act, the Veterans Burial Places Act, the Higher Education Student Assistance Act, or any other loans, assistance in employment, monetary payments, or tax exemptions offered by the State or its political subdivisions for veterans or their dependents.

(Source: P.A. 99-143, eff. 7-27-15.)

Section 90-70. The Illinois Human Rights Act is amended by changing Section 6-102 as follows:

(775 ILCS 5/6-102)

Sec. 6-102. Violations of other Acts. A person who violates the ~~Military Leave of Absence Act, the Public Employee Armed Services Rights Act,~~ Section 11-117-12.2 of the Illinois Municipal Code, Section 224.05 of the Illinois Insurance Code, Section 8-201.5 of the Public Utilities Act, Sections 2-1401.1, 9-107.10, 9-107.11, and 15-1501.6 of the Code of Civil Procedure, Section 4.05 of the Interest Act, the Military Personnel Cellular Phone Contract Termination Act, Section 405-272 of the Civil Administrative Code of Illinois, Section 10-63 of the Illinois Administrative Procedure Act, Sections 30.25 and 30.30 of the Military Code of Illinois, Section 16 of the Landlord and Tenant Act, Section 26.5 of the Retail Installment Sales Act, or Section 37 of the Motor Vehicle Leasing Act commits a civil rights violation within the meaning of this Act.

(Source: P.A. 97-913, eff. 1-1-13.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator T. Cullerton, **Senate Bill No. 3547** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Curran	Manar	Rose
Anderson	Fowler	Martinez	Sandoval
Barickman	Haine	McCann	Schimpf
Bennett	Harmon	McCarter	Sims
Bertino-Tarrant	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy

Castro	Hutchinson	Murphy	Van Pelt
Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	
Connelly	Landek	Raoul	
Cullerton, T.	Lightford	Rezin	
Cunningham	Link	Rooney	

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

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

SENATE BILL RECALLED

On motion of Senator Rose, **Senate Bill No. 3548** was recalled from the order of third reading to the order of second reading.

Senator Rose offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3548

AMENDMENT NO. 2. Amend Senate Bill 3548, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 11, by replacing "above" with "on the footprint of".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Rose offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3548

AMENDMENT NO. 3. Amend Senate Bill 3548, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, one page 1, line 11, after "designated", by inserting "as such in 2015".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Rose, **Senate Bill No. 3548** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval
Bennett	Haine	McCann	Schimpf
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Bivins	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt

Clayborne	Jones, E.	Nybo	Weaver
Collins	Koehler	Oberweis	Mr. President
Connelly	Landek	Raoul	
Cullerton, T.	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.

SENATE BILL RECALLED

On motion of Senator Rose, **Senate Bill No. 3549** was recalled from the order of third reading to the order of second reading.

Senator Rose offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3549

AMENDMENT NO. _2_. Amend Senate Bill 3549, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 9, by replacing "above" with "on the footprint of"; and

on page 1, line 9, after "designated", by inserting "as such in 2015".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Rose, **Senate Bill No. 3549** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Curran	Manar	Sandoval
Anderson	Fowler	Martinez	Schimpf
Barickman	Haine	McCann	Sims
Bennett	Harmon	McCarter	Stadelman
Bertino-Tarrant	Harris	McConchie	Steans
Bivins	Hastings	Morrison	Syverson
Brady	Holmes	Mulroe	Tracy
Bush	Hunter	Muñoz	Van Pelt
Castro	Hutchinson	Murphy	Weaver
Clayborne	Jones, E.	Nybo	Mr. President
Collins	Koehler	Oberweis	
Connelly	Landek	Rezin	
Cullerton, T.	Lightford	Rooney	
Cunningham	Link	Rose	

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

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

SENATE BILL RECALLED

On motion of Senator Murphy, **Senate Bill No. 211** was recalled from the order of third reading to the order of second reading.

Senator Murphy offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 211

AMENDMENT NO. 2. Amend Senate Bill 211, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Lottery Law is amended by changing Section 9 as follows:

(20 ILCS 1605/9) (from Ch. 120, par. 1159)

Sec. 9. The Director, as administrative head of the Department, shall direct and supervise all its administrative and technical activities. In addition to the duties imposed upon him elsewhere in this Act, it shall be the Director's duty:

a. To supervise and administer the operation of the lottery in accordance with the provisions of this Act or such rules and regulations of the Department adopted thereunder.

b. To attend meetings of the Board or to appoint a designee to attend in his stead.

c. To employ and direct such personnel in accord with the Personnel Code, as may be necessary to carry out the purposes of this Act. In addition, the Director may by agreement secure such services as he or she may deem necessary from any other department, agency, or unit of the State government, and may employ and compensate such consultants and technical assistants as may be required and is otherwise permitted by law.

d. To license, in accordance with the provisions of Sections 10 and 10.1 of this Act and the rules and regulations of the Department adopted thereunder, as agents to sell lottery tickets such persons as in his opinion will best serve the public convenience and promote the sale of tickets or shares. The Director may require a bond from every licensed agent, in such amount as provided in the rules and regulations of the Department. Every licensed agent shall prominently display his license, or a copy thereof, as provided in the rules and regulations of the Department.

e. To suspend or revoke any license issued pursuant to this Act or the rules and regulations promulgated by the Department thereunder.

f. To confer regularly as necessary or desirable and not less than once every month with the Lottery Control Board on the operation and administration of the Lottery; to make available for inspection by the Board or any member of the Board, upon request, all books, records, files, and other information and documents of his office; to advise the Board and recommend such rules and regulations and such other matters as he deems necessary and advisable to improve the operation and administration of the lottery.

g. To enter into contracts for the operation of the lottery, or any part thereof, and into contracts for the promotion of the lottery on behalf of the Department with any person, firm or corporation, to perform any of the functions provided for in this Act or the rules and regulations promulgated thereunder. The Department shall not expend State funds on a contractual basis for such functions unless those functions and expenditures are expressly authorized by the General Assembly.

h. To enter into an agreement or agreements with the management of state lotteries operated pursuant to the laws of other states for the purpose of creating and operating a multi-state lottery game wherein a separate and distinct prize pool would be combined to award larger prizes to the public than could be offered by the several state lotteries, individually. No tickets or shares offered in connection with a multi-state lottery game shall be sold within the State of Illinois, except those offered by and through the Department. No such agreement shall purport to pledge the full faith and credit of the State of Illinois, nor shall the Department expend State funds on a contractual basis in connection with any such game unless such expenditures are expressly authorized by the General Assembly, provided, however, that in the event of error or omission by the Illinois State Lottery in the conduct of the game, as determined by the multi-state game directors, the Department shall be authorized to pay a prize winner or winners the lesser of a disputed prize or $1,000,000, any such payment to be made solely from funds appropriated for game prize purposes. The Department shall be authorized to share in the ordinary operating expenses of any such multi-state lottery game, from funds appropriated by the

General Assembly, and in the event the multi-state game control offices are physically located within the State of Illinois, the Department is authorized to advance start-up operating costs not to exceed $150,000, subject to proportionate reimbursement of such costs by the other participating state lotteries. The Department shall be authorized to share proportionately in the costs of establishing a liability reserve fund from funds appropriated by the General Assembly. The Department is authorized to transfer prize award funds attributable to Illinois sales of multi-state lottery game tickets to the multi-state control office, or its designated depository, for deposit to such game pool account or accounts as may be established by the multi-state game directors, the records of which account or accounts shall be available at all times for inspection in an audit by the Auditor General of Illinois and any other auditors pursuant to the laws of the State of Illinois. No multi-state game prize awarded to a nonresident of Illinois, with respect to a ticket or share purchased in a state other than the State of Illinois, shall be deemed to be a prize awarded under this Act for the purpose of taxation under the Illinois Income Tax Act. The Department shall promulgate such rules as may be appropriate to implement the provisions of this Section.

i. To make a continuous study and investigation of (1) the operation and the administration of similar laws which may be in effect in other states or countries, (2) any literature on the subject which from time to time may be published or available, (3) any Federal laws which may affect the operation of the lottery, and (4) the reaction of Illinois citizens to existing and potential features of the lottery with a view to recommending or effecting changes that will tend to serve the purposes of this Act.

j. To report monthly to the State Treasurer and the Lottery Control Board a full and complete statement of lottery revenues, prize disbursements and other expenses for each month and the amounts to be transferred to the Common School Fund pursuant to Section 7.2, and to make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements and other expenses, to the Governor and the Board. All reports required by this subsection shall be public and copies of all such reports shall be sent to the Speaker of the House, the President of the Senate, and the minority leaders of both houses.

k. To keep the name and municipality of residence of the prize winner of a prize of $250,000 or greater confidential upon the prize winner making a written request that his or her name and municipality of residence be kept confidential. The prize winner must submit his or her written request at the time of claiming the prize. The written request shall be in the form established by the Department.
(Source: P.A. 98-499, eff. 8-16-13; 99-933, eff. 1-27-17.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Murphy offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 211

AMENDMENT NO. 3. Amend Senate Bill 211, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 6, line 14, after "Department.", by inserting "Nothing in this paragraph k supersedes the Department's duty to disclose the name and municipality of residence of a prize winner of a prize of $250,000 or greater pursuant to the Freedom of Information Act.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Murphy, **Senate Bill No. 211** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 41; NAYS 5.

The following voted in the affirmative:

Althoff	Cullerton, T.	Koehler	Raoul
Anderson	Cunningham	Landek	Sandoval
Barickman	Curran	Link	Sims
Bennett	Fowler	Manar	Steans
Biss	Haine	Martinez	Syverson
Brady	Harmon	McCann	Van Pelt
Bush	Harris	McConchie	Weaver
Castro	Holmes	Morrison	Mr. President
Clayborne	Hunter	Mulroe	
Collins	Hutchinson	Muñoz	
Connelly	Jones, E.	Murphy	

The following voted in the negative:

Bivins	Oberweis	Schimpf
McCarter	Rooney	

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

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

SENATE BILL RECALLED

On motion of Senator Bennett, **Senate Bill No. 274** was recalled from the order of third reading to the order of second reading.

Senator Bennett offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 274

AMENDMENT NO. 1. Amend Senate Bill 274 by replacing everything after the enacting clause with the following:

"Section 5. The Mahomet Aquifer Protection Task Force Act is amended by changing Section 20 as follows:

(20 ILCS 5105/20)

(Section scheduled to be repealed on July 1, 2019)

Sec. 20. Report. On or before December 31 ~~July 1~~, 2018, the Mahomet Aquifer Protection Task Force shall report its findings and recommendations to the General Assembly, by filing copies of its report as provided in Section 3.1 of the General Assembly Organization Act, and to the Governor.

(Source: P.A. 100-403, eff. 8-25-17.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Bennett, **Senate Bill No. 274** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Manar	Rose
Anderson	Curran	Martinez	Sandoval
Barickman	Fowler	McCann	Schimpf
Bennett	Haine	McCarter	Sims
Bertino-Tarrant	Harmon	McConchie	Stadelman
Biss	Harris	Morrison	Steans
Bivins	Hastings	Mulroe	Syverson
Brady	Hunter	Muñoz	Tracy
Bush	Hutchinson	Murphy	Van Pelt
Castro	Jones, E.	Nybo	Weaver
Clayborne	Koehler	Oberweis	Mr. President
Collins	Landek	Raoul	
Connelly	Lightford	Rezin	
Cullerton, T.	Link	Rooney	

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

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

SENATE BILL RECALLED

On motion of Senator Harmon, **Senate Bill No. 336** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 336

AMENDMENT NO. 3. Amend Senate Bill 336, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. This Act may be referred to as the Alternatives to Opioids Act of 2018.

Section 5. The Compassionate Use of Medical Cannabis Pilot Program Act is amended by changing Sections 5, 7, 10, 35, 55, 60, 65, 75, 130, and 160 and by adding Section 62 as follows:

(410 ILCS 130/5)

(Section scheduled to be repealed on July 1, 2020)

Sec. 5. Findings.

(a) The recorded use of cannabis as a medicine goes back nearly 5,000 years. Modern medical research has confirmed the beneficial uses of cannabis in treating or alleviating the pain, nausea, and other symptoms associated with a variety of debilitating medical conditions, including cancer, multiple sclerosis, and HIV/AIDS, as found by the National Academy of Sciences' Institute of Medicine in March 1999.

(b) Studies published since the 1999 Institute of Medicine report continue to show the therapeutic value of cannabis in treating a wide array of debilitating medical conditions. These include relief of the neuropathic pain caused by multiple sclerosis, HIV/AIDS, and other illnesses that often fail to respond to conventional treatments and relief of nausea, vomiting, and other side effects of drugs used to treat HIV/AIDS and hepatitis C, increasing the chances of patients continuing on life-saving treatment regimens.

(c) Cannabis has many currently accepted medical uses in the United States, having been recommended by thousands of licensed physicians to at least 600,000 patients in states with medical cannabis laws. The medical utility of cannabis is recognized by a wide range of medical and public health organizations, including the American Academy of HIV Medicine, the American College of Physicians, the American Nurses Association, the American Public Health Association, the Leukemia & Lymphoma Society, and many others.

(d) Data from the Federal Bureau of Investigation's Uniform Crime Reports and the Compendium of Federal Justice Statistics show that approximately 99 out of every 100 cannabis arrests in the U.S. are made under state law, rather than under federal law. Consequently, changing State law will have the

practical effect of protecting from arrest the vast majority of seriously ill patients who have a medical need to use cannabis.

(d-5) In 2014, the Task Force on Veterans' Suicide was created by the Illinois General Assembly to gather data on veterans' suicide prevention. Data from a U.S. Department of Veterans Affairs study indicates that 22 veterans commit suicide each day.

(d-10) According to the State of Illinois Opioid Action Plan released in September 2017, "The opioid epidemic is the most significant public health and public safety crisis facing Illinois".

According to the Action Plan, "Fueled by the growing opioid epidemic, drug overdoses have now become the leading cause of death nationwide for people under the age of 50. In Illinois, opioid overdoses have killed nearly 11,000 people since 2008. Just last year, nearly 1,900 people died of overdoses—almost twice the number of fatal car accidents. Beyond these deaths are thousands of emergency department visits, hospital stays, as well as the pain suffered by individuals, families, and communities".

According to the Action Plan, "At the current rate, the opioid epidemic will claim the lives of more than 2,700 Illinoisans in 2020".

Further, the Action Plan states, "Physical tolerance to opioids can begin to develop as early as two to three days following the continuous use of opioids, which is a large factor that contributes to their addictive potential".

The 2017 State of Illinois Opioid Action Plan also states, "The increase in OUD [opioid use disorder] and opioid overdose deaths is largely due to the dramatic rise in the rate and amount of opioids prescribed for pain over the past decades".

Further, according to the Action Plan, "In the absence of alternative treatments, reducing the supply of prescription opioids too abruptly may drive more people to switch to using illicit drugs (including heroin), thus increasing the risk of overdose".

(e) Alaska, Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Maine, Massachusetts, Michigan, Montana, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, Washington, and Washington, D.C. have removed state-level criminal penalties from the medical use and cultivation of cannabis. Illinois joins in this effort for the health and welfare of its citizens.

(f) States are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law. Therefore, compliance with this Act does not put the State of Illinois in violation of federal law.

(g) State law should make a distinction between the medical and non-medical uses of cannabis. Hence, the purpose of this Act is to protect patients with debilitating medical conditions, as well as their physicians and providers, from arrest and prosecution, criminal and other penalties, and property forfeiture if the patients engage in the medical use of cannabis.

(Source: P.A. 98-122, eff. 1-1-14; 99-519, eff. 6-30-16.)

(410 ILCS 130/7)

(Section scheduled to be repealed on July 1, 2020)

Sec. 7. Lawful user and lawful products. For the purposes of this Act and to clarify the legislative findings on the lawful use of cannabis:

(1) A cardholder under this Act shall not be considered an unlawful user or addicted to narcotics solely as a result of his or her qualifying patient or designated caregiver status.

(2) All medical cannabis products purchased by a qualifying patient at a licensed dispensing organization shall be lawful products and a distinction shall be made between medical and non-medical uses of cannabis as a result of the qualifying patient's cardholder status under the authorized use granted under State law.

(3) An individual in possession of an endorsement card from a dispensary organization under Section 62 shall not be considered an unlawful user or addicted to narcotics solely as a result of his or her endorsement card.

(Source: P.A. 99-519, eff. 6-30-16.)

(410 ILCS 130/10)

(Section scheduled to be repealed on July 1, 2020)

Sec. 10. Definitions. The following terms, as used in this Act, shall have the meanings set forth in this Section:

(a) "Adequate supply" means:

(1) 2.5 ounces of usable cannabis during a period of 14 days and that is derived solely from an intrastate source.

(2) Subject to the rules of the Department of Public Health, a patient may apply for a waiver where a physician provides a substantial medical basis in a signed, written statement asserting that, based on the patient's medical history, in the physician's professional judgment, 2.5 ounces is an

insufficient adequate supply for a 14-day period to properly alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

(3) This subsection may not be construed to authorize the possession of more than 2.5 ounces at any time without authority from the Department of Public Health.

(4) The pre-mixed weight of medical cannabis used in making a cannabis infused product shall apply toward the limit on the total amount of medical cannabis a registered qualifying patient may possess at any one time.

(b) "Cannabis" has the meaning given that term in Section 3 of the Cannabis Control Act.

(c) "Cannabis plant monitoring system" means a system that includes, but is not limited to, testing and data collection established and maintained by the registered cultivation center and available to the Department for the purposes of documenting each cannabis plant and for monitoring plant development throughout the life cycle of a cannabis plant cultivated for the intended use by a qualifying patient from seed planting to final packaging.

(d) "Cardholder" means a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card by the Department of Public Health.

(e) "Cultivation center" means a facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

(f) "Cultivation center agent" means a principal officer, board member, employee, or agent of a registered cultivation center who is 21 years of age or older and has not been convicted of an excluded offense.

(g) "Cultivation center agent identification card" means a document issued by the Department of Agriculture that identifies a person as a cultivation center agent.

(h) "Debilitating medical condition" means one or more of the following:

(1) cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation of Alzheimer's disease, cachexia/wasting syndrome, muscular dystrophy, severe fibromyalgia, spinal cord disease, including but not limited to arachnoiditis, Tarlov cysts, hydromyelia, syringomyelia, Rheumatoid arthritis, fibrous dysplasia, spinal cord injury, traumatic brain injury and post-concussion syndrome, Multiple Sclerosis, Arnold-Chiari malformation and Syringomyelia, Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's, Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD (Complex Regional Pain Syndromes Type I), Causalgia, CRPS (Complex Regional Pain Syndromes Type II), Neurofibromatosis, Chronic Inflammatory Demyelinating Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella syndrome, residual limb pain, seizures (including those characteristic of epilepsy), post-traumatic stress disorder (PTSD), or the treatment of these conditions;

(1.5) terminal illness with a diagnosis of 6 months or less; if the terminal illness is not one of the qualifying debilitating medical conditions, then the physician shall on the certification form identify the cause of the terminal illness; or

(2) any other debilitating medical condition or its treatment that is added by the Department of Public Health by rule as provided in Section 45.

Through June 30, 2020, "debilitating medical condition" includes any other medical condition for which an opioid has been or could be prescribed by a physician based on generally accepted standards of care.

(i) "Designated caregiver" means a person who: (1) is at least 21 years of age; (2) has agreed to assist with a patient's medical use of cannabis; (3) has not been convicted of an excluded offense; and (4) assists no more than one registered qualifying patient with his or her medical use of cannabis.

(j) "Dispensing organization agent identification card" means a document issued by the Department of Financial and Professional Regulation that identifies a person as a medical cannabis dispensing organization agent.

(k) "Enclosed, locked facility" means a room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a cultivation center's agents or a dispensing organization's agent working for the registered cultivation center or the registered dispensing organization to cultivate, store, and distribute cannabis for registered qualifying patients.

(k-5) "Endorsement card" means documentation provided by a medical cannabis dispensing organization to an individual who receives medical cannabis under Section 62.

(l) "Excluded offense" for cultivation center agents and dispensing organizations means:

(1) a violent crime defined in Section 3 of the Rights of Crime Victims and Witnesses Act or a substantially similar offense that was classified as a felony in the jurisdiction where the person was convicted; or

(2) a violation of a state or federal controlled substance law, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act that was classified as a felony in the jurisdiction where the person was convicted, except that the registering Department may waive this restriction if the person demonstrates to the registering Department's satisfaction that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use. This exception does not apply if the conviction was under state law and involved a violation of an existing medical cannabis law.

For purposes of this subsection, the Department of Public Health shall determine by emergency rule within 30 days after the effective date of this amendatory Act of the 99th General Assembly what constitutes a "reasonable amount".

(l-5) (Blank). ~~"Excluded offense" for a qualifying patient or designated caregiver means a violation of state or federal controlled substance law, the Cannabis Control Act, or the Methamphetamine and Community Protection Act that was classified as a felony in the jurisdiction where the person was convicted, except that the registering Department may waive this restriction if the person demonstrates to the registering Department's satisfaction that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use. This exception does not apply if the conviction was under state law and involved a violation of an existing medical cannabis law. For purposes of this subsection, the Department of Public Health shall determine by emergency rule within 30 days after the effective date of this amendatory Act of the 99th General Assembly what constitutes a "reasonable amount".~~

(m) "Medical cannabis cultivation center registration" means a registration issued by the Department of Agriculture.

(n) "Medical cannabis container" means a sealed, traceable, food compliant, tamper resistant, tamper evident container, or package used for the purpose of containment of medical cannabis from a cultivation center to a dispensing organization.

(o) "Medical cannabis dispensing organization", or "dispensing organization", or "dispensary organization" means a facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

(p) "Medical cannabis dispensing organization agent" or "dispensing organization agent" means a principal officer, board member, employee, or agent of a registered medical cannabis dispensing organization who is 21 years of age or older and has not been convicted of an excluded offense.

(q) "Medical cannabis infused product" means food, oils, ointments, or other products containing usable cannabis that are not smoked.

(r) "Medical use" means the acquisition; administration; delivery; possession; transfer; transportation; or use of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

(r-5) "Opioid" means a narcotic drug or substance that is a Schedule II controlled substance under paragraph (1), (2), (3), or (5) of subsection (b) or under subsection (c) of Section 206 of the Illinois Controlled Substances Act.

(s) "Physician" means a doctor of medicine or doctor of osteopathy licensed under the Medical Practice Act of 1987 to practice medicine and who has a controlled substances license under Article III of the Illinois Controlled Substances Act. It does not include a licensed practitioner under any other Act including but not limited to the Illinois Dental Practice Act.

(t) "Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition.

(u) "Registered" means licensed, permitted, or otherwise certified by the Department of Agriculture, Department of Public Health, or Department of Financial and Professional Regulation.

(v) "Registry identification card" means a document issued by the Department of Public Health that identifies a person as a registered qualifying patient or registered designated caregiver.

(w) "Usable cannabis" means the seeds, leaves, buds, and flowers of the cannabis plant and any mixture or preparation thereof, but does not include the stalks, and roots of the plant. It does not include the weight of any non-cannabis ingredients combined with cannabis, such as ingredients added to prepare a topical administration, food, or drink.

(x) "Verification system" means a Web-based system established and maintained by the Department of Public Health that is available to the Department of Agriculture, the Department of Financial and Professional Regulation, law enforcement personnel, and registered medical cannabis dispensing organization agents on a 24-hour basis for the verification of registry identification cards, the tracking of

delivery of medical cannabis to medical cannabis dispensing organizations, and the tracking of the date of sale, amount, and price of medical cannabis purchased by a registered qualifying patient.

(y) "Written certification" means a document dated and signed by a physician, stating (1) that the qualifying patient has a debilitating medical condition and specifying the debilitating medical condition the qualifying patient has; and (2) that the physician is treating or managing treatment of the patient's debilitating medical condition. A written certification shall be made only in the course of a bona fide physician-patient relationship, after the physician has completed an assessment of the qualifying patient's medical history, reviewed relevant records related to the patient's debilitating condition, and conducted a physical examination.

(z) "Bona fide physician-patient relationship" means a relationship in which the physician has an ongoing responsibility for the assessment, care, and treatment of a patient's debilitating medical condition or a symptom of the patient's debilitating medical condition.

A veteran who has received treatment at a VA hospital shall be deemed to have a bona fide physician-patient relationship with a VA physician if the patient has been seen for his or her debilitating medical condition at the VA Hospital in accordance with VA Hospital protocols.

A bona fide physician-patient relationship under this subsection is a privileged communication within the meaning of Section 8-802 of the Code of Civil Procedure.

(Source: P.A. 98-122, eff. 1-1-14; 98-775, eff. 1-1-15; 99-519, eff. 6-30-16.)

(410 ILCS 130/35)

(Section scheduled to be repealed on July 1, 2020)

Sec. 35. Physician requirements.

(a) A physician who certifies a debilitating medical condition for a qualifying patient shall comply with all of the following requirements:

(1) The Physician shall be currently licensed under the Medical Practice Act of 1987 to practice medicine in all its branches and in good standing, and must hold a controlled substances license under Article III of the Illinois Controlled Substances Act.

(2) A physician certifying a patient's condition shall comply with generally accepted standards of medical practice, the provisions of the Medical Practice Act of 1987 and all applicable rules.

(3) The physical examination required by this Act may not be performed by remote means, including telemedicine.

(4) The physician shall maintain a record-keeping system for all patients for whom the physician has certified the patient's medical condition. These records shall be accessible to and subject to review by the Department of Public Health and the Department of Financial and Professional Regulation upon request.

(b) A physician may not:

(1) accept, solicit, or offer any form of remuneration from or to a qualifying patient, primary caregiver, cultivation center, or dispensing organization, including each principal officer, board member, agent, and employee, to certify a patient, other than accepting payment from a patient for the fee associated with the required examination;

(2) offer a discount of any other item of value to a qualifying patient who uses or agrees to use a particular primary caregiver or dispensing organization to obtain medical cannabis;

(3) conduct a personal physical examination of a patient for purposes of diagnosing a debilitating medical condition at a location where medical cannabis is sold or distributed or at the address of a principal officer, agent, or employee or a medical cannabis organization;

(4) hold a direct or indirect economic interest in a cultivation center or dispensing organization if he or she recommends the use of medical cannabis to qualified patients or is in a partnership or other fee or profit-sharing relationship with a physician who recommends medical cannabis, except for the limited purpose of performing a medical cannabis related research study;

(5) serve on the board of directors or as an employee of a cultivation center or dispensing organization;

(6) refer patients to a cultivation center, a dispensing organization, or a registered designated caregiver; or

(7) advertise in a cultivation center or a dispensing organization.

(c) The Department of Public Health may with reasonable cause refer a physician, who has certified a debilitating medical condition of a patient, to the Illinois Department of Financial and Professional Regulation for potential violations of this Section.

(d) Any violation of this Section or any other provision of this Act or rules adopted under this Act is a violation of the Medical Practice Act of 1987.

(e) A physician who certifies a debilitating medical condition for a qualifying patient may notify the Department in writing if the physician has reason to believe either that the registered qualifying patient has ceased to suffer from a debilitating medical condition or that continued use of medical cannabis would result in contraindication with the patient's other medication. The registered qualifying patient's registry identification card shall be revoked by the Department of Public Health after receiving the physician's notification.

(Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15; 99-519, eff. 6-30-16.)

(410 ILCS 130/55)

(Section scheduled to be repealed on July 1, 2020)

Sec. 55. Registration of qualifying patients and designated caregivers.

(a) The Department of Public Health shall issue registry identification cards to qualifying patients and designated caregivers who submit a completed application, and at minimum, the following, in accordance with Department of Public Health rules:

(1) A written certification, on a form developed by the Department of Public Health and issued by a physician, within 90 days immediately preceding the date of an application;

(2) upon the execution of applicable privacy waivers, the patient's medical documentation related to his or her debilitating condition and any other information that may be reasonably required by the Department of Public Health to confirm that the physician and patient have a bona fide physician-patient relationship, that the qualifying patient is in the physician's care for his or her debilitating medical condition, and to substantiate the patient's diagnosis;

(3) the application or renewal fee as set by rule;

(4) the name, address, date of birth, and social security number of the qualifying patient, except that if the applicant is homeless no address is required;

(5) the name, address, and telephone number of the qualifying patient's physician;

(6) the name, address, and date of birth of the designated caregiver, if any, chosen by the qualifying patient;

(7) the name of the registered medical cannabis dispensing organization the qualifying patient designates;

(8) signed statements from the patient and designated caregiver asserting that they will not divert medical cannabis; and

(9) (blank). ~~completed background checks for the patient and designated caregiver.~~

(Source: P.A. 98-122, eff. 1-1-14.)

(410 ILCS 130/60)

(Section scheduled to be repealed on July 1, 2020)

Sec. 60. Issuance of registry identification cards.

(a) Except as provided in subsection (b), the Department of Public Health shall:

(1) verify the information contained in an application or renewal for a registry identification card submitted under this Act, and approve or deny an application or renewal, within 30 days of receiving a completed application or renewal application and all supporting documentation specified in Section 55;

(2) issue registry identification cards to a qualifying patient and his or her designated caregiver, if any, within 15 business days of approving the application or renewal;

(3) enter the registry identification number of the registered dispensing organization the patient designates into the verification system; and

(4) allow for an electronic application process, and provide a confirmation by electronic or other methods that an application has been submitted.

(b) The Department of Public Health may not issue a registry identification card to a qualifying patient who is under 18 years of age, unless that patient suffers from seizures, including those characteristic of epilepsy, or as provided by administrative rule. The Department of Public Health shall adopt rules for the issuance of a registry identification card for qualifying patients who are under 18 years of age and suffering from seizures, including those characteristic of epilepsy. The Department of Public Health may adopt rules to allow other individuals under 18 years of age to become registered qualifying patients under this Act with the consent of a parent or legal guardian. Registered qualifying patients under 18 years of age shall be prohibited from consuming forms of cannabis other than medical cannabis infused products and purchasing any usable cannabis.

(c) A veteran who has received treatment at a VA hospital is deemed to have a bona fide physician-patient relationship with a VA physician if the patient has been seen for his or her debilitating medical condition at the VA hospital in accordance with VA hospital protocols. All reasonable inferences regarding

the existence of a bona fide physician-patient relationship shall be drawn in favor of an applicant who is a veteran and has undergone treatment at a VA hospital.

(c-10) An individual who submits an application as someone who is terminally ill shall have all fees ~~and fingerprinting requirements~~ waived. The Department of Public Health shall within 30 days after this amendatory Act of the 99th General Assembly adopt emergency rules to expedite approval for terminally ill individuals. These rules shall include, but not be limited to, rules that provide that applications by individuals with terminal illnesses shall be approved or denied within 14 days of their submission.

(d) Upon the approval of the registration and issuance of a registry card under this Section, the Department of Public Health shall forward the designated caregiver or registered qualified patient's driver's registration number to the Secretary of State and certify that the individual is permitted to engage in the medical use of cannabis. For the purposes of law enforcement, the Secretary of State shall make a notation on the person's driving record stating the person is a registered qualifying patient who is entitled to the lawful medical use of cannabis. If the person no longer holds a valid registry card, the Department shall notify the Secretary of State and the Secretary of State shall remove the notation from the person's driving record. The Department and the Secretary of State may establish a system by which the information may be shared electronically.

(e) Upon the approval of the registration and issuance of a registry card under this Section, the Department of Public Health shall electronically forward the registered qualifying patient's identification card information to the Prescription Monitoring Program established under the Illinois Controlled Substances Act and certify that the individual is permitted to engage in the medical use of cannabis. For the purposes of patient care, the Prescription Monitoring Program shall make a notation on the person's prescription record stating that the person is a registered qualifying patient who is entitled to the lawful medical use of cannabis. If the person no longer holds a valid registry card, the Department of Public Health shall notify the Prescription Monitoring Program and Department of Human Services to remove the notation from the person's record. The Department of Human Services and the Prescription Monitoring Program shall establish a system by which the information may be shared electronically. This confidential list may not be combined or linked in any manner with any other list or database except as provided in this Section.

(f) (Blank). ~~All applicants for a registry card shall be fingerprinted as part of the application process if they are a first-time applicant, if their registry card has already expired, or if they previously have had their registry card revoked or otherwise denied. At renewal, cardholders whose registry cards have not yet expired, been revoked, or otherwise denied shall not be subject to fingerprinting. Registry cards shall be revoked by the Department of Public Health if the Department of Public Health is notified by the Secretary of State that a cardholder has been convicted of an excluded offense. For purposes of enforcing this subsection, the Department of Public Health and Secretary of State shall establish a system by which violations reported to the Secretary of State under paragraph 18 of subsection (a) of Section 6-205 of the Illinois Vehicle Code shall be shared with the Department of Public Health.~~

(Source: P.A. 98-122, eff. 1-1-14; 98-775, eff. 1-1-15; 99-519, eff. 6-30-16.)

(410 ILCS 130/62 new)

Sec. 62. Opioid Prescription Pilot Program.

(a) Notwithstanding Sections 55 and 60, a person who has received a physician certification for a medical condition for which an opioid has been or could be prescribed by a physician based on generally accepted standards of care is entitled to purchase medical cannabis from a dispensing organization.

In order to purchase medical cannabis from a dispensing organization, the person must take the physician certification and prescription, if provided, to the dispensing organization of his or her choice.

A physician issuing a certification under this Section shall indicate, on the certification form, the length of time of the opioid prescription, including any refills or renewals, that the physician did or could have prescribed to the patient.

Before dispensing medical cannabis to a person under this Section, the dispensing organization must verify that the person is not an active registered qualifying patient with a valid medical cannabis registry identification card.

Upon verification of the physician certification, the dispensing organization shall, subject to the limitations in subsection (h) of Section 130, dispense medical cannabis to the person according to the following schedule:

(1) If the certification indicates a prescription, including any refills or renewals, for 7 days or less, then the dispensing organization shall dispense medical cannabis to the person for a length of time equivalent to 4 times the length of the prescription.

(2) If the certification indicates a prescription, including any refills or renewals, for more than 7 days but less than 30 days, then the dispensing organization shall dispense medical cannabis to the person for a length of time equivalent to 3 times the length of the prescription.

(3) If the certification indicates a prescription, including any refills or renewals, for 30 days or more, then the dispensing organization shall dispense medical cannabis to the person for a length of time equivalent to twice the length of the prescription.

Upon dispensing medical cannabis to a person, the dispensing organization must enter information about the person in the verification system and provide the person with an endorsement card to certify that the person is in lawful possession of medical cannabis.

The Department of Public Health shall review the information entered into the verification system by the dispensing organizations under this Section and electronically forward the information to the Prescription Monitoring Program under the Illinois Controlled Substances Act and certify that the individual is permitted to engage in the medical use of cannabis. For the purposes of patient care, the Prescription Monitoring Program shall make a notation on the person's prescription record stating that the person is entitled to the lawful medical use of cannabis. If the person no longer holds a valid endorsement card and does not have a valid registry identification card, the Department of Public Health shall notify the Prescription Monitoring Program and Department of Human Services to remove the notation from the person's record. This confidential notation may not be combined or linked in any manner with any other list or database except those authorized by this Act.

A person who wishes to continue use of medical cannabis shall apply for a registration card with the Department of Public Health.

(b) The provisions of this Section are inoperative on and after July 1, 2020.

(410 ILCS 130/65)

(Section scheduled to be repealed on July 1, 2020)

Sec. 65. Denial of registry identification cards.

(a) The Department of Public Health may deny an application or renewal of a qualifying patient's registry identification card only if the applicant:

(1) did not provide the required information and materials;

(2) previously had a registry identification card revoked;

(3) did not meet the requirements of this Act; ~~or~~

(4) provided false or falsified information; or ~~.~~

(5) violated any requirement of this Act.

(b) (Blank). ~~Except as provided in subsection (b-5) of this Section, no person who has been convicted of a felony under the Illinois Controlled Substances Act, Cannabis Control Act, or Methamphetamine Control and Community Protection Act, or similar provision in a local ordinance or other jurisdiction is eligible to receive a registry identification card.~~

(b-5) (Blank). ~~If a person was convicted of a felony under the Cannabis Control Act or a similar provision of a local ordinance or of a law of another jurisdiction, and the action warranting that felony is no longer considered a felony after the effective date of this amendatory Act of the 99th General Assembly, that person shall be eligible to receive a registry identification card.~~

(c) The Department of Public Health may deny an application or renewal for a designated caregiver chosen by a qualifying patient whose registry identification card was granted only if:

(1) the designated caregiver does not meet the requirements of subsection (i) of Section 10;

(2) the applicant did not provide the information required;

(3) the prospective patient's application was denied;

(4) the designated caregiver previously had a registry identification card revoked; ~~or~~

(5) the applicant or the designated caregiver provided false or falsified information; or ~~.~~

(6) violated any requirement of this Act.

(d) (Blank). ~~The Department of Public Health through the Department of State Police shall conduct a background check of the prospective qualifying patient and designated caregiver in order to carry out this Section. The Department of State Police shall charge a fee for conducting the criminal history record check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the record check. Each person applying as a qualifying patient or a designated caregiver shall submit a full set of fingerprints to the Department of State Police for the purpose of obtaining a State and federal criminal records check. These fingerprints shall be checked against the fingerprint records now and hereafter, to the extent allowed by law, filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall furnish, following positive identification, all Illinois conviction information to the Department of Public Health. The~~

~~Department of Public Health may waive the submission of a qualifying patient's complete fingerprints based on (1) the severity of the patient's illness and (2) the inability of the qualifying patient to supply those fingerprints, provided that a complete criminal background check is conducted by the Department of State Police prior to the issuance of a registry identification card.~~

(e) The Department of Public Health shall notify the qualifying patient who has designated someone to serve as his or her designated caregiver if a registry identification card will not be issued to the designated caregiver.

(f) Denial of an application or renewal is considered a final Department action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the Circuit Court.

(Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15; 99-697, eff. 7-29-16.)

(410 ILCS 130/75)

(Section scheduled to be repealed on July 1, 2020)

Sec. 75. Notifications to Department of Public Health and responses; civil penalty.

(a) The following notifications and Department of Public Health responses are required:

(1) A registered qualifying patient shall notify the Department of Public Health of any change in his or her name or address, or if the registered qualifying patient ceases to have his or her debilitating medical condition, within 10 days of the change.

(2) A registered designated caregiver shall notify the Department of Public Health of any change in his or her name or address, or if the designated caregiver becomes aware the registered qualifying patient passed away, within 10 days of the change.

(3) Before a registered qualifying patient changes his or her designated caregiver, the qualifying patient must notify the Department of Public Health.

(4) If a cardholder loses his or her registry identification card, he or she shall notify the Department within 10 days of becoming aware the card has been lost.

(b) When a cardholder notifies the Department of Public Health of items listed in subsection (a), but remains eligible under this Act, the Department of Public Health shall issue the cardholder a new registry identification card with a new random alphanumeric identification number within 15 business days of receiving the updated information and a fee as specified in Department of Public Health rules. If the person notifying the Department of Public Health is a registered qualifying patient, the Department shall also issue his or her registered designated caregiver, if any, a new registry identification card within 15 business days of receiving the updated information.

(c) If a registered qualifying patient ceases to be a registered qualifying patient or changes his or her registered designated caregiver, the Department of Public Health shall promptly notify the designated caregiver. The registered designated caregiver's protections under this Act as to that qualifying patient shall expire 15 days after notification by the Department.

(d) A cardholder who fails to make a notification to the Department of Public Health that is required by this Section is subject to a civil infraction, punishable by a penalty of no more than $150.

(e) A registered qualifying patient shall notify the Department of Public Health of any change to his or her designated registered dispensing organization. Registered dispensing organizations must comply with all requirements of this Act.

(f) If the registered qualifying patient's certifying physician notifies the Department in writing that either the registered qualifying patient has ceased to suffer from a debilitating medical condition <u>or that continued use of medical cannabis would result in contraindication with the patient's other medication</u>, the card shall become null and void. However, the registered qualifying patient shall have 15 days to destroy his or her remaining medical cannabis and related paraphernalia.

(Source: P.A. 98-122, eff. 1-1-14; 99-519, eff. 6-30-16.)

(410 ILCS 130/130)

(Section scheduled to be repealed on July 1, 2020)

Sec. 130. Requirements; prohibitions; penalties; dispensing organizations.

(a) The Department of Financial and Professional Regulation shall implement the provisions of this Section by rule.

(b) A dispensing organization shall maintain operating documents which shall include procedures for the oversight of the registered dispensing organization and procedures to ensure accurate recordkeeping.

(c) A dispensing organization shall implement appropriate security measures, as provided by rule, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

(d) A dispensing organization may not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility. A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use.

(e) A dispensing organization is prohibited from acquiring cannabis from anyone other than a registered cultivation center. A dispensing organization is prohibited from obtaining cannabis from outside the State of Illinois.

(f) A registered dispensing organization is prohibited from dispensing cannabis for any purpose except to assist registered qualifying patients with the medical use of cannabis directly or through the qualifying patients' designated caregivers.

(g) The area in a dispensing organization where medical cannabis is stored can only be accessed by dispensing organization agents working for the dispensing organization, Department of Financial and Professional Regulation staff performing inspections, law enforcement or other emergency personnel, and contractors working on jobs unrelated to medical cannabis, such as installing or maintaining security devices or performing electrical wiring.

(h) A dispensing organization may not dispense more than 2.5 ounces of cannabis to a registered qualifying patient, directly or via a designated caregiver, in any 14-day period unless the qualifying patient has a Department of Public Health-approved quantity waiver.

(i) Except as provided in subsection (i-5), before ~~Before~~ medical cannabis may be dispensed to a designated caregiver or a registered qualifying patient, a dispensing organization agent must determine that the individual is a current cardholder in the verification system and must verify each of the following:

(1) that the registry identification card presented to the registered dispensing organization is valid;

(2) that the person presenting the card is the person identified on the registry identification card presented to the dispensing organization agent;

(3) that the dispensing organization is the designated dispensing organization for the registered qualifying patient who is obtaining the cannabis directly or via his or her designated caregiver; and

(4) that the registered qualifying patient has not exceeded his or her adequate supply.

(i-5) A dispensing organization may dispense medical cannabis to a qualifying patient under Section 62.

(j) Dispensing organizations shall ensure compliance with this limitation by maintaining internal, confidential records that include records specifying how much medical cannabis is dispensed to the registered qualifying patient and whether it was dispensed directly to the registered qualifying patient or to the designated caregiver. Each entry must include the date and time the cannabis was dispensed. Additional recordkeeping requirements may be set by rule.

(k) The physician-patient privilege as set forth by Section 8-802 of the Code of Civil Procedure shall apply between a qualifying patient and a registered dispensing organization and its agents with respect to communications and records concerning qualifying patients' debilitating conditions.

(l) A dispensing organization may not permit any person to consume cannabis on the property of a medical cannabis organization.

(m) A dispensing organization may not share office space with or refer patients to a physician.

(n) Notwithstanding any other criminal penalties related to the unlawful possession of cannabis, the Department of Financial and Professional Regulation may revoke, suspend, place on probation, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action as the Department of Financial and Professional Regulation may deem proper with regard to the registration of any person issued under this Act to operate a dispensing organization or act as a dispensing organization agent, including imposing fines not to exceed $10,000 for each violation, for any violations of this Act and rules adopted in accordance with this Act. The procedures for disciplining a registered dispensing organization shall be determined by rule. All final administrative decisions of the Department of Financial and Professional Regulation 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.

(o) Dispensing organizations are subject to random inspection and cannabis testing by the Department of Financial and Professional Regulation and State Police as provided by rule.

(Source: P.A. 98-122, eff. 1-1-14.)

(410 ILCS 130/160)

(Section scheduled to be repealed on July 1, 2020)

Sec. 160. Annual reports. ~~(a)~~ The Department of Public Health shall submit to the General Assembly a report, by September 30 of each year, that does not disclose any identifying information about registered qualifying patients, registered caregivers, or physicians, but does contain, at a minimum, all of the following information based on the fiscal year for reporting purposes:

(1) the number of applications and renewals filed for registry identification cards or

registrations;

(2) the number of qualifying patients and designated caregivers served by each dispensary during the report year;

(3) the nature of the debilitating medical conditions of the qualifying patients;

(4) the number of registry identification cards or registrations revoked for misconduct;

(5) the number of physicians providing written certifications for qualifying patients; ~~and~~

(6) the number of registered medical cannabis cultivation centers or registered dispensing organizations; ~~.~~

(7) the number of applications received from applicants seeking an alternative to opioid treatment;

(8) the nature of the conditions of the applicants seeking an alternative to opioid treatment; and

(9) the number of applications approved and denied from applicants seeking an alternative to opioid treatment.

(Source: P.A. 98-122, eff. 1-1-14; revised 11-8-17.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Harmon, **Senate Bill No. 336** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 44; NAYS 6.

The following voted in the affirmative:

Althoff	Cunningham	Landek	Sandoval
Anderson	Curran	Lightford	Schimpf
Barickman	Fowler	Link	Sims
Bennett	Haine	Manar	Stadelman
Bertino-Tarrant	Harmon	Martinez	Steans
Biss	Harris	Mulroe	Syverson
Brady	Hastings	Muñoz	Van Pelt
Bush	Holmes	Murphy	Mr. President
Castro	Hunter	Nybo	
Clayborne	Hutchinson	Oberweis	
Collins	Jones, E.	Raoul	
Cullerton, T.	Koehler	Rooney	

The following voted in the negative:

McCann	McConchie	Tracy
McCarter	Rezin	Weaver

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

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

SENATE BILL RECALLED

On motion of Senator Manar, **Senate Bill No. 424** was recalled from the order of third reading to the order of second reading.

Senator Manar offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 424

AMENDMENT NO. 1. Amend Senate Bill 424 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 11-74.4-3.5 as follows:

(65 ILCS 5/11-74.4-3.5)

Sec. 11-74.4-3.5. Completion dates for redevelopment projects.

(a) Unless otherwise stated in this Section, the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer, as provided in subsection (b) of Section 11-74.4-8 of this Act, is to be made with respect to ad valorem taxes levied in the 23rd calendar year after the year in which the ordinance approving the redevelopment project area was adopted if the ordinance was adopted on or after January 15, 1981.

(a-5) If the redevelopment project area is located within a transit facility improvement area established pursuant to Section 11-74.4-3, the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer, as provided in subsection (b) of Section 11-74.4-8 of this Act, is to be made with respect to ad valorem taxes levied in the 35th calendar year after the year in which the ordinance approving the redevelopment project area was adopted.

(a-7) A municipality may adopt tax increment financing for a redevelopment project area located in a transit facility improvement area that also includes real property located within an existing redevelopment project area established prior to August 12, 2016 (the effective date of Public Act 99-792). In such case: (i) the provisions of this Division shall apply with respect to the previously established redevelopment project area until the municipality adopts, as required in accordance with applicable provisions of this Division, an ordinance dissolving the special tax allocation fund for such redevelopment project area and terminating the designation of such redevelopment project area as a redevelopment project area; and (ii) after the effective date of the ordinance described in (i), the provisions of this Division shall apply with respect to the subsequently established redevelopment project area located in a transit facility improvement area.

(b) The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 32nd calendar year after the year in which the ordinance approving the redevelopment project area was adopted if the ordinance was adopted on September 9, 1999 by the Village of Downs.

The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 33rd calendar year after the year in which the ordinance approving the redevelopment project area was adopted if the ordinance was adopted on May 20, 1985 by the Village of Wheeling.

The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 28th calendar year after the year in which the ordinance approving the redevelopment project area was adopted if the ordinance was adopted on October 12, 1989 by the City of Lawrenceville.

(c) The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 35th calendar year after the year in which the ordinance approving the redevelopment project area was adopted:

(1) If the ordinance was adopted before January 15, 1981.

(2) If the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989.

(3) If the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport.

(4) If the ordinance was adopted before January 1, 1987 by a municipality in Mason County.

(5) If the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law.

(6) If the ordinance was adopted in December 1984 by the Village of Rosemont.

(7) If the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997.

(8) If the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis.

(9) If the ordinance was adopted on November 12, 1991 by the Village of Sauget.

(10) If the ordinance was adopted on February 11, 1985 by the City of Rock Island.

(11) If the ordinance was adopted before December 18, 1986 by the City of Moline.

(12) If the ordinance was adopted in September 1988 by Sauk Village.

(13) If the ordinance was adopted in October 1993 by Sauk Village.

(14) If the ordinance was adopted on December 29, 1986 by the City of Galva.

(15) If the ordinance was adopted in March 1991 by the City of Centreville.

(16) If the ordinance was adopted on January 23, 1991 by the City of East St. Louis.

(17) If the ordinance was adopted on December 22, 1986 by the City of Aledo.

(18) If the ordinance was adopted on February 5, 1990 by the City of Clinton.

(19) If the ordinance was adopted on September 6, 1994 by the City of Freeport.

(20) If the ordinance was adopted on December 22, 1986 by the City of Tuscola.

(21) If the ordinance was adopted on December 23, 1986 by the City of Sparta.

(22) If the ordinance was adopted on December 23, 1986 by the City of Beardstown.

(23) If the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville.

(24) If the ordinance was adopted on December 29, 1986 by the City of Collinsville.

(25) If the ordinance was adopted on September 14, 1994 by the City of Alton.

(26) If the ordinance was adopted on November 11, 1996 by the City of Lexington.

(27) If the ordinance was adopted on November 5, 1984 by the City of LeRoy.

(28) If the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham.

(29) If the ordinance was adopted on November 11, 1986 by the City of Pekin.

(30) If the ordinance was adopted on December 15, 1981 by the City of Champaign.

(31) If the ordinance was adopted on December 15, 1986 by the City of Urbana.

(32) If the ordinance was adopted on December 15, 1986 by the Village of Heyworth.

(33) If the ordinance was adopted on February 24, 1992 by the Village of Heyworth.

(34) If the ordinance was adopted on March 16, 1995 by the Village of Heyworth.

(35) If the ordinance was adopted on December 23, 1986 by the Town of Cicero.

(36) If the ordinance was adopted on December 30, 1986 by the City of Effingham.

(37) If the ordinance was adopted on May 9, 1991 by the Village of Tilton.

(38) If the ordinance was adopted on October 20, 1986 by the City of Elmhurst.

(39) If the ordinance was adopted on January 19, 1988 by the City of Waukegan.

(40) If the ordinance was adopted on September 21, 1998 by the City of Waukegan.

(41) If the ordinance was adopted on December 31, 1986 by the City of Sullivan.

(42) If the ordinance was adopted on December 23, 1991 by the City of Sullivan.

(43) If the ordinance was adopted on December 31, 1986 by the City of Oglesby.

(44) If the ordinance was adopted on July 28, 1987 by the City of Marion.

(45) If the ordinance was adopted on April 23, 1990 by the City of Marion.

(46) If the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect.

(47) If the ordinance was adopted on February 2, 1998 by the Village of Woodhull.

(48) If the ordinance was adopted on April 20, 1993 by the Village of Princeville.

(49) If the ordinance was adopted on July 1, 1986 by the City of Granite City.

(50) If the ordinance was adopted on February 2, 1989 by the Village of Lombard.

(51) If the ordinance was adopted on December 29, 1986 by the Village of Gardner.

(52) If the ordinance was adopted on July 14, 1999 by the Village of Paw Paw.

(53) If the ordinance was adopted on November 17, 1986 by the Village of Franklin Park.

(54) If the ordinance was adopted on November 20, 1989 by the Village of South Holland.

(55) If the ordinance was adopted on July 14, 1992 by the Village of Riverdale.

(56) If the ordinance was adopted on December 29, 1986 by the City of Galesburg.

(57) If the ordinance was adopted on April 1, 1985 by the City of Galesburg.

(58) If the ordinance was adopted on May 21, 1990 by the City of West Chicago.

(59) If the ordinance was adopted on December 16, 1986 by the City of Oak Forest.

(60) If the ordinance was adopted in 1999 by the City of Villa Grove.

(61) If the ordinance was adopted on January 13, 1987 by the Village of Mt. Zion.

(62) If the ordinance was adopted on December 30, 1986 by the Village of Manteno.

(63) If the ordinance was adopted on April 3, 1989 by the City of Chicago Heights.

(64) If the ordinance was adopted on January 6, 1999 by the Village of Rosemont.

(65) If the ordinance was adopted on December 19, 2000 by the Village of Stone Park.

(66) If the ordinance was adopted on December 22, 1986 by the City of DeKalb.

(67) If the ordinance was adopted on December 2, 1986 by the City of Aurora.

(68) If the ordinance was adopted on December 31, 1986 by the Village of Milan.

(69) If the ordinance was adopted on September 8, 1994 by the City of West Frankfort.

(70) If the ordinance was adopted on December 23, 1986 by the Village of Libertyville.

(71) If the ordinance was adopted on December 22, 1986 by the Village of Hoffman Estates.

(72) If the ordinance was adopted on September 17, 1986 by the Village of Sherman.

(73) If the ordinance was adopted on December 16, 1986 by the City of Macomb.

(74) If the ordinance was adopted on June 11, 2002 by the City of East Peoria to create the West Washington Street TIF.

(75) If the ordinance was adopted on June 11, 2002 by the City of East Peoria to create the Camp Street TIF.

(76) If the ordinance was adopted on August 7, 2000 by the City of Des Plaines.

(77) If the ordinance was adopted on December 22, 1986 by the City of Washington to create the Washington Square TIF #2.

(78) If the ordinance was adopted on December 29, 1986 by the City of Morris.

(79) If the ordinance was adopted on July 6, 1998 by the Village of Steeleville.

(80) If the ordinance was adopted on December 29, 1986 by the City of Pontiac to create TIF I (the Main St TIF).

(81) If the ordinance was adopted on December 29, 1986 by the City of Pontiac to create TIF II (the Interstate TIF).

(82) If the ordinance was adopted on November 6, 2002 by the City of Chicago to create the Madden/Wells TIF District.

(83) If the ordinance was adopted on November 4, 1998 by the City of Chicago to create the Roosevelt/Racine TIF District.

(84) If the ordinance was adopted on June 10, 1998 by the City of Chicago to create the Stony Island Commercial/Burnside Industrial Corridors TIF District.

(85) If the ordinance was adopted on November 29, 1989 by the City of Chicago to create the Englewood Mall TIF District.

(86) If the ordinance was adopted on December 27, 1986 by the City of Mendota.

(87) If the ordinance was adopted on December 31, 1986 by the Village of Cahokia.

(88) If the ordinance was adopted on September 20, 1999 by the City of Belleville.

(89) If the ordinance was adopted on December 30, 1986 by the Village of Bellevue to create the Bellevue TIF District 1.

(90) If the ordinance was adopted on December 13, 1993 by the Village of Crete.

(91) If the ordinance was adopted on February 12, 2001 by the Village of Crete.

(92) If the ordinance was adopted on April 23, 2001 by the Village of Crete.

(93) If the ordinance was adopted on December 16, 1986 by the City of Champaign.

(94) If the ordinance was adopted on December 20, 1986 by the City of Charleston.

(95) If the ordinance was adopted on June 6, 1989 by the Village of Romeoville.

(96) If the ordinance was adopted on October 14, 1993 and amended on August 2, 2010 by the City of Venice.

(97) If the ordinance was adopted on June 1, 1994 by the City of Markham.

(98) If the ordinance was adopted on May 19, 1998 by the Village of Bensenville.

(99) If the ordinance was adopted on November 12, 1987 by the City of Dixon.

(100) If the ordinance was adopted on December 20, 1988 by the Village of Lansing.

(101) If the ordinance was adopted on October 27, 1998 by the City of Moline.

(102) If the ordinance was adopted on May 21, 1991 by the Village of Glenwood.

(103) If the ordinance was adopted on January 28, 1992 by the City of East Peoria.

(104) If the ordinance was adopted on December 14, 1998 by the City of Carlyle.

(105) If the ordinance was adopted on May 17, 2000, as subsequently amended, by the City of Chicago to create the Midwest Redevelopment TIF District.

(106) If the ordinance was adopted on September 13, 1989 by the City of Chicago to create the Michigan/Cermak Area TIF District.

(107) If the ordinance was adopted on March 30, 1992 by the Village of Ohio.

(108) If the ordinance was adopted on July 6, 1998 by the Village of Orangeville.

(109) If the ordinance was adopted on December 16, 1997 by the Village of Germantown.

(110) If the ordinance was adopted on April 28, 2003 by Gibson City.

(111) If the ordinance was adopted on December 18, 1990 by the Village of Washington Park, but only after the Village of Washington Park becomes compliant with the reporting requirements under subsection (d) of Section 11-74.4-5, and after the State Comptroller's certification of such compliance.

(112) If the ordinance was adopted on February 28, 2000 by the City of Harvey.

(113) If the ordinance was adopted on January 11, 1991 by the City of Chicago to create the Read/Dunning TIF District.

(114) If the ordinance was adopted on July 24, 1991 by the City of Chicago to create the Sanitary and Ship Canal TIF District.

(115) If the ordinance was adopted on December 4, 2007 by the City of Naperville.

(116) If the ordinance was adopted on July 1, 2002 by the Village of Arlington Heights.

(117) If the ordinance was adopted on February 11, 1991 by the Village of Machesney Park.

(118) If the ordinance was adopted on December 29, 1993 by the City of Ottawa.

(119) If the ordinance was adopted on June 4, 1991 by the Village of Lansing.

(120) If the ordinance was adopted on February 10, 2004 by the Village of Fox Lake.

(121) If the ordinance was adopted on December 22, 1992 by the City of Fairfield.

(122) If the ordinance was adopted on February 10, 1992 by the City of Mt. Sterling.

(123) If the ordinance was adopted on March 15, 2004 by the City of Batavia.

(124) If the ordinance was adopted on March 18, 2002 by the Village of Lake Zurich.

(125) If the ordinance was adopted on September 23, 1997 by the City of Granite City.

(126) If the ordinance was adopted on May 8, 2013 by the Village of Rosemont to create the Higgins Road/River Road TIF District No. 6.

(127) If the ordinance was adopted on November 22, 1993 by the City of Arcola.

(128) If the ordinance was adopted on September 7, 2004 by the City of Arcola.

(129) If the ordinance was adopted on November 29, 1999 by the City of Paris.

(130) If the ordinance was adopted on September 20, 1994 by the City of Ottawa to create the U.S. Route 6 East Ottawa TIF.

(131) If the ordinance was adopted on May 2, 2002 by the Village of Crestwood.

(132) If the ordinance was adopted on October 27, 1992 by the City of Blue Island.

(133) If the ordinance was adopted on December 23, 1993 by the City of Lacon.

(134) If the ordinance was adopted on May 4, 1998 by the Village of Bradford.

(135) If the ordinance was adopted on June 11, 2002 by the City of Oak Forest.

(136) If the ordinance was adopted on November 16, 1992 by the City of Pinckneyville.

(137) If the ordinance was adopted on March 1, 2001 by the Village of South Jacksonville.

(138) If the ordinance was adopted on February 26, 1992 by the City of Chicago to create the Stockyards Southeast Quadrant TIF District.

(139) If the ordinance was adopted on January 25, 1993 by the City of LaSalle.

(140) If the ordinance was adopted on December 23, 1997 by the Village of Dieterich.

(141) If the ordinance was adopted on February 10, 2016 by the Village of Rosemont to create the Balmoral/Pearl TIF No. 8 Tax Increment Financing Redevelopment Project Area.

(142) If the ordinance was adopted on June 11, 2002 by the City of Oak Forest.

(143) If the ordinance was adopted on January 31, 1995 by the Village of Milledgeville.

(144) ~~(143)~~ If the ordinance was adopted on February 5, 1996 by the Village of Pearl City.

(145) ~~(143)~~ If the ordinance was adopted on December 21, 1994 by the City of Calumet City.

(146) If the ordinance was adopted on June 2, 1998 by the City of Litchfield.

(d) For redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by Public Act 87-1272 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

(e) Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(f) Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(f-5) Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 47 years for redevelopment project areas that were established on December 29, 1981 by the City of Springfield; provided that (i) the City of Springfield adopts an ordinance extending the life of the redevelopment project area to 47 years and (ii) the City of Springfield provides notice to the taxing bodies that would otherwise constitute the joint review board for the redevelopment project area not more than 30 and not less than 14 days prior to the adoption of that ordinance.

(g) In consolidating the material relating to completion dates from Sections 11-74.4-3 and 11-74.4-7 into this Section, it is not the intent of the General Assembly to make any substantive change in the law, except for the extension of the completion dates for the City of Aurora, the Village of Milan, the City of West Frankfort, the Village of Libertyville, and the Village of Hoffman Estates set forth under items (67), (68), (69), (70), and (71) of subsection (c) of this Section.

(Source: P.A. 99-78, eff. 7-20-15; 99-136, eff. 7-24-15; 99-263, eff. 8-4-15; 99-361, eff. 1-1-16; 99-394, eff. 8-18-15; 99-495, eff. 12-17-15; 99-508, eff. 6-24-16; 99-792, eff. 8-12-16; 100-201, eff. 8-18-17; 100-214, eff. 8-18-17; 100-249, eff. 8-22-17; 100-510, eff. 9-15-17; revised 10-2-17.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Manar, **Senate Bill No. 424** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 51; NAY 1.

The following voted in the affirmative:

Althoff	Cunningham	Lightford	Rezin
Anderson	Curran	Link	Rose
Barickman	Fowler	Manar	Sandoval
Bennett	Haine	Martinez	Schimpf
Bertino-Tarrant	Harmon	McCann	Sims
Biss	Harris	McConchie	Stadelman
Brady	Hastings	Morrison	Steans
Bush	Holmes	Mulroe	Syverson
Castro	Hunter	Muñoz	Tracy
Clayborne	Hutchinson	Murphy	Van Pelt
Collins	Jones, E.	Nybo	Weaver
Connelly	Koehler	Oberweis	Mr. President
Cullerton, T.	Landek	Raoul	

The following voted in the negative:

Rooney

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

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

SENATE BILL RECALLED

On motion of Senator Raoul, **Senate Bill No. 427** was recalled from the order of third reading to the order of second reading.

Senator Raoul offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 427

AMENDMENT NO. 1. Amend Senate Bill 427 by replacing everything after the enacting clause with the following:

"Section 5. The Metropolitan Pier and Exposition Authority Act is amended by changing Section 14 as follows:

(70 ILCS 210/14) (from Ch. 85, par. 1234)

Sec. 14. Board; compensation. The governing and administrative body of the Authority shall be a board known as the Metropolitan Pier and Exposition Board. On the effective date of this amendatory Act of the 96th General Assembly, the Trustee shall assume the duties and powers of the Board for a period of 18 months or until the Board is fully constituted, whichever is later. Any action requiring Board approval shall be deemed approved by the Board if the Trustee approves the action in accordance with Section 14.5. Beginning the first Monday of the month occurring 18 months after the effective date of this amendatory Act of the 96th General Assembly, the Board shall consist of 9 members. The Governor shall appoint 4 members to the Board, subject to the advice and consent of the Senate. The Mayor shall appoint 4 members to the Board. At least one member of the Board shall represent the interests of labor and at least one member of the Board shall represent the interests of the convention industry. A majority of the members appointed by the Governor and Mayor shall appoint a ninth member to serve as the chairperson. The Board shall be fully constituted when a quorum has been appointed. The members of the board shall be individuals of generally recognized ability and integrity. No member of the Board may be (i) an officer or employee of, or a member of a board, commission or authority of, the State, any unit of local government or any school district or (ii) a person who served on the Board prior to the effective date of this amendatory Act of the 96th General Assembly.

Of the initial members appointed by the Governor, one shall serve for a term expiring June 1, 2013, one shall serve for a term expiring June 1, 2014, one shall serve for a term expiring June 1, 2015, and one shall serve for a term expiring June 1, 2016, as determined by the Governor. Of the initial members appointed by the Mayor, one shall serve for a term expiring June 1, 2013, one shall serve for a term expiring June 1,

2014, one shall serve for a term expiring June 1, 2015, and one shall serve for a term expiring June 1, 2016, as determined by the Mayor. The initial chairperson appointed by the Board shall serve a term for a term expiring June 1, 2015. Successors shall be appointed to 4-year terms. No person may be appointed to more than 3 ~~2~~ terms.

Members of the Board shall serve without compensation, but shall be reimbursed for actual expenses incurred by them in the performance of their duties. All members of the Board and employees of the Authority are subject to the Illinois Governmental Ethics Act, in accordance with its terms.
(Source: P.A. 96-882, eff. 2-17-10; 96-898, eff. 5-27-10.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Raoul, **Senate Bill No. 427** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 40; NAYS 5; Present 1.

The following voted in the affirmative:

Althoff	Fowler	Lightford	Schimpf
Anderson	Haine	Link	Sims
Bennett	Harmon	Manar	Stadelman
Biss	Harris	Martinez	Steans
Bush	Hastings	McCarter	Van Pelt
Castro	Holmes	Morrison	Weaver
Clayborne	Hunter	Mulroe	Mr. President
Collins	Hutchinson	Muñoz	
Connelly	Jones, E.	Raoul	
Cunningham	Koehler	Rezin	
Curran	Landek	Sandoval	

The following voted in the negative:

Barickman	Oberweis	Syverson
McCann	Rooney	

The following voted present:

Murphy

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

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

SENATE BILL RECALLED

On motion of Senator Hastings, **Senate Bill No. 65** was recalled from the order of third reading to the order of second reading.

Senator Hastings offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 65

AMENDMENT NO. 4 . Amend Senate Bill 65, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Title Insurance Act is amended by changing Section 18.1 as follows:
(215 ILCS 155/18.1)
Sec. 18.1. Choice of title insurance company.
(a) It is declared to be the public policy of this State that, except as limited by subsection (b), parties to a contract for the sale of residential real property who are obligated to provide and pay for products and services enumerated in Section 19 ~~title insurance~~ have the right to choose the title insurance company , ~~and~~ title insurance agent , or independent escrowee that will provide such products and services ~~title insurance~~. No lender or producer of title business, as the term is defined in this Act, shall, as a condition of making a loan, providing services of any kind, including, but not limited to, services as a broker, agent, lender, attorney, or otherwise, require a party to a contract for the sale of residential real property who is obligated by that contract to furnish and pay for products and services enumerated in Section 19 ~~title insurance~~ at their expense, to procure such products and services ~~title insurance~~ from a title insurance company , ~~or~~ title insurance agent , or independent escrowee other than a title insurance company, ~~or~~ title insurance agent , or independent escrowee that is chosen by the party paying for the title insurance.
(b) This subsection (b) applies exclusively to counties in Illinois having populations not less than 500,000. In a transaction for the sale and purchase of residential real property, as defined in this Act, the title insurance company issuing the owner's title insurance policy shall issue the lender's title insurance policy for that transaction if such a policy is required by the lender, unless:
(1) the buyer and seller agree otherwise; or
(2) the buyer or seller is offered a discount of fees as an inducement to split the title insurance policies, unless, prior to the closing of the transaction, the title insurance company chosen to issue the owner's policy agrees to offer the same discount of fees.
As used in this Section, "fees" includes those fees for products and services enumerated in Section 19.
(Source: P.A. 95-570, eff. 8-31-07.)".

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendment No. 4 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Hastings, **Senate Bill No. 65** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.
And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 41; NAYS 6; Present 3.

The following voted in the affirmative:

Althoff	Fowler	Lightford	Raoul
Anderson	Haine	Link	Rezin
Bennett	Harmon	Manar	Sandoval
Bertino-Tarrant	Harris	Martinez	Sims
Biss	Hastings	McCann	Stadelman
Bush	Holmes	McCarter	Steans
Castro	Hunter	Morrison	Van Pelt
Clayborne	Hutchinson	Mulroe	Weaver
Collins	Jones, E.	Muñoz	
Cunningham	Koehler	Nybo	
Curran	Landek	Oberweis	

The following voted in the negative:

Connelly	Rooney	Syverson
McConchie	Schimpf	Tracy

The following voted present:

Barickman
Rose
Mr. President

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

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

SENATE BILL RECALLED

On motion of Senator Koehler, **Senate Bill No. 457** was recalled from the order of third reading to the order of second reading.

Senator Koehler offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 457

AMENDMENT NO. 1. Amend Senate Bill 457 by replacing everything after the enacting clause with the following:

"Section 5. The Food Handling Regulation Enforcement Act is amended by changing Section 4 as follows:

(410 ILCS 625/4)

Sec. 4. Cottage food operation.

(a) For the purpose of this Section:

"Acidify" means to reduce the potential of hydrogen of a food to 4.6 or lower by means of pickling, fermenting, or adding an acidic ingredient, such as vinegar, citric acid, or citrus juice.

"Canned food" means food processed and preserved in a new glass jar or bottle that has been sealed with a new lid by means of heat or pressure.

"Cottage food operation" means an operation conducted by a person who produces or packages food or drink, other than foods and drinks listed as prohibited in paragraph (1.5) of subsection (b) of this Section, in a kitchen located in that person's primary domestic residence or another appropriately designed and equipped residential or commercial-style kitchen on that property for direct sale by the owner, a family member, or employee.

"Cut leafy greens" means fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. "Cut leafy greens" does not mean cut to harvest leafy greens.

"Department" means the Department of Public Health.

"Farmers' market" means a common facility or area where farmers gather to sell a variety of fresh fruits and vegetables and other locally produced farm and food products directly to consumers.

"Leafy greens" includes iceberg lettuce; romaine lettuce; leaf lettuce; butter lettuce; baby leaf lettuce, such as immature lettuce or leafy greens; escarole; endive; spring mix; spinach; cabbage; kale; arugula; and chard. "Leafy greens" does not include microgreens or herbs such as cilantro or parsley.

"Main ingredient" means an agricultural product that is the defining or distinctive ingredient in a cottage food product, though not necessarily by predominance of weight.

"Microgreen" means an edible plant seedling grown in soil or substrate and harvested above the soil or substrate line.

"Potentially hazardous food" means a food that is potentially hazardous according to the Department's administrative rules. Potentially hazardous food (PHF) in general means a food that requires time and temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

"Sprout" means any seedling intended for human consumption that was produced in a manner that does not meet the definition of microgreen.

(b) Notwithstanding any other provision of law and except as provided in subsections (c), (d), and (e) of this Section, neither the Department nor the Department of Agriculture nor the health department of a unit of local government may regulate the transaction of food or drink by a cottage food operation providing that all of the following conditions are met:

(1) (Blank).

(1.5) A cottage food operation may produce homemade food and drink. However, a cottage food operation, unless properly licensed, certified, and compliant with all requirements to sell a listed food item under the laws and regulations pertinent to that food item, shall not sell or offer to sell the following food items or processed foods containing the following food items, except as indicated:

(A) meat, poultry, fish, seafood, or shellfish;

(B) dairy, except as an ingredient in a non-potentially hazardous baked good or candy, such as caramel;

(C) eggs, except as an ingredient in a non-potentially hazardous baked good or in dry noodles;

(D) pumpkin pies, sweet potato pies, cheesecakes, custard pies, creme pies, and pastries with potentially hazardous fillings or toppings;

(E) raw garlic in oil or oil infused with raw garlic, except if the raw garlic oil is acidified;

(F) canned foods, except for the following, which may be canned only in new jars or bottles with new lids:

(i) fruit jams, fruit jellies, fruit preserves, or fruit butters; ~~,~~

(ii) syrups;

(iii) whole or cut fruit canned in syrup; ~~and~~

(iv) acidified fruit or vegetables prepared and offered for sale in compliance with paragraph (1.6); and

(v) condiments such as prepared mustard, horseradish, or ketchup that do not contain ingredients prohibited under this Section and that are prepared and offered for sale in compliance with paragraph (1.6);

(G) sprouts;

(H) cut leafy greens, except for cut leafy greens that are dehydrated, acidified, or blanched and frozen;

(I) cut or pureed fresh tomato or melon;

(J) dehydrated tomato or melon;

(K) frozen cut melon;

(L) wild-harvested, non-cultivated mushrooms; or

(M) alcoholic beverages, except when trace amounts of alcohol are incidentally present in a beverage, such as kombucha, that is commonly sold without age restriction.

(1.6) In order to sell canned tomatoes or a canned product containing tomatoes, a cottage food operator shall either:

(A) follow exactly a recipe that has been tested by the United States Department of Agriculture or by a state cooperative extension located in this State or any other state in the United States; or

(B) submit the recipe, at the cottage food operator's expense, to a commercial laboratory to test that the product has been adequately acidified; use only the varietal or proportionate varietals of tomato included in the tested recipe for all subsequent batches of such recipe; and provide documentation of the test results of the recipe submitted under this subparagraph to an inspector upon request during any inspection authorized by paragraph (2) of subsection (d).

(1.7) A State-certified local public health department that regulates the service of food by a cottage food operation in accordance with subsection (d) of this Section may require a cottage food operation to submit a recipe for any baked good containing cheese, at the cottage food operator's expense, to a commercial laboratory to verify that it is non-potentially hazardous before allowing the cottage food operation to sell the baked good as a cottage food.

(2) The food is to be sold at a farmers' market, with the exception that cottage foods that have a locally grown agricultural product as the main ingredient may be sold on the farm where the agricultural product is grown or delivered directly to the consumer.

(3) (Blank).

(4) The food packaging conforms to the labeling requirements of the Illinois Food, Drug and Cosmetic Act and includes the following information on the label of each of its products:

(A) the name and address of the cottage food operation;

(B) the common or usual name of the food product;

(C) all ingredients of the food product, including any colors, artificial flavors,

and preservatives, listed in descending order by predominance of weight shown with common or usual names;

(D) the following phrase: "This product was produced in a home kitchen not subject to public health inspection that may also process common food allergens.";

(E) the date the product was processed; and

(F) allergen labeling as specified in federal labeling requirements.

(5) The name and residence of the person preparing and selling products as a cottage food operation is registered with the health department of a unit of local government where the cottage food operation resides. No fees shall be charged for registration. Registration shall be for a minimum period of one year.

(6) The person preparing or packaging products as a cottage food operation has a Department approved Food Service Sanitation Management Certificate.

(7) At the point of sale a placard is displayed in a prominent location that states the following: "This product was produced in a home kitchen not subject to public health inspection that may also process common food allergens.".

(c) Notwithstanding the provisions of subsection (b) of this Section, if the Department or the health department of a unit of local government has received a consumer complaint or has reason to believe that an imminent health hazard exists or that a cottage food operation's product has been found to be misbranded, adulterated, or not in compliance with the exception for cottage food operations pursuant to this Section, then it may invoke cessation of sales of cottage food products until it deems that the situation has been addressed to the satisfaction of the Department.

(d) Notwithstanding the provisions of subsection (b) of this Section, a State-certified local public health department may, upon providing a written statement to the Department, regulate the service of food by a cottage food operation. The regulation by a State-certified local public health department may include all of the following requirements:

(1) That the cottage food operation (A) register with the State-certified local public health department, which shall be for a minimum of one year and include a reasonable fee set by the State-certified local public health department that is no greater than $25 notwithstanding paragraph (5) of subsection (b) of this Section and (B) agree in writing at the time of registration to grant access to the State-certified local public health department to conduct an inspection of the cottage food operation's primary domestic residence in the event of a consumer complaint or foodborne illness outbreak.

(2) That in the event of a consumer complaint or foodborne illness outbreak the State-certified local public health department is allowed to (A) inspect the premises of the cottage food operation in question and (B) set a reasonable fee for that inspection.

(e) The Department may adopt rules as may be necessary to implement the provisions of this Section.
(Source: P.A. 99-191, eff. 1-1-16; 100-35, eff. 1-1-18.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Koehler, **Senate Bill No. 457** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

Althoff	Fowler	Manar	Rooney
Anderson	Haine	Martinez	Rose
Bennett	Harmon	McCann	Sandoval

Bertino-Tarrant	Harris	McCarter	Schimpf
Brady	Hastings	McConchie	Sims
Bush	Holmes	Morrison	Stadelman
Castro	Hunter	Mulroe	Steans
Clayborne	Hutchinson	Muñoz	Syverson
Collins	Jones, E.	Murphy	Tracy
Connelly	Koehler	Nybo	Van Pelt
Cullerton, T.	Landek	Oberweis	Weaver
Cunningham	Lightford	Raoul	Mr. President
Curran	Link	Rezin	

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

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

SENATE BILL RECALLED

On motion of Senator Mulroe, **Senate Bill No. 544** was recalled from the order of third reading to the order of second reading.

Senator Mulroe offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 544

AMENDMENT NO. __1__. Amend Senate Bill 544 by replacing everything after the enacting clause with the following:

"Section 5. If and only if House Bill 4594 of the 100th General Assembly as amended by House Amendment No. 1 becomes law, then "AN ACT concerning fees, fines, and assessments" (House Bill 4594 of the 100th General Assembly) is amended by changing Section 1-5 as follows:

(H.B. 4594, 100th G.A., Sec. 1-5)

Sec. 1-5. Definitions. In this Act:

"Assessment" means any costs imposed on a defendant under schedules 1 through 13 of this Act.

"Business offense" means a petty offense for which the fine is in excess of $1,000.

"Case" means all charges and counts filed against a single defendant which are being prosecuted as a single proceeding before the court.

"Count" means each separate offense charged in the same indictment, information, or complaint when the indictment, information, or complaint alleges the commission of more than one offense.

"Conservation offense" means any violation of the following Acts, Codes, or ordinances, except any offense punishable upon conviction by imprisonment in the penitentiary:

(1) Fish and Aquatic Life Code;

(2) Wildlife Code;

(3) Boat Registration and Safety Act;

(4) Park District Code;

(5) Chicago Park District Act;

(6) State Parks Act;

(7) State Forest Act;

(8) Forest Fire Protection District Act;

(9) Snowmobile Registration and Safety Act;

(10) Endangered Species Protection Act;

(11) Forest Products Transportation Act;

(12) Timber Buyers Licensing Act;

(13) Downstate Forest Preserve District Act;

(14) Exotic Weed Act;

(15) Ginseng Harvesting Act;

(16) Cave Protection Act;

(17) ordinances adopted under the Counties Code for the acquisition of property for parks or recreational areas;

(18) Recreational Trails of Illinois Act;

(19) Herptiles-Herps Act; or

(20) any rule, regulation, proclamation, or ordinance adopted under any Code or Act named in paragraphs (1) through (19) of this definition.

"Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury.

"Drug offense" means any violation of the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or any similar local ordinance which involves the possession or delivery of a drug.

"Drug-related emergency response" means the act of collecting evidence from or securing a site where controlled substances were manufactured, or where by-products from the manufacture of controlled substances are present, and cleaning up the site, whether these actions are performed by public entities or private contractors paid by public entities.

"Electronic citation" means the process of transmitting traffic, misdemeanor, municipal ordinance, conservation, or other citations and law enforcement data via electronic means to a circuit court clerk.

"Emergency response" means any incident requiring a response by a police officer, an ambulance, a firefighter carried on the rolls of a regularly constituted fire department or fire protection district, a firefighter of a volunteer fire department, or a member of a recognized not-for-profit rescue or emergency medical service provider. "Emergency response" does not include a drug-related emergency response.

"Felony offense" means an offense for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided.

"Fine" means a pecuniary punishment for a conviction as ordered by a court of law.

"Highest classified offense" means the offense in the case which carries the most severe potential disposition under Article 4.5 of the Unified Code of Corrections.

"Major traffic offense" means a traffic offense under the Illinois Vehicle Code or a similar provision of a local ordinance other than a petty offense or business offense.

"Minor traffic offense" means a petty offense or business offense under the Illinois Vehicle Code or a similar provision of a local ordinance.

"Misdemeanor offense" means any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed.

"Offense" means a violation of any local ordinance or penal statute of this State.

"Petty offense" means any offense for which a sentence of imprisonment is not an authorized disposition.

"Service provider costs" means costs incurred as a result of services provided by an entity including, but not limited to, traffic safety programs, laboratories, ambulance companies, and fire departments. "Service provider costs" includes conditional amounts under this Act that are reimbursements for services provided.

"Street value" means the amount determined by the court on the basis of testimony of law enforcement personnel and the defendant as to the amount of drug or materials seized and any testimony as may be required by the court as to the current street value of the cannabis, controlled substance, methamphetamine or salt of an optical isomer of methamphetamine, or methamphetamine manufacturing materials seized.

"Supervision" means a disposition of conditional and revocable release without probationary supervision, but under the conditions and reporting requirements as are imposed by the court, at the successful conclusion of which disposition the defendant is discharged and a judgment dismissing the charges is entered.

(Source: H.B. 4594, 100th G.A., Sec. 1-5.)

Section 10. If and only if the provisions of House Bill 4594 of the 100th General Assembly as amended by House Amendment No. 1 that are changed by this amendatory Act of the 100th General Assembly becomes law, then the Clerks of Courts Act is amended by changing Section 27.1b as follows:

(705 ILCS 105/27.1b)

Sec. 27.1b. Circuit court clerk fees. Notwithstanding any other provision of law, all fees charged by the clerks of the circuit court for the services described in this Section shall be established, collected, and disbursed in accordance with this Section. Except as otherwise specified in this Section, all ~~All~~ fees under this Section shall be paid in advance and disbursed by each clerk on a monthly basis. In a county with a population of over 3,000,000, units of local government and school districts shall not be required to pay fees under this Section in advance and the clerk shall instead send an itemized bill to the unit of local government or school district, within 30 days of the fee being incurred, and the unit of local government or school district shall be allowed at least 30 days from the date of the itemized bill to pay; these payments

shall be disbursed by each clerk on a monthly basis. Unless otherwise specified in this Section, the amount of a fee shall be determined by ordinance or resolution of the county board and remitted to the county treasurer to be used for purposes related to the operation of the court system in the county. In a county with population of over 3,000,000, any amount retained by the clerk of the circuit court or remitted to the county treasurer shall be subject to appropriation by the county board.

(a) Civil cases. The fee for filing a complaint, petition, or other pleading initiating a civil action shall be as set forth in the applicable schedule under this subsection in accordance with case categories established by the Supreme Court in schedules.

(1) SCHEDULE 1: not to exceed a total of $366 in a county with a population of 3,000,000 or more and $316 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed $190 through December 31, 2021 and $184 on and after January 1, 2022. The fees collected under this schedule shall be disbursed as follows:

(A) The clerk shall retain a sum, in an amount not to exceed $55 in a county with a population of 3,000,000 or more and $45 in any other county determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.

(B) The clerk shall remit up to $21 to the State Treasurer. The State Treasurer shall deposit the appropriate amounts, in accordance with the clerk's instructions, as follows:

(i) up to $10, as specified by the Supreme Court in accordance with Part 10A of Article II of the Code of Civil Procedure, into the Mandatory Arbitration Fund;

(ii) $2 into the Access to Justice Fund; and

(iii) $9 into the Supreme Court Special Purposes Fund.

(C) The clerk shall remit a sum to the County Treasurer, in an amount not to exceed $290 in a county with a population of 3,000,000 or more and in an amount not to exceed $250 in any other county, as specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

(2) SCHEDULE 2: not to exceed a total of $357 in a county with a population of 3,000,000 or more and $266 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed $190 through December 31, 2021 and $184 on and after January 1, 2022. The fees collected under this schedule shall be disbursed as follows:

(A) The clerk shall retain a sum, in an amount not to exceed $55 in a county with a population of 3,000,000 or more and $45 in any other county determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.

(B) The clerk shall remit up to $21 to the State Treasurer. The State Treasurer shall deposit the appropriate amounts, in accordance with the clerk's instructions, as follows:

(i) up to $10, as specified by the Supreme Court in accordance with Part 10A of Article II of the Code of Civil Procedure, into the Mandatory Arbitration Fund;

(ii) $2 into the Access to Justice Fund: and

(iii) $9 into the Supreme Court Special Purposes Fund.

(C) The clerk shall remit a sum to the County Treasurer, in an amount not to exceed $281 in a county with a population of 3,000,000 or more and in an amount not to exceed $200 in any other county, as specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

(3) SCHEDULE 3: not to exceed a total of $265 in a county with a population of 3,000,000 or more and $89 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed $190 through December 31, 2021 and $184 on and after January 1, 2022. The fees collected under this schedule shall be disbursed as follows:

(A) The clerk shall retain a sum, in an amount not to exceed $55 in a county with a population of 3,000,000 or more and $22 in any other county determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.

(B) The clerk shall remit $11 to the State Treasurer. The State Treasurer shall deposit the appropriate amounts in accordance with the clerk's instructions, as follows:

(i) $2 into the Access to Justice Fund; and

(ii) $9 into the Supreme Court Special Purposes Fund.

(C) The clerk shall remit a sum to the County Treasurer, in an amount not to exceed $199 in a county with a population of 3,000,000 or more and in an amount not to exceed $56 in any other county, as specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

(4) SCHEDULE 4: $0.

(b) Appearance. The fee for filing an appearance in a civil action, including a cannabis civil law action under the Cannabis Control Act, shall be as set forth in the applicable schedule under this subsection in accordance with case categories established by the Supreme Court in schedules.

(1) SCHEDULE 1: not to exceed a total of $230 in a county with a population of 3,000,000 or more and $191 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed $75. The fees collected under this schedule shall be disbursed as follows:

(A) The clerk shall retain a sum, in an amount not to exceed $50 in a county with a population of 3,000,000 or more and $45 in any other county determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.

(B) The clerk shall remit up to $21 to the State Treasurer. The State Treasurer shall deposit the appropriate amounts, in accordance with the clerk's instructions, as follows:

(i) up to $10, as specified by the Supreme Court in accordance with Part 10A of Article II of the Code of Civil Procedure, into the Mandatory Arbitration Fund;

(ii) $2 into the Access to Justice Fund; and

(iii) $9 into the Supreme Court Special Purposes Fund.

(C) The clerk shall remit a sum to the County Treasurer, in an amount not to exceed $159 in a county with a population of 3,000,000 or more and in an amount not to exceed $125 in any other county, as specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

(2) SCHEDULE 2: not to exceed a total of $130 in a county with a population of 3,000,000 or more and $109 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed $75. The fees collected under this schedule shall be disbursed as follows:

(A) The clerk shall retain a sum, in an amount not to exceed $50 in a county with a population of 3,000,000 or more and $10 in any other county determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.

(B) The clerk shall remit $9 to the State Treasurer, which the State Treasurer shall deposit into the Supreme Court Special Purpose Fund.

(C) The clerk shall remit a sum to the County Treasurer, in an amount not to exceed $71 in a county with a population of 3,000,000 or more and in an amount not to exceed $90 in any other county, as specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

(3) SCHEDULE 3: $0.

(b-5) Kane County and Will County. In Kane County and Will County civil cases, there is an additional fee of up to $30 as set by the county board under Section 5-1101.3 of the Counties Code to be paid by each party at the time of filing the first pleading, paper, or other appearance; provided that no additional fee shall be required if more than one party is represented in a single pleading, paper, or other appearance. Distribution of fees collected under this subsection (b-5) shall be as provided in Section 5-1101.3 of the Counties Code.

(c) Counterclaim or third party complaint. When any defendant files a counterclaim or third party complaint, as part of the defendant's answer or otherwise, the defendant shall pay a filing fee for each counterclaim or third party complaint in an amount equal to the filing fee the defendant would have had to pay had the defendant brought a separate action for the relief sought in the counterclaim or third party complaint, less the amount of the appearance fee, if any, that the defendant has already paid in the action in which the counterclaim or third party complaint is filed.

(d) Alias summons. The clerk shall collect a fee not to exceed $6 in a county with a population of 3,000,000 or more and $5 in any other county for each alias summons or citation issued by the clerk, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed $5 for each alias summons or citation issued by the clerk.

(e) Jury services. The clerk shall collect, in addition to other fees allowed by law, a sum not to exceed $212.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a

proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the action or proceeding shall be tried by the court without a jury.

(f) Change of venue. In connection with a change of venue:

(1) The clerk of the jurisdiction from which the case is transferred may charge a fee, not to exceed $40, for the preparation and certification of the record; and

(2) The clerk of the jurisdiction to which the case is transferred may charge the same filing fee as if it were the commencement of a new suit.

(g) Petition to vacate or modify.

(1) In a proceeding involving a petition to vacate or modify any final judgment or order filed within 30 days after the judgment or order was entered, except for a forcible entry and detainer case, small claims case, petition to reopen an estate, petition to modify, terminate, or enforce a judgment or order for child or spousal support, or petition to modify, suspend, or terminate an order for withholding, the fee shall not exceed $60 in a county with a population of 3,000,000 or more and $50 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed $50.

(2) In a proceeding involving a petition to vacate or modify any final judgment or order filed more than 30 days after the judgment or order was entered, except for a petition to modify, terminate, or enforce a judgment or order for child or spousal support, or petition to modify, suspend, or terminate an order for withholding, the fee shall not exceed $75.

(3) In a proceeding involving a motion to vacate or amend a final order, motion to vacate an ex parte judgment, judgment of forfeiture, or "failure to appear" or "failure to comply" notices sent to the Secretary of State, the fee shall equal $40.

(h) Appeals preparation. The fee for preparation of a record on appeal shall be based on the number of pages, as follows:

(1) if the record contains no more than 100 pages, the fee shall not exceed $70 in a county with a population of 3,000,000 or more and $50 in any other county;

(2) if the record contains between 100 and 200 pages, the fee shall not exceed $100; and

(3) if the record contains 200 or more pages, the clerk may collect an additional fee not to exceed 25 cents per page.

(i) Remands. In any cases remanded to the circuit court from the Supreme Court or the appellate court for a new trial, the clerk shall reinstate the case with either its original number or a new number. The clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement, the clerk shall advise the parties of the reinstatement. Parties shall have the same right to a jury trial on remand and reinstatement that they had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(j) Garnishment, wage deduction, and citation. In garnishment affidavit, wage deduction affidavit, and citation petition proceedings:

(1) if the amount in controversy in the proceeding is not more than $1,000, the fee may not exceed $35 in a county with a population of 3,000,000 or more and $15 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed $15;

(2) if the amount in controversy in the proceeding is greater than $1,000 and not more than $5,000, the fee may not exceed $45 in a county with a population of 3,000,000 or more and $30 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed $30; and

(3) if the amount in controversy in the proceeding is greater than $5,000, the fee may not exceed $65 in a county with a population of 3,000,000 or more and $50 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed $50.

(j-5) Debt Collection. In any proceeding to collect a debt subject to the exception in item (ii) of subparagraph (A-5) of paragraph (1) of subsection (z) of this Section, the circuit court shall order and the clerk shall collect from each judgment debtor a fee of:

(1) $35 if the amount in controversy in the proceeding is not more than $1,000;

(2) $45 if the amount in controversy in the proceeding is greater than $1,000 and not more than $5,000; and

(3) $65 if the amount in controversy in the proceeding is greater than $5,000.

(k) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, the clerk may collect a fee of up to 2.5% of the amount collected and turned over.

(2) In child support and maintenance cases, the clerk may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee is in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

(3) The clerk may collect a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall be deposited into the Separate Maintenance and Child Support Collection Fund.

(4) In proceedings to foreclose the lien of delinquent real estate taxes State's Attorneys shall receive a fee of 10% of the total amount realized from the sale of real estate sold in the proceedings. The clerk shall collect the fee from the total amount realized from the sale of the real estate sold in the proceedings and remit to the County Treasurer to be credited to the earnings of the Office of State's Attorney.

(l) Mailing. The fee for the clerk mailing documents shall not exceed $10 plus the cost of postage.

(m) Certified copies. The fee for each certified copy of a judgment, after the first copy, shall not exceed $10.

(n) Certification, authentication, and reproduction.

(1) The fee for each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office shall not exceed $6.

(2) The fee for reproduction of any document contained in the clerk's files shall not exceed:

(A) $2 for the first page;

(B) 50 cents per page for the next 19 pages; and

(C) 25 cents per page for all additional pages.

(o) Record search. For each record search, within a division or municipal district, the clerk may collect a search fee not to exceed $6 for each year searched.

(p) Hard copy. For each page of hard copy print output, when case records are maintained on an automated medium, the clerk may collect a fee not to exceed $10 in a county with a population of 3,000,000 or more and $6 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed $6.

(q) Index inquiry and other records. No fee shall be charged for a single plaintiff and defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(r) Performing a marriage. There shall be a $10 fee for performing a marriage in court.

(s) Voluntary assignment. For filing each deed of voluntary assignment, the clerk shall collect a fee not to exceed $20. For recording a deed of voluntary assignment, the clerk shall collect a fee not to exceed 50 cents for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(t) Expungement petition. The clerk may collect a fee not to exceed $60 for each expungement petition filed and an additional fee not to exceed $4 for each certified copy of an order to expunge arrest records.

(u) Transcripts of judgment. For the filing of a transcript of judgment, the clerk may collect the same fee as if it were the commencement of a new suit.

(v) Probate filings.

(1) For each account (other than one final account) filed in the estate of a decedent, or ward, the fee shall not exceed $25.

(2) For filing a claim in an estate when the amount claimed is greater than $150 and not more than $500, the fee shall not exceed $40 in a county with a population of 3,000,000 or more and $25 in any other county; when the amount claimed is greater than $500 and not more than $10,000, the fee shall not exceed $55 in a county with a population of 3,000,000 or more and $40 in any other county; and when the amount claimed is more than $10,000, the fee shall not exceed $75 in a county with a population of 3,000,000 or more and $60 in any other county; except the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(3) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, the fee shall not exceed $60.

(4) There shall be no fee for filing in an estate: (i) the appearance of any person for the purpose of consent; or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator.

(5) For each jury demand, the fee shall not exceed $137.50.

(6) For each certified copy of letters of office, of court order, or other certification, the fee shall not exceed $2 per page.

(7) For each exemplification, the fee shall not exceed $2, plus the fee for certification.

(8) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(9) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fees shall pay the same directly to the person entitled thereto.

(10) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Corrections of numbers. For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, the fee shall not exceed $25.

(x) Miscellaneous.

(1) Interest earned on any fees collected by the clerk shall be turned over to the county general fund as an earning of the office.

(2) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, the clerk shall collect a fee of $25.

(y) Other fees. The clerk of the circuit court may provide services in connection with the operation of the clerk's office, other than those services mentioned in this Section, as may be requested by the public and agreed to by the clerk and approved by the Chief Judge. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the Chief Judge. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(y-5) Unpaid fees. Unless a court ordered payment schedule is implemented or the fee requirements of this Section are waived under a court order, the clerk of the circuit court may add to any unpaid fees and costs under this Section a delinquency amount equal to 5% of the unpaid fees that remain unpaid after 30 days, 10% of the unpaid fees that remain unpaid after 60 days, and 15% of the unpaid fees that remain unpaid after 90 days. Notice to those parties may be made by signage posting or publication. The additional delinquency amounts collected under this Section shall be used to defray additional administrative costs incurred by the clerk of the circuit court in collecting unpaid fees and costs.

(z) Exceptions.

(1) No fee authorized by this Section shall apply to:

(A) police departments or other law enforcement agencies. In this Section, "law enforcement agency" means: an agency of the State or <u>agency of</u> a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances; the Attorney General; or any State's Attorney;

<u>(A-5) any unit of local government or school district, except in counties having a population of 500,000 or more the county board may by resolution set fees for units of local government or school districts no greater than the minimum fees applicable in counties with a population less than 3,000,000; provided however, no fee may be charged to any unit of local government or school district in connection with any action which, in whole or in part, is: (i) to enforce an ordinance; (ii) to collect a debt; or (iii) under the Administrative Review Law</u> ~~in counties having a population of 500,000 or less and the county~~

~~board in counties having a population exceeding 500,000 may by resolution set reduced fees for units of local government or school districts~~;

(B) any action instituted by the corporate authority of a municipality with more than 1,000,000 inhabitants under Section 11-31-1 of the Illinois Municipal Code and any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1,200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection;

(C) any commitment petition or petition for an order authorizing the administration of psychotropic medication or electroconvulsive therapy under the Mental Health and Developmental Disabilities Code;

(D) a petitioner in any order of protection proceeding, including, but not limited to, fees for filing, modifying, withdrawing, certifying, or photocopying petitions for orders of protection, issuing alias summons, any related filing service, or certifying, modifying, vacating, or photocopying any orders of protection; or

(E) proceedings for the appointment of a confidential intermediary under the Adoption Act.

(2) No fee other than the filing fee contained in the applicable schedule in subsection (a) shall be charged to any person in connection with an adoption proceeding.

(3) Upon good cause shown, the court may waive any fees associated with a special needs adoption. The term "special needs adoption" has the meaning provided by the Illinois Department of Children and Family Services.

(aa) This Section is repealed on December 31, 2019.

(Source: 100HB4594enr.)

Section 99. Effective date. This Act takes effect July 1, 2019.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Mulroe, **Senate Bill No. 544** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

Althoff	Curran	Link	Rooney
Anderson	Fowler	Manar	Rose
Bennett	Haine	Martinez	Sandoval
Bertino-Tarrant	Harmon	McCann	Schimpf
Biss	Harris	McConchie	Sims
Brady	Hastings	Morrison	Stadelman
Bush	Holmes	Mulroe	Steans
Castro	Hunter	Muñoz	Syverson
Clayborne	Hutchinson	Murphy	Tracy
Collins	Jones, E.	Nybo	Van Pelt
Connelly	Koehler	Oberweis	Weaver
Cullerton, T.	Landek	Raoul	Mr. President
Cunningham	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.

SENATE BILL RECALLED

On motion of Senator Bennett, **Senate Bill No. 560** was recalled from the order of third reading to the order of second reading.

Senator Bennett offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 560

AMENDMENT NO. 1. Amend Senate Bill 560 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 2012 is amended by changing Section 17-11.2 as follows:
(720 ILCS 5/17-11.2)

Sec. 17-11.2. Installation of object in lieu of air bag. A person commits installation of object in lieu of airbag when he or she, for consideration, knowingly installs or reinstalls in a vehicle any object in lieu of an air bag that was designed in accordance with federal safety regulations for the make, model, and year of the vehicle as part of a vehicle inflatable restraint system. A violation of this Section is a Class 4 felony ~~A misdemeanor~~.

(Source: P.A. 96-1551, eff. 7-1-11.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Bennett, **Senate Bill No. 560** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

Althoff	Curran	Manar	Rooney
Anderson	Fowler	Martinez	Rose
Bennett	Haine	McCann	Sandoval
Bertino-Tarrant	Harmon	McCarter	Sims
Biss	Harris	McConchie	Stadelman
Brady	Holmes	Morrison	Steans
Bush	Hunter	Mulroe	Syverson
Castro	Hutchinson	Muñoz	Tracy
Clayborne	Jones, E.	Murphy	Van Pelt
Collins	Koehler	Nybo	Weaver
Connelly	Landek	Oberweis	Mr. President
Cullerton, T.	Lightford	Raoul	
Cunningham	Link	Rezin	

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

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

SENATE BILL RECALLED

On motion of Senator Cunningham, **Senate Bill No. 563** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was held in the Committee on Assignments.

Senator Cunningham offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 563

AMENDMENT NO. 2. Amend Senate Bill 563 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 2012 is amended by changing Section 26-1 as follows:
(720 ILCS 5/26-1) (from Ch. 38, par. 26-1)
Sec. 26-1. Disorderly conduct.
(a) A person commits disorderly conduct when he or she knowingly:
(1) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;
(2) Transmits or causes to be transmitted in any manner to the fire department of any city, town, village or fire protection district a false alarm of fire, knowing at the time of the transmission that there is no reasonable ground for believing that the fire exists;
(3) Transmits or causes to be transmitted in any manner to another a false alarm to the effect that a bomb or other explosive of any nature or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in a place where its explosion or release would endanger human life, knowing at the time of the transmission that there is no reasonable ground for believing that the bomb, explosive or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in the place;
(3.5) Transmits or causes to be transmitted in any manner a threat of destruction of a school building or school property, or a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session;
(4) Transmits or causes to be transmitted in any manner to any peace officer, public officer or public employee a report to the effect that an offense will be committed, is being committed, or has been committed, knowing at the time of the transmission that there is no reasonable ground for believing that the offense will be committed, is being committed, or has been committed;
(5) Transmits or causes to be transmitted a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting the report is necessary for the safety and welfare of the public; or
(6) Calls the number "911" or transmits or causes to be transmitted in any manner for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency;
(7) Transmits or causes to be transmitted a false report to the Department of Children and Family Services under Section 4 of the Abused and Neglected Child Reporting Act;
(8) Transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act;
(9) Transmits or causes to be transmitted in any manner to the police department or fire department of any municipality or fire protection district, or any privately owned and operated ambulance service, a false request for an ambulance, emergency medical technician-ambulance or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that the assistance is required;
(10) Transmits or causes to be transmitted a false report under Article II of Public Act 83-1432;
(11) Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it; or

(12) While acting as a collection agency as defined in the Collection Agency Act or as an employee of the collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor.

(b) Sentence. A violation of subsection (a)(1) of this Section is a Class C misdemeanor. A violation of subsection (a)(5) or (a)(11) of this Section is a Class A misdemeanor. A violation of subsection (a)(8) or (a)(10) of this Section is a Class B misdemeanor. A violation of subsection (a)(2), (a)(3.5), (a)(4), (a)(6), (a)(7), or (a)(9) of this Section is a Class 4 felony. A violation of subsection (a)(3) of this Section is a Class 3 felony, for which a fine of not less than $3,000 and no more than $10,000 shall be assessed in addition to any other penalty imposed.

A violation of subsection (a)(12) of this Section is a Business Offense and shall be punished by a fine not to exceed $3,000. A second or subsequent violation of subsection (a)(7) or (a)(5) of this Section is a Class 4 felony. A third or subsequent violation of subsection (a)(11) of this Section is a Class 4 felony.

(c) In addition to any other sentence that may be imposed, a court shall order any person convicted of disorderly conduct to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned upon the performance of the community service.

This subsection does not apply when the court imposes a sentence of incarceration.

(d) In addition to any other sentence that may be imposed, the court shall order any person convicted of disorderly conduct that requires an emergency response to ~~under paragraph (3) of subsection (a) involving a false alarm of a threat that a bomb or explosive device has been placed in~~ a school to reimburse the unit of government that employs the emergency response officer or officers that were dispatched to the school for the cost of the response ~~search for a bomb or explosive device~~.

(e) In addition to any other sentence that may be imposed, the court shall order any person convicted of disorderly conduct under paragraph (6) of subsection (a) to reimburse the public agency for the reasonable costs of the emergency response by the public agency up to $10,000. If the court determines that the person convicted of disorderly conduct under paragraph (6) of subsection (a) is indigent, the provisions of this subsection (e) do not apply.

(f) For the purposes of this Section, "emergency response" means any condition that results in, or could result in, the response of a public official in an authorized emergency vehicle, any condition that jeopardizes or could jeopardize public safety and results in, or could result in, the evacuation of any area, building, structure, vehicle, or of any other place that any person may enter, or any incident requiring a response by a police officer, a firefighter, a State Fire Marshal employee, or an ambulance.

(Source: P.A. 98-104, eff. 7-22-13; 99-160, eff. 1-1-16; 99-180, eff. 7-29-15; 99-642, eff. 7-28-16.)

Section 10. The Code of Criminal Procedure of 1963 is amended by changing Section 107-6 as follows:

(725 ILCS 5/107-6) (from Ch. 38, par. 107-6)

Sec. 107-6. Release by officer of person arrested; mental health evaluation.

(a) In this Section, "qualified examiner" has the meaning provided in Section 1-122 of the Mental Health and Developmental Disabilities Code.

(b) A peace officer who arrests a person without a warrant is authorized to release the person without requiring him or her to appear before a court when the officer is satisfied that there are no grounds for criminal complaint against the person arrested.

(c) To assist a peace officer in making the determination to release a person under subsection (b) of this Section or with respect to release of a person after detention by the officer without an arrest, if the officer has reasonable grounds to believe the person made a threat of violence, death, or bodily harm against a person, school, school function, or school event, the officer may seek to obtain a mental health evaluation of the person by a physician, clinical psychologist, or qualified examiner, whether employed by the State, by any public or private mental health facility or part of the facility, or by any public or private medical facility or part of the facility.

(Source: Laws 1963, p. 2836.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Cunningham, **Senate Bill No. 563** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Curran	Manar	Sandoval
Anderson	Fowler	Martinez	Schimpf
Barickman	Haine	McCann	Sims
Bennett	Harmon	McCarter	Stadelman
Bertino-Tarrant	Harris	McConchie	Steans
Biss	Hastings	Morrison	Syverson
Brady	Holmes	Mulroe	Tracy
Bush	Hunter	Muñoz	Van Pelt
Castro	Hutchinson	Murphy	Weaver
Clayborne	Jones, E.	Nybo	Mr. President
Collins	Koehler	Oberweis	
Connelly	Landek	Raoul	
Cullerton, T.	Lightford	Rezin	
Cunningham	Link	Rooney	

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

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

On motion of Senator Bennett, **Senate Bill No. 1246** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Curran	Manar	Rose
Anderson	Fowler	Martinez	Sandoval
Barickman	Haine	McCann	Schimpf
Bennett	Harmon	McCarter	Sims
Bertino-Tarrant	Harris	McConchie	Stadelman
Biss	Hastings	Morrison	Syverson
Brady	Holmes	Mulroe	Tracy
Bush	Hunter	Muñoz	Van Pelt
Castro	Hutchinson	Murphy	Weaver
Clayborne	Jones, E.	Nybo	Mr. President
Collins	Koehler	Oberweis	
Connelly	Landek	Raoul	
Cullerton, T.	Lightford	Rezin	
Cunningham	Link	Rooney	

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

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

SENATE BILL RECALLED

On motion of Senator Harmon, **Senate Bill No. 564** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 564

AMENDMENT NO. 1. Amend Senate Bill 564 by replacing everything after the enacting clause with the following:

"Section 5. The Seizure and Forfeiture Reporting Act is amended by changing Sections 10 and 15 and by adding Section 20 as follows:

(5 ILCS 810/10)

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

Sec. 10. Reporting by law enforcement agency.

(a) Each law enforcement agency that seizes property subject to reporting under this Act shall report the following information about property seized or forfeited under State law:

(1) the name of the law enforcement agency that seized the property;

(2) the date of the seizure;

(3) the type of property seized, including a building, vehicle, boat, cash, negotiable security, or firearm, except reporting is not required for seizures of contraband including alcohol, gambling devices, drug paraphernalia, and controlled substances;

(4) a description of the property seized and the estimated value of the property and if the property is a conveyance, the description shall include the make, model, year, and vehicle identification number or serial number; and

(5) the location where the seizure occurred.

The filing requirement shall be met upon filing Illinois State Police Notice/Inventory of Seized Property (Form 4-64) ~~the form 4-64~~ with the State's Attorney's Office in the county where the forfeiture action is being commenced or with the Attorney General's Office if the forfeiture action is being commenced by that office, and the forwarding of Form ~~the form~~ 4-64 upon approval of the State's Attorney's Office or the Attorney General's Office to the Department of State Police Asset Forfeiture Section. With regard to seizures for which Form ~~form~~ 4-64 is not required to be filed, the filing requirement shall be met by the filing of an annual summary report with the Department of State Police no later than 60 days after December 31 of that year.

(b) Each law enforcement agency, including a drug task force or Metropolitan Enforcement Group (MEG) unit, that receives proceeds from forfeitures subject to reporting under this Act shall file an annual report with the Department of State Police no later than 60 days after December 31 of that year. The format of the report shall be developed by the Department of State Police and shall be completed by the law enforcement agency. The report shall include, at a minimum, the amount of funds and other property distributed to the law enforcement agency by the Department of State Police, the amount of funds expended by the law enforcement agency, and the category of expenditure, including:

(1) crime, gang, or abuse prevention or intervention programs;

(2) compensation or services for crime victims;

(3) witness protection, informant fees, and controlled purchases of contraband;

(4) salaries, overtime, and benefits, as permitted by law;

(5) operating expenses, including but not limited to, capital expenditures for vehicles, firearms, equipment, computers, furniture, office supplies, postage, printing, membership fees paid to trade associations, and fees for professional services including auditing, court reporting, expert witnesses, and attorneys;

(6) travel, meals, entertainment, conferences, training, and continuing education seminars; and

(7) other expenditures of forfeiture proceeds.

(c) The Department of State Police shall establish and maintain on its official website a public database that includes annual aggregate data for each law enforcement agency that reports seizures of property under subsection (a) of this Section, that receives distributions of forfeiture proceeds subject to reporting

under this Act, or reports expenditures under subsection (b) of this Section. This aggregate data shall include, for each law enforcement agency:

(1) the total number of asset seizures reported by each law enforcement agency during the calendar year;

(2) the monetary value of all currency or its equivalent seized by the law enforcement agency during the calendar year;

(3) the number of conveyances seized by the law enforcement agency during the calendar year, and the aggregate estimated value;

(4) the aggregate estimated value of all other property seized by the law enforcement agency during the calendar year;

(5) the monetary value of distributions by the Department of State Police of forfeited currency or auction proceeds from forfeited property to the law enforcement agency during the calendar year; and

(6) the total amount of the law enforcement agency's expenditures of forfeiture proceeds during the calendar year, categorized as provided under subsection (b) of this Section.

The database shall not provide names, addresses, phone numbers, or other personally identifying information of owners or interest holders, persons, business entities, covert office locations, or business entities involved in the forfeiture action and shall not disclose the vehicle identification number or serial number of any conveyance.

(d) The Department of State Police shall adopt rules to administer the asset forfeiture program, including the categories of authorized expenditures consistent with the statutory guidelines for each of the included forfeiture statutes, the use of forfeited funds, other expenditure requirements, and the reporting of seizure and forfeiture information. The Department may adopt rules necessary to implement this Act through the use of emergency rulemaking under Section 5-45 of the Illinois Administrative Procedure Act for a period not to exceed 180 days after the effective date of this Act.

(e) The Department of State Police shall have authority and oversight over all law enforcement agencies receiving forfeited funds from the Department. This authority shall include enforcement of rules and regulations adopted by the Department and sanctions for violations of any rules and regulations, including the withholding of distributions of forfeiture proceeds from the law enforcement agency in violation.

(f) Upon application by a law enforcement agency to the Department of State Police, the reporting of a particular asset forfeited under this Section may be delayed if the asset in question was seized from a person who has become a confidential informant under the agency's confidential informant policy, or if the asset was seized as part of an ongoing investigation. This delayed reporting shall be granted by the Department of State Police for a maximum period of 6 months if the confidential informant is still providing cooperation to law enforcement or the investigation is still ongoing, after which ~~and at that time~~ the asset shall be reported as required under this Act.

(g) The Department of State Police shall, on or before January 1, 2019, establish and implement the requirements of this Act. In order to implement the reporting and public database requirements under this Act, the Department of State Police Asset Forfeiture Section requires a one-time upgrade of its information technology software and hardware. This one-time upgrade shall be funded by a temporary allocation of 5% of all forfeited currency and 5% of the auction proceeds from each forfeited asset, which are to be distributed after the effective date of this Act. The Department of State Police shall transfer these funds at the time of distribution to a separate fund established by the Department of State Police. Moneys ~~Monies~~ deposited in this fund shall be accounted for and shall be used only to pay for the actual one-time cost of purchasing and installing the hardware and software required to comply with this new reporting and public database requirement. Moneys ~~Monies~~ deposited in the fund shall not be subject to reappropriation ~~re-appropriation~~, reallocation, or redistribution for any other purpose. After sufficient funds are transferred to the fund to cover the actual one-time cost of purchasing and installing the hardware and software required to comply with this new reporting and public database requirement, no additional funds shall be transferred to the fund for any purpose. At the completion of the one-time upgrade of the information technology hardware and software to comply with this new reporting and public database requirement, any remaining funds in the fund shall be returned to the participating agencies under the distribution requirements of the statutes from which the funds were transferred, and the fund shall no longer exist.

(h)(1) The Department of State Police, in consultation with and subject to the approval of the Chief Procurement Officer, may procure a single contract or multiple contracts to implement ~~the provisions of~~ this Act.

(2) A contract or contracts under this subsection (h) are not subject to the Illinois Procurement Code, except for Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of that Code, provided that the Chief Procurement Officer may, in writing with justification, waive any certification required under Article 50

of the Illinois Procurement Code. The provisions of this paragraph (2), other than this sentence, are inoperative on and after July 1, 2019.
(Source: P.A. 100-512, eff. 7-1-18.)

(5 ILCS 810/15)

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

Sec. 15. Fund audits.

(a) The Auditor General shall conduct, as a part of its 2-year ~~2 year~~ compliance audit, an audit of the State Asset Forfeiture Fund for compliance with the requirements of this Act. The audit shall include, but not be limited to, the following determinations:

(1) if detailed records of all receipts and disbursements from the State Asset Forfeiture Fund are being maintained;

(2) if administrative costs charged to the fund are adequately documented and are reasonable; and

(3) if the procedures for making disbursements under the Act are adequate.

(b) The Department of State Police, and any other entity or person that may have information relevant to the audit, shall cooperate fully and promptly with the Office of the Auditor General in conducting the audit. The Auditor General shall begin the audit during the next regular 2-year ~~two year~~ compliance audit of the Department of State Police and distribute the report upon completion under Section 3-14 of the Illinois State Auditing Act.
(Source: P.A. 100-512, eff. 7-1-18.)

(5 ILCS 810/20 new)

Sec. 20. Applicability. This Act and the changes made to this Act by this amendatory Act of the 100th General Assembly only apply to property seized on and after July 1, 2018.

Section 10. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-585 as follows:

(20 ILCS 2605/2605-585)

Sec. 2605-585. Money Laundering Asset Recovery Fund. Moneys and the sale proceeds distributed to the Department of State Police under paragraph (3) of Section 29B-26 ~~pursuant to clause (h)(6)(C) of Section 29B-1~~ of the ~~Criminal Code of 1961 or the~~ Criminal Code of 2012 shall be deposited in a special fund in the State treasury to be known as the Money Laundering Asset Recovery Fund. The moneys deposited in the Money Laundering Asset Recovery Fund shall be appropriated to and administered by the Department of State Police for State law enforcement purposes.
(Source: P.A. 96-1234, eff. 7-23-10; 97-1150, eff. 1-25-13.)

Section 15. The Illinois Food, Drug and Cosmetic Act is amended by changing Section 3.23 as follows:

(410 ILCS 620/3.23)

(Text of Section before amendment by P.A. 100-512)

Sec. 3.23. Legend drug prohibition.

(a) In this Section:

"Legend drug" means a drug limited by the Federal Food, Drug and Cosmetic Act to being dispensed by or upon a medical practitioner's prescription because the drug is:

(1) habit forming;

(2) toxic or having potential for harm; or

(3) limited in use by the new drug application for the drug to use only under a medical practitioner's supervision.

"Medical practitioner" means any person licensed to practice medicine in all its branches in the State.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of possession of a legend drug, with or without consideration, whether or not there is an agency relationship.

"Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a legend drug, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling of its container. "Manufacture" does not include:

(1) by an ultimate user, the preparation or compounding of a legend drug for his own use; or

(2) by a medical practitioner, or his authorized agent under his supervision, the preparation, compounding, packaging, or labeling of a legend drug:

(A) as an incident to his administering or dispensing of a legend drug in the course

of his professional practice; or

(B) as an incident to lawful research, teaching, or chemical analysis and not for sale.

"Prescription" has the same meaning ascribed to it in Section 3 of the Pharmacy Practice Act.

(b) It is unlawful for any person to knowingly manufacture or deliver or possess with the intent to manufacture or deliver a legend drug of 6 or more pills, tablets, capsules, or caplets or 30 ml or more of a legend drug in liquid form who is not licensed by applicable law to prescribe or dispense legend drugs or is not an employee of the licensee operating in the normal course of business under the supervision of the licensee. Any person who violates this Section is guilty of a Class 3 felony, the fine for which shall not exceed $100,000. A person convicted of a second or subsequent violation of this Section is guilty of a Class 1 felony, the fine for which shall not exceed $250,000.

(c) The following are subject to forfeiture:

(1) all substances that have been manufactured, distributed, dispensed, or possessed in violation of this Act;

(2) all raw materials, products, and equipment of any kind which are used, or intended for use in manufacturing, distributing, dispensing, administering, or possessing any substance in violation of this Act;

(3) all conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in items (1) and (2) of this subsection (c), but:

(A) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this Act;

(B) no conveyance is subject to forfeiture under this Section by reason of any act or omission which the owner proves to have been committed or omitted without his knowledge or consent; and

(C) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission;

(4) all money, things of value, books, records, and research products and materials including formulas, microfilm, tapes, and data that are used, or intended to be used in violation of this Act;

(5) everything of value furnished, or intended to be furnished, in exchange for a substance in violation of this Act, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to commit or in any manner to facilitate any violation of this Act; and

(6) all real property, including any right, title, and interest, including, but not limited to, any leasehold interest or the beneficial interest in a land trust, in the whole of any lot or tract of land and any appurtenances or improvements, which is used or intended to be used, in any manner or part, to commit, or in any manner to facilitate the commission of, any violation or act that constitutes a violation of Section 33.1 of this Act or that is the proceeds of any violation or act that constitutes a violation of Section 33.1 of this Act.

(d) Property subject to forfeiture under this Act may be seized by the Director of the Department of State Police or any peace officer upon process or seizure warrant issued by any court having jurisdiction over the property. Seizure by the Director of the Department of State Police or any peace officer without process may be made:

(1) if the seizure is incident to inspection under an administrative inspection warrant;

(2) if the property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal proceeding, or in an injunction or forfeiture proceeding based upon this Act or the Drug Asset Forfeiture Procedure Act;

(3) if there is probable cause to believe that the property is directly or indirectly dangerous to health or safety;

(4) if there is probable cause to believe that the property is subject to forfeiture under this Act and the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable; or

(5) in accordance with the Code of Criminal Procedure of 1963.

(e) In the event of seizure pursuant to subsection (c) of this Section, forfeiture proceedings shall be instituted in accordance with the Drug Asset Forfeiture Procedure Act.

(f) Property taken or detained under this Section shall not be subject to replevin, but is deemed to be in the custody of the Director of the Department of State Police subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney under the Drug Asset Forfeiture Procedure Act. If property is seized under this Act, then the seizing agency shall promptly conduct an inventory of the seized property and estimate the property's value, and shall forward a copy of the inventory of seized property and the estimate of the property's value to the Director of the Department of State Police. Upon receiving notice of seizure, the Secretary may:

(1) place the property under seal;

(2) remove the property to a place designated by the Secretary;

(3) keep the property in the possession of the seizing agency;

(4) remove the property to a storage area for safekeeping or, if the property is a negotiable instrument or money and is not needed for evidentiary purposes, deposit it in an interest bearing account;

(5) place the property under constructive seizure by posting notice of pending forfeiture on it, by giving notice of pending forfeiture to its owners and interest holders, or by filing notice of pending forfeiture in any appropriate public record relating to the property; or

(6) provide for another agency or custodian, including an owner, secured party, or lienholder, to take custody of the property upon the terms and conditions set by the Director of the Department of State Police.

(g) If the Department suspends or revokes a registration, all legend drugs owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation rule becoming final, all substances may be forfeited to the Department.

(h) If property is forfeited under this Act, then the Director of the Department of State Police must sell all such property unless such property is required by law to be destroyed or is harmful to the public, and shall distribute the proceeds of the sale, together with any moneys forfeited or seized, in accordance with subsection (i) of this Section. Upon the application of the seizing agency or prosecutor who was responsible for the investigation, arrest or arrests, and prosecution that led to the forfeiture, the Director of the Department of State Police may return any item of forfeited property to the seizing agency or prosecutor for official use in the enforcement of laws if the agency or prosecutor can demonstrate that the item requested would be useful to the agency or prosecutor in their enforcement efforts. If any forfeited conveyance, including an aircraft, vehicle, or vessel, is returned to the seizing agency or prosecutor, then the conveyance may be used immediately in the enforcement of the criminal laws of the State. Upon disposal, all proceeds from the sale of the conveyance must be used for drug enforcement purposes. If any real property returned to the seizing agency is sold by the agency or its unit of government, then the proceeds of the sale shall be delivered to the Director of the Department of State Police and distributed in accordance with subsection (i) of this Section.

(i) All moneys and the sale proceeds of all other property forfeited and seized under this Act shall be distributed as follows:

(1) 65% shall be distributed to the metropolitan enforcement group, local, municipal, county, or State law enforcement agency or agencies which conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based. Amounts distributed to the agency or agencies shall be used for the enforcement of laws.

(2) 12.5% shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in the enforcement of laws. In counties over 3,000,000 population, 25% will be distributed to the Office of the State's Attorney for use in the enforcement of laws governing cannabis and controlled substances. If the prosecution is undertaken solely by the Attorney General, the portion provided hereunder shall be distributed to the Attorney General for use in the enforcement of laws.

(3) 12.5% shall be distributed to the Office of the State's Attorneys Appellate

Prosecutor and deposited in a separate fund of that office to be used for additional expenses incurred in the investigation, prosecution and appeal of cases. The Office of the State's Attorneys Appellate Prosecutor shall not receive distribution from cases brought in counties with over 3,000,000 population.

(4) 10% shall be retained by the Department of State Police for expenses related to the administration and sale of seized and forfeited property.

(Source: P.A. 96-573, eff. 8-18-09.)

(Text of Section after amendment by P.A. 100-512)

Sec. 3.23. Legend drug prohibition.

(a) In this Section:

"Legend drug" means a drug limited by the Federal Food, Drug and Cosmetic Act to being dispensed by or upon a medical practitioner's prescription because the drug is:

(1) habit forming;

(2) toxic or having potential for harm; or

(3) limited in use by the new drug application for the drug to use only under a medical practitioner's supervision.

"Medical practitioner" means any person licensed to practice medicine in all its branches in the State.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of possession of a legend drug, with or without consideration, whether or not there is an agency relationship.

"Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a legend drug, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling of its container. "Manufacture" does not include:

(1) by an ultimate user, the preparation or compounding of a legend drug for his own use; or

(2) by a medical practitioner, or his authorized agent under his supervision, the preparation, compounding, packaging, or labeling of a legend drug:

(A) as an incident to his administering or dispensing of a legend drug in the course of his professional practice; or

(B) as an incident to lawful research, teaching, or chemical analysis and not for sale.

"Prescription" has the same meaning ascribed to it in Section 3 of the Pharmacy Practice Act.

(b) It is unlawful for any person to knowingly manufacture or deliver or possess with the intent to manufacture or deliver a legend drug of 6 or more pills, tablets, capsules, or caplets or 30 ml or more of a legend drug in liquid form who is not licensed by applicable law to prescribe or dispense legend drugs or is not an employee of the licensee operating in the normal course of business under the supervision of the licensee. Any person who violates this Section is guilty of a Class 3 felony, the fine for which shall not exceed $100,000. A person convicted of a second or subsequent violation of this Section is guilty of a Class 1 felony, the fine for which shall not exceed $250,000.

(c) The following are subject to forfeiture:

(1) (blank);

(2) all raw materials, products, and equipment of any kind which are used, or intended for use in manufacturing, distributing, dispensing, administering, or possessing any substance in violation of this Section;

(3) all conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of any substance manufactured, distributed, dispensed, or possessed in violation of this Section or property described in paragraph (2) of this subsection (c), but:

(A) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the violation;

(B) no conveyance is subject to forfeiture under this Section by reason of any act or omission which the owner proves to have been committed or omitted without his knowledge or consent; and

(C) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission;

(4) all money, things of value, books, records, and research products and materials

including formulas, microfilm, tapes, and data that are used, or intended to be used in violation of this Section;

(5) everything of value furnished, or intended to be furnished, in exchange for a substance in violation of this Section, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to commit or in any manner to facilitate any violation of this Section; and

(6) all real property, including any right, title, and interest, including, but not limited to, any leasehold interest or the beneficial interest in a land trust, in the whole of any lot or tract of land and any appurtenances or improvements, which is used or intended to be used, in any manner or part, to commit, or in any manner to facilitate the commission of, any violation or act that constitutes a violation of this Section or that is the proceeds of any violation or act that constitutes a violation of this Section.

(d) Property subject to forfeiture under this Act may be seized under the Drug Asset Forfeiture Procedure Act. In the event of seizure, forfeiture proceedings shall be instituted under the Drug Asset Forfeiture Procedure Act.

(e) Forfeiture under this Act is subject to an 8th Amendment ~~amendment~~ to the United States Constitution disproportionate penalties analysis as provided under Section 9.5 of the Drug Asset Forfeiture Procedure Act.

(f) With regard to possession of legend drug offenses only, a sum of currency with a value of less than $500 shall not be subject to forfeiture under this Act. For all other offenses under this Act, a sum of currency with a value of less than ~~currency with a value of under~~ $100 shall not be subject to forfeiture under this Act. In seizures of currency in excess of these amounts, this Section shall not create an exemption for these amounts.

(f-5) For felony offenses involving possession of legend drug only, no property shall be subject to forfeiture under this Act because of the possession of less than 2 single unit doses of a legend drug ~~controlled substance~~. This exemption shall not apply in instances when the possessor, or another person at the direction of the possessor, is engaged in the destruction of any amount of a legend drug. The amount of a single unit dose shall be the State's burden to prove in its ~~their~~ case in chief.

(g) If the Department suspends or revokes a registration, all legend drugs owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation rule becoming final, all substances are subject to seizure and forfeiture under the Drug Asset Forfeiture Procedure Act.

(h) (Blank).

(i) (Blank).

(j) Contraband, including legend drugs possessed without a prescription or other authorization under State or federal law, is not subject to forfeiture. No property right exists in contraband. Contraband is subject to seizure and shall be disposed of according to State law.

(k) The changes made to this Section by Public Act 100-0512 and this amendatory Act of the 100th General Assembly only apply to property seized on and after July 1, 2018.

(Source: P.A. 100-512, eff. 7-1-18.)

Section 20. The Criminal Code of 2012 is amended by changing Sections 17-10.6, 29B-1, 33G-6, 36-1.1, 36-1.3, 36-1.4, 36-1.5, 36-2, 36-2.1, 36-2.2, 36-2.5, 36-2.7, and 36-7 and by adding Sections 29B-0.5, 29B-2, 29B-3, 29B-4, 29B-5, 29B-6, 29B-7, 29B-8, 29B-9, 29B-10, 29B-11, 29B-12, 29B-13, 29B-14, 29B-15, 29B-16, 29B-17, 29B-18, 29B-19, 29B-20, 29B-21, 29B-22, 29B-23, 29B-24, 29B-25, 29B-26, 29B-27, and 36-10 as follows:

(720 ILCS 5/17-10.6)

(Text of Section before amendment by P.A. 100-512)

Sec. 17-10.6. Financial institution fraud.

(a) Misappropriation of financial institution property. A person commits misappropriation of a financial institution's property whenever he or she knowingly obtains or exerts unauthorized control over any of the moneys, funds, credits, assets, securities, or other property owned by or under the custody or control of a financial institution, or under the custody or care of any agent, officer, director, or employee of such financial institution.

(b) Commercial bribery of a financial institution.

(1) A person commits commercial bribery of a financial institution when he or she

knowingly confers or offers or agrees to confer any benefit upon any employee, agent, or fiduciary without the consent of the latter's employer or principal, with the intent to influence his or her conduct in relation to his or her employer's or principal's affairs.

(2) An employee, agent, or fiduciary of a financial institution commits commercial bribery of a financial institution when, without the consent of his or her employer or principal, he or she knowingly solicits, accepts, or agrees to accept any benefit from another person upon an agreement or understanding that such benefit will influence his or her conduct in relation to his or her employer's or principal's affairs.

(c) Financial institution fraud. A person commits financial institution fraud when he or she knowingly executes or attempts to execute a scheme or artifice:

(1) to defraud a financial institution; or

(2) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by or under the custody or control of a financial institution, by means of pretenses, representations, or promises he or she knows to be false.

(d) Loan fraud. A person commits loan fraud when he or she knowingly, with intent to defraud, makes any false statement or report, or overvalues any land, property, or security, with the intent to influence in any way the action of a financial institution to act upon any application, advance, discount, purchase, purchase agreement, repurchase agreement, commitment, or loan, or any change or extension of any of the same, by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security.

(e) Concealment of collateral. A person commits concealment of collateral when he or she, with intent to defraud, knowingly conceals, removes, disposes of, or converts to the person's own use or to that of another any property mortgaged or pledged to or held by a financial institution.

(f) Financial institution robbery. A person commits robbery when he or she knowingly, by force or threat of force, or by intimidation, takes, or attempts to take, from the person or presence of another, or obtains or attempts to obtain by extortion, any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, a financial institution.

(g) Conspiracy to commit a financial crime.

(1) A person commits conspiracy to commit a financial crime when, with the intent that any violation of this Section be committed, he or she agrees with another person to the commission of that offense.

(2) No person may be convicted of conspiracy to commit a financial crime unless an overt act or acts in furtherance of the agreement is alleged and proved to have been committed by that person or by a co-conspirator and the accused is a part of a common scheme or plan to engage in the unlawful activity.

(3) It shall not be a defense to conspiracy to commit a financial crime that the person or persons with whom the accused is alleged to have conspired:

(A) has not been prosecuted or convicted;

(B) has been convicted of a different offense;

(C) is not amenable to justice;

(D) has been acquitted; or

(E) lacked the capacity to commit the offense.

(h) Continuing financial crimes enterprise. A person commits a continuing financial crimes enterprise when he or she knowingly, within an 18-month period, commits 3 or more separate offenses constituting any combination of the following:

(1) an offense under this Section;

(2) a felony offense in violation of Section 16A-3 or subsection (a) of Section 16-25 or paragraph (4) or (5) of subsection (a) of Section 16-1 of this Code for the purpose of reselling or otherwise re-entering the merchandise in commerce, including conveying the merchandise to a merchant in exchange for anything of value; or

(3) if involving a financial institution, any other felony offense under this Code.

(i) Organizer of a continuing financial crimes enterprise.

(1) A person commits being an organizer of a continuing financial crimes enterprise when he or she:

(A) with the intent to commit any offense, agrees with another person to the commission of any combination of the following offenses on 3 or more separate occasions within an 18-month period:

(i) an offense under this Section;

(ii) a felony offense in violation of Section 16A-3 or subsection (a) of Section

16-25 or paragraph (4) or (5) of subsection (a) of Section 16-1 of this Code for the purpose of reselling or otherwise re-entering the merchandise in commerce, including conveying the merchandise to a merchant in exchange for anything of value; or

(iii) if involving a financial institution, any other felony offense under this Code; and

(B) with respect to the other persons within the conspiracy, occupies a position of organizer, supervisor, or financier or other position of management.

(2) The person with whom the accused agreed to commit the 3 or more offenses under this Section, or, if involving a financial institution, any other felony offenses under this Code, need not be the same person or persons for each offense, as long as the accused was a part of the common scheme or plan to engage in each of the 3 or more alleged offenses.

(j) Sentence.

(1) Except as otherwise provided in this subsection, a violation of this Section, the full value of which:

(A) does not exceed $500, is a Class A misdemeanor;

(B) does not exceed $500, and the person has been previously convicted of a financial crime or any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, or home invasion, is guilty of a Class 4 felony;

(C) exceeds $500 but does not exceed $10,000, is a Class 3 felony;

(D) exceeds $10,000 but does not exceed $100,000, is a Class 2 felony;

(E) exceeds $100,000 but does not exceed $500,000, is a Class 1 felony;

(F) exceeds $500,000 but does not exceed $1,000,000, is a Class 1 non-probationable felony; when a charge of financial crime, the full value of which exceeds $500,000 but does not exceed $1,000,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding $500,000;

(G) exceeds $1,000,000, is a Class X felony; when a charge of financial crime, the full value of which exceeds $1,000,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding $1,000,000.

(2) A violation of subsection (f) is a Class 1 felony.

(3) A violation of subsection (h) is a Class 1 felony.

(4) A violation for subsection (i) is a Class X felony.

(k) A "financial crime" means an offense described in this Section.

(l) Period of limitations. The period of limitations for prosecution of any offense defined in this Section begins at the time when the last act in furtherance of the offense is committed.

(m) Forfeiture. Any violation of subdivision (2) of subsection (h) or subdivision (i)(1)(A)(ii) shall be subject to the remedies, procedures, and forfeiture as set forth in subsections (f) through (s) of Section 29B-1 of this Code.

(Source: P.A. 96-1551, eff. 7-1-11; incorporates P.A. 96-1532, eff. 1-1-12, and 97-147, eff. 1-1-12; 97-1109, eff. 1-1-13.)

(Text of Section after amendment by P.A. 100-512)

Sec. 17-10.6. Financial institution fraud.

(a) Misappropriation of financial institution property. A person commits misappropriation of a financial institution's property whenever he or she knowingly obtains or exerts unauthorized control over any of the moneys, funds, credits, assets, securities, or other property owned by or under the custody or control of a financial institution, or under the custody or care of any agent, officer, director, or employee of such financial institution.

(b) Commercial bribery of a financial institution.

(1) A person commits commercial bribery of a financial institution when he or she knowingly confers or offers or agrees to confer any benefit upon any employee, agent, or fiduciary without the consent of the latter's employer or principal, with the intent to influence his or her conduct in relation to his or her employer's or principal's affairs.

(2) An employee, agent, or fiduciary of a financial institution commits commercial bribery of a financial institution when, without the consent of his or her employer or principal, he or she knowingly solicits, accepts, or agrees to accept any benefit from another person upon an agreement or understanding that such benefit will influence his or her conduct in relation to his or her employer's or principal's affairs.

(c) Financial institution fraud. A person commits financial institution fraud when he or she knowingly executes or attempts to execute a scheme or artifice:

(1) to defraud a financial institution; or

(2) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by or under the custody or control of a financial institution, by means of pretenses, representations, or promises he or she knows to be false.

(d) Loan fraud. A person commits loan fraud when he or she knowingly, with intent to defraud, makes any false statement or report, or overvalues any land, property, or security, with the intent to influence in any way the action of a financial institution to act upon any application, advance, discount, purchase, purchase agreement, repurchase agreement, commitment, or loan, or any change or extension of any of the same, by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security.

(e) Concealment of collateral. A person commits concealment of collateral when he or she, with intent to defraud, knowingly conceals, removes, disposes of, or converts to the person's own use or to that of another any property mortgaged or pledged to or held by a financial institution.

(f) Financial institution robbery. A person commits robbery when he or she knowingly, by force or threat of force, or by intimidation, takes, or attempts to take, from the person or presence of another, or obtains or attempts to obtain by extortion, any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, a financial institution.

(g) Conspiracy to commit a financial crime.

(1) A person commits conspiracy to commit a financial crime when, with the intent that any violation of this Section be committed, he or she agrees with another person to the commission of that offense.

(2) No person may be convicted of conspiracy to commit a financial crime unless an overt act or acts in furtherance of the agreement is alleged and proved to have been committed by that person or by a co-conspirator and the accused is a part of a common scheme or plan to engage in the unlawful activity.

(3) It shall not be a defense to conspiracy to commit a financial crime that the person or persons with whom the accused is alleged to have conspired:

(A) has not been prosecuted or convicted;

(B) has been convicted of a different offense;

(C) is not amenable to justice;

(D) has been acquitted; or

(E) lacked the capacity to commit the offense.

(h) Continuing financial crimes enterprise. A person commits a continuing financial crimes enterprise when he or she knowingly, within an 18-month period, commits 3 or more separate offenses constituting any combination of the following:

(1) an offense under this Section;

(2) a felony offense in violation of Section 16A-3 or subsection (a) of Section 16-25 or paragraph (4) or (5) of subsection (a) of Section 16-1 of this Code for the purpose of reselling or otherwise re-entering the merchandise in commerce, including conveying the merchandise to a merchant in exchange for anything of value; or

(3) if involving a financial institution, any other felony offense under this Code.

(i) Organizer of a continuing financial crimes enterprise.

(1) A person commits being an organizer of a continuing financial crimes enterprise when he or she:

(A) with the intent to commit any offense, agrees with another person to the commission of any combination of the following offenses on 3 or more separate occasions within an 18-month period:

(i) an offense under this Section;

(ii) a felony offense in violation of Section 16A-3 or subsection (a) of Section 16-25 or paragraph (4) or (5) of subsection (a) of Section 16-1 of this Code for the purpose of reselling or otherwise re-entering the merchandise in commerce, including conveying the merchandise to a merchant in exchange for anything of value; or

(iii) if involving a financial institution, any other felony offense under this Code; and

(B) with respect to the other persons within the conspiracy, occupies a position of organizer, supervisor, or financier or other position of management.

(2) The person with whom the accused agreed to commit the 3 or more offenses under this

Section, or, if involving a financial institution, any other felony offenses under this Code, need not be the same person or persons for each offense, as long as the accused was a part of the common scheme or plan to engage in each of the 3 or more alleged offenses.

(j) Sentence.

(1) Except as otherwise provided in this subsection, a violation of this Section, the full value of which:

(A) does not exceed $500, is a Class A misdemeanor;

(B) does not exceed $500, and the person has been previously convicted of a financial crime or any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, or home invasion, is guilty of a Class 4 felony;

(C) exceeds $500 but does not exceed $10,000, is a Class 3 felony;

(D) exceeds $10,000 but does not exceed $100,000, is a Class 2 felony;

(E) exceeds $100,000 but does not exceed $500,000, is a Class 1 felony;

(F) exceeds $500,000 but does not exceed $1,000,000, is a Class 1 non-probationable felony; when a charge of financial crime, the full value of which exceeds $500,000 but does not exceed $1,000,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding $500,000;

(G) exceeds $1,000,000, is a Class X felony; when a charge of financial crime, the full value of which exceeds $1,000,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding $1,000,000.

(2) A violation of subsection (f) is a Class 1 felony.

(3) A violation of subsection (h) is a Class 1 felony.

(4) A violation for subsection (i) is a Class X felony.

(k) A "financial crime" means an offense described in this Section.

(l) Period of limitations. The period of limitations for prosecution of any offense defined in this Section begins at the time when the last act in furtherance of the offense is committed.

(m) Forfeiture. Any violation of subdivision (2) of subsection (h) or subdivision (i)(1)(A)(ii) shall be subject to the remedies, procedures, and forfeiture as set forth in Article 29B ~~subsections (f) through (s) of Section 29B-1~~ of this Code.

Property seized or forfeited under this Section is subject to reporting under the Seizure and Forfeiture Reporting Act.

(Source: P.A. 100-512, eff. 7-1-18.)

(720 ILCS 5/29B-0.5 new)

Sec. 29B-0.5. Definitions. In this Article:

"Conduct" or "conducts" includes, in addition to its ordinary meaning, initiating, concluding, or participating in initiating or concluding a transaction.

"Criminally derived property" means: (1) any property, real or personal, constituting or derived from proceeds obtained, directly or indirectly, from activity that constitutes a felony under State, federal, or foreign law; or (2) any property represented to be property constituting or derived from proceeds obtained, directly or indirectly, from activity that constitutes a felony under State, federal, or foreign law.

"Department" means the Department of State Police of this State or its successor agency.

"Director" means the Director of State Police or his or her designated agents.

"Financial institution" means any bank; saving and loan association; trust company; agency or branch of a foreign bank in the United States; currency exchange; credit union; mortgage banking institution; pawnbroker; loan or finance company; operator of a credit card system; issuer, redeemer, or cashier of travelers checks, checks, or money orders; dealer in precious metals, stones, or jewels; broker or dealer in securities or commodities; investment banker; or investment company.

"Financial transaction" means a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition utilizing criminally derived property, and with respect to financial institutions, includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit or other monetary instrument, use of safe deposit box, or any other payment, transfer or delivery by, through, or to a financial institution. "Financial transaction" also means a transaction which without regard to whether the funds, monetary instruments, or real or personal property involved in the transaction are criminally derived, any transaction which in any way or degree: (1) involves the movement of funds by wire or any other means; (2) involves one or more monetary instruments; or (3) the transfer of title to any real or personal property. The receipt by an attorney of bona fide fees for the purpose of legal representation is not a financial transaction for purposes of this Article.

"Form 4-64" means the Illinois State Police Notice/Inventory of Seized Property (Form 4-64).

"Knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity" means that the person knew the property involved in the transaction represented proceeds from some form, though not necessarily which form, of activity that constitutes a felony under State, federal, or foreign law.

"Monetary instrument" means United States coins and currency; coins and currency of a foreign country; travelers checks; personal checks, bank checks, and money orders; investment securities; bearer negotiable instruments; bearer investment securities; or bearer securities and certificates of stock in a form that title passes upon delivery.

"Specified criminal activity" means any violation of Section 29D-15.1 and any violation of Article 29D of this Code.

"Transaction reporting requirement under State law" means any violation as defined under the Currency Reporting Act.

(720 ILCS 5/29B-1) (from Ch. 38, par. 29B-1)

(Text of Section before amendment by P.A. 100-512)

Sec. 29B-1. (a) A person commits the offense of money laundering:

(1) when, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, he or she conducts or attempts to conduct such a financial transaction which in fact involves criminally derived property:

(A) with the intent to promote the carrying on of the unlawful activity from which the criminally derived property was obtained; or

(B) where he or she knows or reasonably should know that the financial transaction is designed in whole or in part:

(i) to conceal or disguise the nature, the location, the source, the ownership or the control of the criminally derived property; or

(ii) to avoid a transaction reporting requirement under State law; or

(1.5) when he or she transports, transmits, or transfers, or attempts to transport, transmit, or transfer a monetary instrument:

(A) with the intent to promote the carrying on of the unlawful activity from which the criminally derived property was obtained; or

(B) knowing, or having reason to know, that the financial transaction is designed in whole or in part:

(i) to conceal or disguise the nature, the location, the source, the ownership or the control of the criminally derived property; or

(ii) to avoid a transaction reporting requirement under State law; or

(2) when, with the intent to:

(A) promote the carrying on of a specified criminal activity as defined in this Article; or

(B) conceal or disguise the nature, location, source, ownership, or control of property believed to be the proceeds of a specified criminal activity as defined by subdivision (b)(6); or

(C) avoid a transaction reporting requirement under State law,

he or she conducts or attempts to conduct a financial transaction involving property he or she believes to be the proceeds of specified criminal activity as defined by subdivision (b)(6) or property used to conduct or facilitate specified criminal activity as defined by subdivision (b)(6).

(b) As used in this Section:

(0.5) "Knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity" means that the person knew the property involved in the transaction represented proceeds from some form, though not necessarily which form, of activity that constitutes a felony under State, federal, or foreign law.

(1) "Financial transaction" means a purchase, sale, loan, pledge, gift, transfer, delivery or other disposition utilizing criminally derived property, and with respect to financial institutions, includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit or other monetary instrument, use of safe deposit box, or any other payment, transfer or delivery by, through, or to a financial institution. For purposes of clause (a)(2) of this Section, the term "financial transaction" also means a transaction which without regard to whether the funds, monetary instruments, or real or personal property involved in the transaction are criminally derived, any transaction which in any way or degree: (1) involves the movement of funds by wire or any other means; (2) involves one or more monetary instruments; or (3) the transfer of title to any real or personal property. The receipt by an

attorney of bona fide fees for the purpose of legal representation is not a financial transaction for purposes of this Section.

(2) "Financial institution" means any bank; saving and loan association; trust company; agency or branch of a foreign bank in the United States; currency exchange; credit union, mortgage banking institution; pawnbroker; loan or finance company; operator of a credit card system; issuer, redeemer or cashier of travelers checks, checks or money orders; dealer in precious metals, stones or jewels; broker or dealer in securities or commodities; investment banker; or investment company.

(3) "Monetary instrument" means United States coins and currency; coins and currency of a foreign country; travelers checks; personal checks, bank checks, and money orders; investment securities; bearer negotiable instruments; bearer investment securities; or bearer securities and certificates of stock in such form that title thereto passes upon delivery.

(4) "Criminally derived property" means: (A) any property, real or personal, constituting or derived from proceeds obtained, directly or indirectly, from activity that constitutes a felony under State, federal, or foreign law; or (B) any property represented to be property constituting or derived from proceeds obtained, directly or indirectly, from activity that constitutes a felony under State, federal, or foreign law.

(5) "Conduct" or "conducts" includes, in addition to its ordinary meaning, initiating, concluding, or participating in initiating or concluding a transaction.

(6) "Specified criminal activity" means any violation of Section 29D-15.1 (720 ILCS 5/29D-15.1) and any violation of Article 29D of this Code.

(7) "Director" means the Director of State Police or his or her designated agents.

(8) "Department" means the Department of State Police of the State of Illinois or its successor agency.

(9) "Transaction reporting requirement under State law" means any violation as defined under the Currency Reporting Act.

(c) Sentence.

(1) Laundering of criminally derived property of a value not exceeding $10,000 is a Class 3 felony;

(2) Laundering of criminally derived property of a value exceeding $10,000 but not exceeding $100,000 is a Class 2 felony;

(3) Laundering of criminally derived property of a value exceeding $100,000 but not exceeding $500,000 is a Class 1 felony;

(4) Money laundering in violation of subsection (a)(2) of this Section is a Class X felony;

(5) Laundering of criminally derived property of a value exceeding $500,000 is a Class 1 non-probationable felony;

(6) In a prosecution under clause (a)(1.5)(B)(ii) of this Section, the sentences are as follows:

(A) Laundering of property of a value not exceeding $10,000 is a Class 3 felony;

(B) Laundering of property of a value exceeding $10,000 but not exceeding $100,000 is a Class 2 felony;

(C) Laundering of property of a value exceeding $100,000 but not exceeding $500,000 is a Class 1 felony;

(D) Laundering of property of a value exceeding $500,000 is a Class 1 non-probationable felony.

(d) Evidence. In a prosecution under this Article, either party may introduce the following evidence pertaining to the issue of whether the property or proceeds were known to be some form of criminally derived property or from some form of unlawful activity:

(1) A financial transaction was conducted or structured or attempted in violation of the reporting requirements of any State or federal law; or

(2) A financial transaction was conducted or attempted with the use of a false or fictitious name or a forged instrument; or

(3) A falsely altered or completed written instrument or a written instrument that contains any materially false personal identifying information was made, used, offered or presented, whether accepted or not, in connection with a financial transaction; or

(4) A financial transaction was structured or attempted to be structured so as to falsely report the actual consideration or value of the transaction; or

(5) A money transmitter, a person engaged in a trade or business or any employee of a

money transmitter or a person engaged in a trade or business, knows or reasonably should know that false personal identifying information has been presented and incorporates the false personal identifying information into any report or record; or

(6) The criminally derived property is transported or possessed in a fashion inconsistent with the ordinary or usual means of transportation or possession of such property and where the property is discovered in the absence of any documentation or other indicia of legitimate origin or right to such property; or

(7) A person pays or receives substantially less than face value for one or more monetary instruments; or

(8) A person engages in a transaction involving one or more monetary instruments, where the physical condition or form of the monetary instrument or instruments makes it apparent that they are not the product of bona fide business or financial transactions.

(e) Duty to enforce this Article.

(1) It is the duty of the Department of State Police, and its agents, officers, and investigators, to enforce all provisions of this Article, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, or of any state, relating to money laundering. Only an agent, officer, or investigator designated by the Director may be authorized in accordance with this Section to serve seizure notices, warrants, subpoenas, and summonses under the authority of this State.

(2) Any agent, officer, investigator, or peace officer designated by the Director may: (A) make seizure of property pursuant to the provisions of this Article; and (B) perform such other law enforcement duties as the Director designates. It is the duty of all State's Attorneys to prosecute violations of this Article and institute legal proceedings as authorized under this Article.

(f) Protective orders.

(1) Upon application of the State, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (h) for forfeiture under this Article:

(A) upon the filing of an indictment, information, or complaint charging a violation of this Article for which forfeiture may be ordered under this Article and alleging that the property with respect to which the order is sought would be subject to forfeiture under this Article; or

(B) prior to the filing of such an indictment, information, or complaint, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that:

(i) there is probable cause to believe that the State will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered.

Provided, however, that an order entered pursuant to subparagraph (B) shall be effective for not more than 90 days, unless extended by the court for good cause shown or unless an indictment, information, complaint, or administrative notice has been filed.

(2) A temporary restraining order under this subsection may be entered upon application of the State without notice or opportunity for a hearing when an indictment, information, complaint, or administrative notice has not yet been filed with respect to the property, if the State demonstrates that there is probable cause to believe that the property with respect to which the order is sought would be subject to forfeiture under this Section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than 30 days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

(3) The court may receive and consider, at a hearing held pursuant to this subsection (f), evidence and information that would be inadmissible under the Illinois rules of evidence.

(4) Order to repatriate and deposit.

(A) In general. Pursuant to its authority to enter a pretrial restraining order under this Section, the court may order a defendant to repatriate any property that may be seized and forfeited and to deposit that property pending trial with the Illinois State Police or another law enforcement agency designated by the Illinois State Police.

(B) Failure to comply. Failure to comply with an order under this subsection (f) is punishable as a civil or criminal contempt of court.

(g) Warrant of seizure. The State may request the issuance of a warrant authorizing the seizure of property described in subsection (h) in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would be subject to forfeiture, the court shall issue a warrant authorizing the seizure of such property.

(h) Forfeiture.

(1) The following are subject to forfeiture:

(A) any property, real or personal, constituting, derived from, or traceable to any proceeds the person obtained directly or indirectly, as a result of a violation of this Article;

(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this Article;

(C) all conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in subparagraphs (A) and (B), but:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this Article;

(ii) no conveyance is subject to forfeiture under this Section by reason of any act or omission which the owner proves to have been committed or omitted without his or her knowledge or consent;

(iii) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he or she neither had knowledge of nor consented to the act or omission;

(D) all real property, including any right, title, and interest (including, but not limited to, any leasehold interest or the beneficial interest in a land trust) in the whole of any lot or tract of land and any appurtenances or improvements, which is used or intended to be used, in any manner or part, to commit, or in any manner to facilitate the commission of, any violation of this Article or that is the proceeds of any violation or act that constitutes a violation of this Article.

(2) Property subject to forfeiture under this Article may be seized by the Director or any peace officer upon process or seizure warrant issued by any court having jurisdiction over the property. Seizure by the Director or any peace officer without process may be made:

(A) if the seizure is incident to a seizure warrant;

(B) if the property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal proceeding, or in an injunction or forfeiture proceeding based upon this Article;

(C) if there is probable cause to believe that the property is directly or indirectly dangerous to health or safety;

(D) if there is probable cause to believe that the property is subject to forfeiture under this Article and the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable; or

(E) in accordance with the Code of Criminal Procedure of 1963.

(3) In the event of seizure pursuant to paragraph (2), forfeiture proceedings shall be instituted in accordance with subsections (i) through (r).

(4) Property taken or detained under this Section shall not be subject to replevin, but is deemed to be in the custody of the Director subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney under this Article. When property is seized under this Article, the seizing agency shall promptly conduct an inventory of the seized property and estimate the property's value and shall forward a copy of the inventory of seized property and the estimate of the property's value to the Director. Upon receiving notice of seizure, the Director may:

(A) place the property under seal;

(B) remove the property to a place designated by the Director;

(C) keep the property in the possession of the seizing agency;

(D) remove the property to a storage area for safekeeping or, if the property is a negotiable instrument or money and is not needed for evidentiary purposes, deposit it in an interest bearing account;

(E) place the property under constructive seizure by posting notice of pending forfeiture on it, by giving notice of pending forfeiture to its owners and interest holders, or by filing notice of pending forfeiture in any appropriate public record relating to the property; or

(F) provide for another agency or custodian, including an owner, secured party, or lienholder, to take custody of the property upon the terms and conditions set by the Director.

(5) When property is forfeited under this Article, the Director shall sell all such property unless such property is required by law to be destroyed or is harmful to the public, and shall distribute the proceeds of the sale, together with any moneys forfeited or seized, in accordance with paragraph (6). However, upon the application of the seizing agency or prosecutor who was responsible for the investigation, arrest or arrests and prosecution which lead to the forfeiture, the Director may return any item of forfeited property to the seizing agency or prosecutor for official use in the enforcement of laws, if the agency or prosecutor can demonstrate that the item requested would be useful to the agency or prosecutor in its enforcement efforts. When any real property returned to the seizing agency is sold by the agency or its unit of government, the proceeds of the sale shall be delivered to the Director and distributed in accordance with paragraph (6).

(6) All monies and the sale proceeds of all other property forfeited and seized under this Article shall be distributed as follows:

(A) 65% shall be distributed to the metropolitan enforcement group, local, municipal, county, or State law enforcement agency or agencies which conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based. Amounts distributed to the agency or agencies shall be used for the enforcement of laws.

(B)(i) 12.5% shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in the enforcement of laws. In counties over 3,000,000 population, 25% shall be distributed to the Office of the State's Attorney for use in the enforcement of laws. If the prosecution is undertaken solely by the Attorney General, the portion provided hereunder shall be distributed to the Attorney General for use in the enforcement of laws.

(ii) 12.5% shall be distributed to the Office of the State's Attorneys Appellate Prosecutor and deposited in the Narcotics Profit Forfeiture Fund of that office to be used for additional expenses incurred in the investigation, prosecution and appeal of cases arising under laws. The Office of the State's Attorneys Appellate Prosecutor shall not receive distribution from cases brought in counties with over 3,000,000 population.

(C) 10% shall be retained by the Department of State Police for expenses related to the administration and sale of seized and forfeited property.

Moneys and the sale proceeds distributed to the Department of State Police under this Article shall be deposited in the Money Laundering Asset Recovery Fund created in the State treasury and shall be used by the Department of State Police for State law enforcement purposes.

(7) All moneys and sale proceeds of property forfeited and seized under this Article and distributed according to paragraph (6) may also be used to purchase opioid antagonists as defined in Section 5-23 of the Alcoholism and Other Drug Abuse and Dependency Act.

(i) Notice to owner or interest holder.

(1) Whenever notice of pending forfeiture or service of an in rem complaint is required under the provisions of this Article, such notice or service shall be given as follows:

(A) If the owner's or interest holder's name and current address are known, then by either personal service or mailing a copy of the notice by certified mail, return receipt requested, to that address. For purposes of notice under this Section, if a person has been arrested for the conduct giving rise to the forfeiture, then the address provided to the arresting agency at the time of arrest shall be deemed to be that person's known address. Provided, however, if an owner or interest holder's address changes prior to the effective date of the notice of pending forfeiture, the owner or interest holder shall promptly notify the seizing agency of the change in address or, if the owner or interest holder's address changes subsequent to the effective date of the notice of pending forfeiture, the owner or interest holder shall promptly notify the State's Attorney of the change in address; or

(B) If the property seized is a conveyance, to the address reflected in the office of the agency or official in which title or interest to the conveyance is required by law to be recorded, then by mailing a copy of the notice by certified mail, return receipt requested, to that address; or

(C) If the owner's or interest holder's address is not known, and is not on record as provided in paragraph (B), then by publication for 3 successive weeks in a newspaper of general circulation in the county in which the seizure occurred.

(2) Notice served under this Article is effective upon personal service, the last date of publication, or the mailing of written notice, whichever is earlier.

(j) Notice to State's Attorney. The law enforcement agency seizing property for forfeiture under this Article shall, within 90 days after seizure, notify the State's Attorney for the county, either where an act or omission giving rise to the forfeiture occurred or where the property was seized, of the seizure of the property and the facts and circumstances giving rise to the seizure and shall provide the State's Attorney with the inventory of the property and its estimated value. When the property seized for forfeiture is a vehicle, the law enforcement agency seizing the property shall immediately notify the Secretary of State that forfeiture proceedings are pending regarding such vehicle.

(k) Non-judicial forfeiture. If non-real property that exceeds $20,000 in value excluding the value of any conveyance, or if real property is seized under the provisions of this Article, the State's Attorney shall institute judicial in rem forfeiture proceedings as described in subsection (l) of this Section within 45 days from receipt of notice of seizure from the seizing agency under subsection (j) of this Section. However, if non-real property that does not exceed $20,000 in value excluding the value of any conveyance is seized, the following procedure shall be used:

(1) If, after review of the facts surrounding the seizure, the State's Attorney is of the opinion that the seized property is subject to forfeiture, then within 45 days after the receipt of notice of seizure from the seizing agency, the State's Attorney shall cause notice of pending forfeiture to be given to the owner of the property and all known interest holders of the property in accordance with subsection (i) of this Section.

(2) The notice of pending forfeiture must include a description of the property, the estimated value of the property, the date and place of seizure, the conduct giving rise to forfeiture or the violation of law alleged, and a summary of procedures and procedural rights applicable to the forfeiture action.

(3)(A) Any person claiming an interest in property which is the subject of notice under paragraph (1) of this subsection (k), must, in order to preserve any rights or claims to the property, within 45 days after the effective date of notice as described in subsection (i) of this Section, file a verified claim with the State's Attorney expressing his or her interest in the property. The claim must set forth:

(i) the caption of the proceedings as set forth on the notice of pending forfeiture and the name of the claimant;

(ii) the address at which the claimant will accept mail;

(iii) the nature and extent of the claimant's interest in the property;

(iv) the date, identity of the transferor, and circumstances of the claimant's acquisition of the interest in the property;

(v) the name and address of all other persons known to have an interest in the property;

(vi) the specific provision of law relied on in asserting the property is not subject to forfeiture;

(vii) all essential facts supporting each assertion; and

(viii) the relief sought.

(B) If a claimant files the claim and deposits with the State's Attorney a cost bond, in the form of a cashier's check payable to the clerk of the court, in the sum of 10% of the reasonable value of the property as alleged by the State's Attorney or the sum of $100, whichever is greater, upon condition that, in the case of forfeiture, the claimant must pay all costs and expenses of forfeiture proceedings, then the State's Attorney shall institute judicial in rem forfeiture proceedings and deposit the cost bond with the clerk of the court as described in subsection (l) of this Section within 45 days after receipt of the claim and cost bond. In lieu of a cost bond, a person claiming interest in the seized property may file, under penalty of perjury, an indigency affidavit which has been approved by a circuit court judge.

(C) If none of the seized property is forfeited in the judicial in rem proceeding, the clerk of the court shall return to the claimant, unless the court orders otherwise, 90% of the sum which has been deposited and shall retain as costs 10% of the money deposited. If any of the seized property is forfeited under the judicial forfeiture proceeding, the clerk of the court shall transfer 90% of the sum which has been deposited to the State's Attorney prosecuting the civil forfeiture to be applied to the costs of prosecution and the clerk shall retain as costs 10% of the sum deposited.

(4) If no claim is filed or bond given within the 45 day period as described in

paragraph (3) of this subsection (k), the State's Attorney shall declare the property forfeited and shall promptly notify the owner and all known interest holders of the property and the Director of State Police of the declaration of forfeiture and the Director shall dispose of the property in accordance with law.

(l) Judicial in rem procedures. If property seized under the provisions of this Article is non-real property that exceeds $20,000 in value excluding the value of any conveyance, or is real property, or a claimant has filed a claim and a cost bond under paragraph (3) of subsection (k) of this Section, the following judicial in rem procedures shall apply:

(1) If, after a review of the facts surrounding the seizure, the State's Attorney is of the opinion that the seized property is subject to forfeiture, then within 45 days of the receipt of notice of seizure by the seizing agency or the filing of the claim and cost bond, whichever is later, the State's Attorney shall institute judicial forfeiture proceedings by filing a verified complaint for forfeiture and, if the claimant has filed a claim and cost bond, by depositing the cost bond with the clerk of the court. When authorized by law, a forfeiture must be ordered by a court on an action in rem brought by a State's Attorney under a verified complaint for forfeiture.

(2) During the probable cause portion of the judicial in rem proceeding wherein the State presents its case-in-chief, the court must receive and consider, among other things, all relevant hearsay evidence and information. The laws of evidence relating to civil actions apply to all other portions of the judicial in rem proceeding.

(3) Only an owner of or interest holder in the property may file an answer asserting a claim against the property in the action in rem. For purposes of this Section, the owner or interest holder shall be referred to as claimant. Upon motion of the State, the court shall first hold a hearing, wherein any claimant must establish by a preponderance of the evidence, that he or she has a lawful, legitimate ownership interest in the property and that it was obtained through a lawful source.

(4) The answer must be signed by the owner or interest holder under penalty of perjury and must set forth:

(A) the caption of the proceedings as set forth on the notice of pending forfeiture and the name of the claimant;

(B) the address at which the claimant will accept mail;

(C) the nature and extent of the claimant's interest in the property;

(D) the date, identity of transferor, and circumstances of the claimant's acquisition of the interest in the property;

(E) the name and address of all other persons known to have an interest in the property;

(F) all essential facts supporting each assertion; and

(G) the precise relief sought.

(5) The answer must be filed with the court within 45 days after service of the civil in rem complaint.

(6) The hearing must be held within 60 days after filing of the answer unless continued for good cause.

(7) The State shall show the existence of probable cause for forfeiture of the property. If the State shows probable cause, the claimant has the burden of showing by a preponderance of the evidence that the claimant's interest in the property is not subject to forfeiture.

(8) If the State does not show existence of probable cause, the court shall order the interest in the property returned or conveyed to the claimant and shall order all other property forfeited to the State. If the State does show existence of probable cause, the court shall order all property forfeited to the State.

(9) A defendant convicted in any criminal proceeding is precluded from later denying the essential allegations of the criminal offense of which the defendant was convicted in any proceeding under this Article regardless of the pendency of an appeal from that conviction. However, evidence of the pendency of an appeal is admissible.

(10) An acquittal or dismissal in a criminal proceeding does not preclude civil proceedings under this Article; however, for good cause shown, on a motion by the State's Attorney, the court may stay civil forfeiture proceedings during the criminal trial for a related criminal indictment or information alleging a money laundering violation. Such a stay shall not be available pending an appeal. Property subject to forfeiture under this Article shall not be subject to return or release by a court exercising jurisdiction over a criminal case involving the seizure of such property unless such return or release is consented to by the State's Attorney.

(11) All property declared forfeited under this Article vests in this State on the

commission of the conduct giving rise to forfeiture together with the proceeds of the property after that time. Any such property or proceeds subsequently transferred to any person remain subject to forfeiture and thereafter shall be ordered forfeited.

(12) A civil action under this Article must be commenced within 5 years after the last conduct giving rise to forfeiture became known or should have become known or 5 years after the forfeitable property is discovered, whichever is later, excluding any time during which either the property or claimant is out of the State or in confinement or during which criminal proceedings relating to the same conduct are in progress.

(m) Stay of time periods. If property is seized for evidence and for forfeiture, the time periods for instituting judicial and non-judicial forfeiture proceedings shall not begin until the property is no longer necessary for evidence.

(n) Settlement of claims. Notwithstanding other provisions of this Article, the State's Attorney and a claimant of seized property may enter into an agreed-upon settlement concerning the seized property in such an amount and upon such terms as are set out in writing in a settlement agreement.

(o) Property constituting attorney fees. Nothing in this Article applies to property which constitutes reasonable bona fide attorney's fees paid to an attorney for services rendered or to be rendered in the forfeiture proceeding or criminal proceeding relating directly thereto where such property was paid before its seizure, before the issuance of any seizure warrant or court order prohibiting transfer of the property and where the attorney, at the time he or she received the property did not know that it was property subject to forfeiture under this Article.

(p) Construction. It is the intent of the General Assembly that the forfeiture provisions of this Article be liberally construed so as to effect their remedial purpose. The forfeiture of property and other remedies hereunder shall be considered to be in addition to, and not exclusive of, any sentence or other remedy provided by law.

(q) Judicial review. If property has been declared forfeited under subsection (k) of this Section, any person who has an interest in the property declared forfeited may, within 30 days after the effective date of the notice of the declaration of forfeiture, file a claim and cost bond as described in paragraph (3) of subsection (k) of this Section. If a claim and cost bond is filed under this Section, then the procedures described in subsection (l) of this Section apply.

(r) Burden of proof of exemption or exception. It is not necessary for the State to negate any exemption or exception in this Article in any complaint, information, indictment or other pleading or in any trial, hearing, or other proceeding under this Article. The burden of proof of any exemption or exception is upon the person claiming it.

(s) Review of administrative decisions. All administrative findings, rulings, final determinations, findings, and conclusions of the State's Attorney's Office under this Article are final and conclusive decisions of the matters involved. Any person aggrieved by the decision may obtain review of the decision pursuant to the provisions of the Administrative Review Law and the rules adopted pursuant to that Law. Pending final decision on such review, the administrative acts, orders, and rulings of the State's Attorney's Office remain in full force and effect unless modified or suspended by order of court pending final judicial decision. Pending final decision on such review, the acts, orders, and rulings of the State's Attorney's Office remain in full force and effect, unless stayed by order of court. However, no stay of any decision of the administrative agency shall issue unless the person aggrieved by the decision establishes by a preponderance of the evidence that good cause exists for the stay. In determining good cause, the court shall find that the aggrieved party has established a substantial likelihood of prevailing on the merits and that granting the stay will not have an injurious effect on the general public.

(Source: P.A. 99-480, eff. 9-9-15.)

(Text of Section after amendment by P.A. 100-512)

Sec. 29B-1. Money laundering.

(a) A person commits the offense of money laundering:

(1) when, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, he or she conducts or attempts to conduct the ~~such a~~ financial transaction which in fact involves criminally derived property:

(A) with the intent to promote the carrying on of the unlawful activity from which the criminally derived property was obtained; or

(B) where he or she knows or reasonably should know that the financial transaction is designed in whole or in part:

(i) to conceal or disguise the nature, the location, the source, the ownership or the control of the criminally derived property; or

(ii) to avoid a transaction reporting requirement under State law; or

(1.5) when he or she transports, transmits, or transfers, or attempts to transport, transmit, or transfer a monetary instrument:

(A) with the intent to promote the carrying on of the unlawful activity from which the criminally derived property was obtained; or

(B) knowing, or having reason to know, that the financial transaction is designed in whole or in part:

(i) to conceal or disguise the nature, the location, the source, the ownership or the control of the criminally derived property; or

(ii) to avoid a transaction reporting requirement under State law; or

(2) when, with the intent to:

(A) promote the carrying on of a specified criminal activity as defined in this Article; or

(B) conceal or disguise the nature, location, source, ownership, or control of property believed to be the proceeds of a specified criminal activity as defined in this Article ~~by subdivision (b)(6)~~; or

(C) avoid a transaction reporting requirement under State law,

he or she conducts or attempts to conduct a financial transaction involving property he or she believes to be the proceeds of specified criminal activity ~~as defined by subdivision (b)(6)~~ or property used to conduct or facilitate specified criminal activity as defined in this Article ~~by subdivision (b)(6)~~.

(b) (Blank). ~~As used in this Section:~~

~~(0.5) "Knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity" means that the person knew the property involved in the transaction represented proceeds from some form, though not necessarily which form, of activity that constitutes a felony under State, federal, or foreign law.~~

~~(1) "Financial transaction" means a purchase, sale, loan, pledge, gift, transfer, delivery or other disposition utilizing criminally derived property, and with respect to financial institutions, includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit or other monetary instrument, use of safe deposit box, or any other payment, transfer or delivery by, through, or to a financial institution. For purposes of clause (a)(2) of this Section, the term "financial transaction" also means a transaction which without regard to whether the funds, monetary instruments, or real or personal property involved in the transaction are criminally derived, any transaction which in any way or degree: (1) involves the movement of funds by wire or any other means; (2) involves one or more monetary instruments; or (3) the transfer of title to any real or personal property. The receipt by an attorney of bona fide fees for the purpose of legal representation is not a financial transaction for purposes of this Section.~~

~~(2) "Financial institution" means any bank; saving and loan association; trust company; agency or branch of a foreign bank in the United States; currency exchange; credit union, mortgage banking institution; pawnbroker; loan or finance company; operator of a credit card system; issuer, redeemer or cashier of travelers checks, checks or money orders; dealer in precious metals, stones or jewels; broker or dealer in securities or commodities; investment banker; or investment company.~~

~~(3) "Monetary instrument" means United States coins and currency; coins and currency of a foreign country; travelers checks; personal checks, bank checks, and money orders; investment securities; bearer negotiable instruments; bearer investment securities; or bearer securities and certificates of stock in such form that title thereto passes upon delivery.~~

~~(4) "Criminally derived property" means: (A) any property, real or personal, constituting or derived from proceeds obtained, directly or indirectly, from activity that constitutes a felony under State, federal, or foreign law; or (B) any property represented to be property constituting or derived from proceeds obtained, directly or indirectly, from activity that constitutes a felony under State, federal, or foreign law.~~

~~(5) "Conduct" or "conducts" includes, in addition to its ordinary meaning, initiating, concluding, or participating in initiating or concluding a transaction.~~

~~(6) "Specified criminal activity" means any violation of Section 29D-15.1 (720 ILCS 5/29D-15.1) and any violation of Article 29D of this Code.~~

~~(7) "Director" means the Director of State Police or his or her designated agents.~~

~~(8) "Department" means the Department of State Police of the State of Illinois or its successor agency.~~

~~(9) "Transaction reporting requirement under State law" means any violation as defined under the Currency Reporting Act.~~

(c) Sentence.

(1) Laundering of criminally derived property of a value not exceeding $10,000 is a

Class 3 felony;

(2) Laundering of criminally derived property of a value exceeding $10,000 but not exceeding $100,000 is a Class 2 felony;

(3) Laundering of criminally derived property of a value exceeding $100,000 but not exceeding $500,000 is a Class 1 felony;

(4) Money laundering in violation of subsection (a)(2) of this Section is a Class X felony;

(5) Laundering of criminally derived property of a value exceeding $500,000 is a Class 1 non-probationable felony;

(6) In a prosecution under clause (a)(1.5)(B)(ii) of this Section, the sentences are as follows:

(A) Laundering of property of a value not exceeding $10,000 is a Class 3 felony;

(B) Laundering of property of a value exceeding $10,000 but not exceeding $100,000 is a Class 2 felony;

(C) Laundering of property of a value exceeding $100,000 but not exceeding $500,000 is a Class 1 felony;

(D) Laundering of property of a value exceeding $500,000 is a Class 1 non-probationable felony.

~~(d) Evidence. In a prosecution under this Article, either party may introduce the following evidence pertaining to the issue of whether the property or proceeds were known to be some form of criminally derived property or from some form of unlawful activity:~~

~~(1) A financial transaction was conducted or structured or attempted in violation of the reporting requirements of any State or federal law; or~~

~~(2) A financial transaction was conducted or attempted with the use of a false or fictitious name or a forged instrument; or~~

~~(3) A falsely altered or completed written instrument or a written instrument that contains any materially false personal identifying information was made, used, offered or presented, whether accepted or not, in connection with a financial transaction; or~~

~~(4) A financial transaction was structured or attempted to be structured so as to falsely report the actual consideration or value of the transaction; or~~

~~(5) A money transmitter, a person engaged in a trade or business or any employee of a money transmitter or a person engaged in a trade or business, knows or reasonably should know that false personal identifying information has been presented and incorporates the false personal identifying information into any report or record; or~~

~~(6) The criminally derived property is transported or possessed in a fashion inconsistent with the ordinary or usual means of transportation or possession of such property and where the property is discovered in the absence of any documentation or other indicia of legitimate origin or right to such property; or~~

~~(7) A person pays or receives substantially less than face value for one or more monetary instruments; or~~

~~(8) A person engages in a transaction involving one or more monetary instruments, where the physical condition or form of the monetary instrument or instruments makes it apparent that they are not the product of bona fide business or financial transactions.~~

~~(e) Duty to enforce this Article.~~

~~(1) It is the duty of the Department of State Police, and its agents, officers, and investigators, to enforce all provisions of this Article, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, or of any state, relating to money laundering. Only an agent, officer, or investigator designated by the Director may be authorized in accordance with this Section to serve seizure notices, warrants, subpoenas, and summonses under the authority of this State.~~

~~(2) Any agent, officer, investigator, or peace officer designated by the Director may: (A) make seizure of property pursuant to the provisions of this Article; and (B) perform such other law enforcement duties as the Director designates. It is the duty of all State's Attorneys to prosecute violations of this Article and institute legal proceedings as authorized under this Article.~~

~~(f) Protective orders.~~

~~(1) Upon application of the State, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (h) for forfeiture under this Article:~~

~~(A) upon the filing of an indictment, information, or complaint charging a violation of this Article for which forfeiture may be ordered under this Article and alleging that the property with respect to which the order is sought would be subject to forfeiture under this Article; or~~

~~(B) prior to the filing of such an indictment, information, or complaint, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that:~~

~~(i) there is probable cause to believe that the State will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and~~

~~(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered.~~

~~Provided, however, that an order entered pursuant to subparagraph (B) shall be effective for not more than 90 days, unless extended by the court for good cause shown or unless an indictment, information, complaint, or administrative notice has been filed.~~

~~(2) A temporary restraining order under this subsection may be entered upon application of the State without notice or opportunity for a hearing when an indictment, information, complaint, or administrative notice has not yet been filed with respect to the property, if the State demonstrates that there is probable cause to believe that the property with respect to which the order is sought would be subject to forfeiture under this Section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than 30 days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.~~

~~(3) The court may receive and consider, at a hearing held pursuant to this subsection (f), evidence and information that would be inadmissible under the Illinois rules of evidence.~~

~~(4) Order to repatriate and deposit.~~

~~(A) In general. Pursuant to its authority to enter a pretrial restraining order under this Section, the court may order a defendant to repatriate any property that may be seized and forfeited and to deposit that property pending trial with the Illinois State Police or another law enforcement agency designated by the Illinois State Police.~~

~~(B) Failure to comply. Failure to comply with an order under this subsection (f) is punishable as a civil or criminal contempt of court.~~

~~(g) Warrant of seizure. The State may request the issuance of a warrant authorizing the seizure of property described in subsection (h) in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would be subject to forfeiture, the court shall issue a warrant authorizing the seizure of such property.~~

~~(h) Forfeiture.~~

~~(1) The following are subject to forfeiture:~~

~~(A) any property, real or personal, constituting, derived from, or traceable to any proceeds the person obtained directly or indirectly, as a result of a violation of this Article;~~

~~(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this Article;~~

~~(C) all conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in subparagraphs (A) and (B), but:~~

~~(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this Article;~~

~~(ii) no conveyance is subject to forfeiture under this Section by reason of any act or omission which the owner proves to have been committed or omitted without his or her knowledge or consent;~~

~~(iii) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he or she neither had knowledge of nor consented to the act or omission;~~

~~(D) all real property, including any right, title, and interest (including, but not limited to, any leasehold interest or the beneficial interest in a land trust) in the whole of any lot or tract of land and any appurtenances or improvements, which is used or intended to be used, in any manner or part, to commit, or in any manner to facilitate the commission of, any violation of this Article or that is the proceeds of any violation or act that constitutes a violation of this Article.~~

~~(2) Property subject to forfeiture under this Article may be seized by the Director or any peace officer upon process or seizure warrant issued by any court having jurisdiction over the property. Seizure by the Director or any peace officer without process may be made:~~

~~(A) if the seizure is incident to a seizure warrant;~~

~~(B) if the property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal proceeding, or in an injunction or forfeiture proceeding based upon this Article;~~

~~(C) if there is probable cause to believe that the property is directly or indirectly dangerous to health or safety;~~

~~(D) if there is probable cause to believe that the property is subject to forfeiture under this Article and the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable; or~~

~~(E) in accordance with the Code of Criminal Procedure of 1963.~~

~~(3) In the event of seizure pursuant to paragraph (2), forfeiture proceedings shall be instituted in accordance with subsections (i) through (r).~~

~~(4) Property taken or detained under this Section shall not be subject to replevin, but is deemed to be in the custody of the Director subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney under this Article. When property is seized under this Article, the seizing agency shall promptly conduct an inventory of the seized property and estimate the property's value and shall forward a copy of the inventory of seized property and the estimate of the property's value to the Director. Upon receiving notice of seizure, the Director may:~~

~~(A) place the property under seal;~~

~~(B) remove the property to a place designated by the Director;~~

~~(C) keep the property in the possession of the seizing agency;~~

~~(D) remove the property to a storage area for safekeeping or, if the property is a negotiable instrument or money and is not needed for evidentiary purposes, deposit it in an interest bearing account;~~

~~(E) place the property under constructive seizure by posting notice of pending forfeiture on it, by giving notice of pending forfeiture to its owners and interest holders, or by filing notice of pending forfeiture in any appropriate public record relating to the property; or~~

~~(F) provide for another agency or custodian, including an owner, secured party, or lienholder, to take custody of the property upon the terms and conditions set by the Director.~~

~~(5) When property is forfeited under this Article, the Director shall sell all such property unless such property is required by law to be destroyed or is harmful to the public, and shall distribute the proceeds of the sale, together with any moneys forfeited or seized, in accordance with paragraph (6).~~

~~(6) All monies and the sale proceeds of all other property forfeited and seized under this Article shall be distributed as follows:~~

~~(A) 65% shall be distributed to the metropolitan enforcement group, local, municipal, county, or State law enforcement agency or agencies which conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based. Amounts distributed to the agency or agencies shall be used for the enforcement of laws.~~

~~(B)(i) 12.5% shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in the enforcement of laws. In counties over 3,000,000 population, 25% shall be distributed to the Office of the State's Attorney for use in the enforcement of laws. If the prosecution is undertaken solely by the Attorney General, the portion provided hereunder shall be distributed to the Attorney General for use in the enforcement of laws.~~

~~(ii) 12.5% shall be distributed to the Office of the State's Attorneys Appellate Prosecutor and deposited in the Narcotics Profit Forfeiture Fund of that office to be used for additional expenses incurred in the investigation, prosecution and appeal of cases arising under laws. The Office of the State's Attorneys Appellate Prosecutor shall not receive distribution from cases brought in counties with over 3,000,000 population.~~

~~(C) 10% shall be retained by the Department of State Police for expenses related to the administration and sale of seized and forfeited property.~~

~~Moneys and the sale proceeds distributed to the Department of State Police under this Article shall be deposited in the Money Laundering Asset Recovery Fund created in the State treasury and shall be used by the Department of State Police for State law enforcement purposes.~~

~~(7) All moneys and sale proceeds of property forfeited and seized under this Article and distributed according to paragraph (6) may also be used to purchase opioid antagonists as defined in Section 5-23 of the Alcoholism and Other Drug Abuse and Dependency Act.~~

~~(7.5) Preliminary Review.~~

~~(A) Within 14 days of the seizure, the State shall seek a preliminary determination from the circuit court as to whether there is probable cause that the property may be subject to forfeiture.~~

~~(B) The rules of evidence shall not apply to any proceeding conducted under this Section.~~

~~(C) The court may conduct the review under subparagraph (A) of this paragraph (7.5) simultaneously with a proceeding under Section 109-1 of the Code of Criminal Procedure of 1963 for a related criminal offense if a prosecution is commenced by information or complaint.~~

~~(D) The court may accept a finding of probable cause at a preliminary hearing following the filing of an information or complaint charging a related criminal offense or following the return of indictment by a grand jury charging the related offense as sufficient evidence of probable cause as required under subparagraph (A) of this paragraph (7.5).~~

~~(E) Upon a finding of probable cause as required under this Section, the circuit court shall order the property subject to the applicable forfeiture Act held until the conclusion of any forfeiture proceeding.~~

~~(i) Notice to owner or interest holder.~~

~~(1) The first attempted service shall be commenced within 28 days of the latter of filing of the verified claim or the receipt of the notice from seizing agency by form 4-64. A complaint for forfeiture or a notice of pending forfeiture shall be served on a claimant if the owner's or interest holder's name and current address are known, then by either: (i) personal service or; (ii) mailing a copy of the notice by certified mail, return receipt requested and first class mail, to that address. If no signed return receipt is received by the State's Attorney within 28 days of mailing or no communication from the owner or interest holder is received by the State's Attorney documenting actual notice by the parties, the State's Attorney shall, within a reasonable period of time, mail a second copy of the notice by certified mail, return receipt requested and first class mail, to that address. If no signed return receipt is received by the State's Attorney within 28 days of the second mailing, or no communication from the owner or interest holder is received by the State's Attorney documenting actual notice by the parties, the State's Attorney shall have 60 days to attempt to personally serve the notice by personal service, including substitute service by leaving a copy at the usual place of abode with some person of the family or a person residing there, of the age of 13 years or upwards. If after 3 attempts at service in this manner, and no service of the notice is accomplished, the notice shall be posted in a conspicuous manner at this address and service shall be made by the posting. The attempts at service and the posting if required, shall be documented by the person attempting service and the documentation shall be made part of a return of service returned to the State's Attorney. The State's Attorney may utilize any Sheriff or Deputy Sheriff, a peace officer, a private process server or investigator, or an employee, agent, or investigator of the State's Attorney's Office to attempt service without seeking leave of court. After the procedures listed are followed, service shall be effective on the owner or interest holder on the date of receipt by the State's Attorney of a returned return receipt requested, or on the date of receipt of a communication from an owner or interest holder documenting actual notice, whichever is first in time, or on the date of the last act performed by the State's Attorney in attempting personal service. For purposes of notice under this Section, if a person has been arrested for the conduct giving rise to the forfeiture, the address provided to the arresting agency at the time of arrest shall be deemed to be that person's known address. Provided, however, if an owner or interest holder's address changes prior to the effective date of the notice of pending forfeiture, the owner or interest holder shall promptly notify the seizing agency of the change in address or, if the owner or interest holder's address changes subsequent to the effective date of the notice of pending forfeiture, the owner or interest holder shall promptly notify the State's Attorney of the change in address. If the property seized is a conveyance, notice shall also be directed to the address reflected in the office of the agency or official in which title or interest to the conveyance is required by law to be recorded.~~

~~(A) (Blank);~~

~~(A-5) If the owner's or interest holder's address is not known, and is not on record as provided in paragraph (1), service by publication for 3 successive weeks in a newspaper of general circulation in the county in which the seizure occurred shall suffice for service requirements.~~

~~(A-10) Notice to any business entity, corporation, LLC, LLP, or partnership shall be complete by a single mailing of a copy of the notice by certified mail, return receipt requested and first class mail, to that address. This notice is complete regardless of the return of a signed "return receipt requested".~~

~~(A-15) Notice to a person whose address is not within the State shall be completed by a single mailing of a copy of the notice by certified mail, return receipt requested and first class mail to that address. This notice is complete regardless of the return of a signed "return receipt requested".~~

~~(A-20) Notice to a person whose address is not within the United States shall be completed by a single mailing of a copy of the notice by certified mail, return receipt requested and first class mail to that address. This notice is complete regardless of the return of a signed "return receipt requested". If certified~~

~~mail is not available in the foreign country where the person has an address, notice shall proceed by paragraph (A-15) publication requirements.~~

~~(A-25) A person who the State's Attorney reasonably should know is incarcerated within this State, shall also include, mailing a copy of the notice by certified mail, return receipt requested and first class mail, to the address of the detention facility with the inmate's name clearly marked on the envelope.~~

~~After a claimant files a verified claim with the State's Attorney and provides an address at which they will accept service, the complaint shall be served and notice shall be complete upon the mailing of the complaint to the claimant at the address the claimant provided via certified mail, return receipt requested and first class mail. No return receipt card need be received, or any other attempts at service need be made to comply with service and notice requirements under this Section. This certified mailing, return receipt requested shall be proof of service of the complaint on the claimant. If notice is to be shown by actual notice from communication with a claimant, then the State's Attorney shall file an affidavit as proof of service providing details of the communication which shall be accepted as proof of service by the court.~~

~~(B) If the property seized is a conveyance, to the address reflected in the office of the agency or official in which title or interest to the conveyance is required by law to be recorded, then by mailing a copy of the notice by certified mail, return receipt requested, to that address; or~~

~~(C) (Blank).~~

~~(2) Notice served under this Article is effective upon personal service, the last date of publication, or the mailing of written notice, whichever is earlier.~~

~~(j) Notice to State's Attorney. The law enforcement agency seizing property for forfeiture under this Article shall, within 60 days after seizure, notify the State's Attorney for the county, either where an act or omission giving rise to the forfeiture occurred or where the property was seized, of the seizure of the property and the facts and circumstances giving rise to the seizure and shall provide the State's Attorney with the inventory of the property and its estimated value. When the property seized for forfeiture is a vehicle, the law enforcement agency seizing the property shall immediately notify the Secretary of State that forfeiture proceedings are pending regarding such vehicle. This notice shall be by the form 4-64.~~

~~(k) Non-judicial forfeiture. If non-real property that exceeds $20,000 in value excluding the value of any conveyance, or if real property is seized under the provisions of this Article, the State's Attorney shall institute judicial in rem forfeiture proceedings as described in subsection (l) of this Section within 28 days from receipt of notice of seizure from the seizing agency under subsection (j) of this Section. However, if non-real property that does not exceed $20,000 in value excluding the value of any conveyance is seized, the following procedure shall be used:~~

~~(1) If, after review of the facts surrounding the seizure, the State's Attorney is of the opinion that the seized property is subject to forfeiture, then within 45 days after the receipt of notice of seizure from the seizing agency, the State's Attorney shall cause notice of pending forfeiture to be given to the owner of the property and all known interest holders of the property in accordance with subsection (i) of this Section.~~

~~(2) The notice of pending forfeiture must include a description of the property, the estimated value of the property, the date and place of seizure, the conduct giving rise to forfeiture or the violation of law alleged, and a summary of procedures and procedural rights applicable to the forfeiture action.~~

~~(3)(A) Any person claiming an interest in property which is the subject of notice under paragraph (1) of this subsection (k), must, in order to preserve any rights or claims to the property, within 45 days after the effective date of notice as described in subsection (i) of this Section, file a verified claim with the State's Attorney expressing his or her interest in the property. The claim must set forth:~~

~~(i) the caption of the proceedings as set forth on the notice of pending forfeiture and the name of the claimant;~~

~~(ii) the address at which the claimant will accept mail;~~

~~(iii) the nature and extent of the claimant's interest in the property;~~

~~(iv) the date, identity of the transferor, and circumstances of the claimant's acquisition of the interest in the property;~~

~~(v) the name and address of all other persons known to have an interest in the property;~~

~~(vi) the specific provision of law relied on in asserting the property is not subject to forfeiture;~~

~~(vii) all essential facts supporting each assertion; and~~

~~(viii) the relief sought.~~

~~(B) If a claimant files the claim, then the State's Attorney shall institute judicial in rem forfeiture proceedings with the clerk of the court as described in subsection (l) of this Section within 45 days after receipt of the claim.~~

~~(C) (Blank).~~

~~(4) If no claim is filed within the 45 day period as described in paragraph (3) of this subsection (k), the State's Attorney shall declare the property forfeited and shall promptly notify the owner and all known interest holders of the property and the Director of State Police of the declaration of forfeiture and the Director shall dispose of the property in accordance with law.~~

~~(l) Judicial in rem procedures. If property seized under the provisions of this Article is non-real property that exceeds $20,000 in value excluding the value of any conveyance, or is real property, or a claimant has filed a claim under paragraph (3) of subsection (k) of this Section, the following judicial in rem procedures shall apply:~~

~~(1) If, after a review of the facts surrounding the seizure, the State's Attorney is of the opinion that the seized property is subject to forfeiture, then within 28 days of the receipt of notice of seizure by the seizing agency or the filing of the claim, whichever is later, the State's Attorney shall institute judicial forfeiture proceedings by filing a verified complaint for forfeiture. When authorized by law, a forfeiture must be ordered by a court on an action in rem brought by a State's Attorney under a verified complaint for forfeiture.~~

~~(1.5) A complaint of forfeiture shall include:~~

~~(i) a description of the property seized;~~

~~(ii) the date and place of seizure of the property;~~

~~(iii) the name and address of the law enforcement agency making the seizure; and~~

~~(iv) the specific statutory and factual grounds for the seizure.~~

~~(1.10) The complaint shall be served upon the person from whom the property was seized and all persons known or reasonably believed by the State to claim an interest in the property, as provided in subsection (i) of this Section. The complaint shall be accompanied by the following written notice:~~

~~"This is a civil court proceeding subject to the Code of Civil Procedure. You received this Complaint of Forfeiture because the State's Attorney's office has brought a legal action seeking forfeiture of your seized property. This complaint starts the court process where the State seeks to prove that your property should be forfeited and not returned to you. This process is also your opportunity to try to prove to a judge that you should get your property back. The complaint lists the date, time, and location of your first court date. You must appear in court on that day, or you may lose the case automatically. You must also file an appearance and answer. If you are unable to pay the appearance fee, you may qualify to have the fee waived. If there is a criminal case related to the seizure of your property, your case may be set for trial after the criminal case has been resolved. Before trial, the judge may allow discovery, where the State can ask you to respond in writing to questions and give them certain documents, and you can make similar requests of the State. The trial is your opportunity to explain what happened when your property was seized and why you should get the property back."~~

~~(2) The laws of evidence relating to civil actions shall apply to proceedings under this Article with the following exception. The parties shall be allowed to use, and the court shall receive and consider all relevant hearsay evidence which relates to evidentiary foundation, chain of custody, business records, recordings, laboratory analysis, laboratory reports, and relevant hearsay related to the use of technology in the investigation which resulted in the seizure of property which is now subject to this forfeiture action.~~

~~(3) Only an owner of or interest holder in the property may file an answer asserting a claim against the property in the action in rem. For purposes of this Section, the owner or interest holder shall be referred to as claimant. Upon motion of the State, the court shall first hold a hearing, wherein any claimant must establish by a preponderance of the evidence, that he or she has a lawful, legitimate ownership interest in the property and that it was obtained through a lawful source.~~

~~(4) The answer must be signed by the owner or interest holder under penalty of perjury and must set forth:~~

~~(A) the caption of the proceedings as set forth on the notice of pending forfeiture and the name of the claimant;~~

~~(B) the address at which the claimant will accept mail;~~

~~(C) the nature and extent of the claimant's interest in the property;~~

~~(D) the date, identity of transferor, and circumstances of the claimant's acquisition of the interest in the property;~~

~~(E) the name and address of all other persons known to have an interest in the property;~~

~~(F) all essential facts supporting each assertion;~~

~~(G) the precise relief sought; and~~

~~(H) the answer shall follow the rules under the Code of Civil Procedure.~~

~~(5) The answer must be filed with the court within 45 days after service of the civil in rem complaint.~~

~~(6) The hearing must be held within 60 days after filing of the answer unless continued for good cause.~~

(7) At the judicial in rem proceeding, in the State's case in chief, the State shall show by a preponderance of the evidence that the property is subject to forfeiture. If the State makes such a showing, the claimant shall have the burden of production to set forth evidence that the property is not related to the alleged factual basis of the forfeiture. After this production of evidence, the State shall maintain the burden of proof to overcome this assertion. A claimant shall provide the State notice of its intent to allege that the currency or its equivalent is not related to the alleged factual basis of the forfeiture and why. As to conveyances, at the judicial in rem proceeding, in their case in chief, the State shall show by a preponderance of the evidence, that (1) the property is subject to forfeiture; and (2) at least one of the following:

(i) that the claimant was legally accountable for the conduct giving rise to the forfeiture;

(ii) that the claimant knew or reasonably should have known of the conduct giving rise to the forfeiture;

(iii) that the claimant knew or reasonable should have known that the conduct giving rise to the forfeiture was likely to occur;

(iv) that the claimant held the property for the benefit of, or as nominee for, any person whose conduct gave rise to its forfeiture;

(v) that if the claimant acquired their interest through any person engaging in any of the conduct described above or conduct giving rise to the forfeiture;

(1) the claimant did not acquire it as a bona fide purchaser for value; or

(2) the claimant acquired the interest under the circumstances that they reasonably should have known the property was derived from, or used in, the conduct giving rise to the forfeiture; or

(vii) that the claimant is not the true owner of the property that is subject to forfeiture.

(8) If the State does not meet its burden to show that the property is subject to forfeiture, the court shall order the interest in the property returned or conveyed to the claimant and shall order all other property forfeited to the State. If the State does meet its burden to show that the property is subject to forfeiture, the court shall order all property forfeited to the State.

(9) A defendant convicted in any criminal proceeding is precluded from later denying the essential allegations of the criminal offense of which the defendant was convicted in any proceeding under this Article regardless of the pendency of an appeal from that conviction. However, evidence of the pendency of an appeal is admissible.

(10) On a motion by the the parties, the court may stay civil forfeiture proceedings during the criminal trial for a related criminal indictment or information alleging a money laundering violation. Such a stay shall not be available pending an appeal. Property subject to forfeiture under this Article shall not be subject to return or release by a court exercising jurisdiction over a criminal case involving the seizure of such property unless such return or release is consented to by the State's Attorney.

Notwithstanding any other provision of this Section, the State's burden of proof at the trial of the forfeiture action shall be by clear and convincing evidence if: (1) a finding of not guilty is entered as to all counts and all defendants in a criminal proceeding relating to the conduct giving rise to the forfeiture action; or (2) the State receives an adverse finding at a preliminary hearing and fails to secure an indictment in a criminal proceeding relating to the factual allegations of the forfeiture action.

(11) All property declared forfeited under this Article vests in this State on the commission of the conduct giving rise to forfeiture together with the proceeds of the property after that time. Except as otherwise provided in this Article, title to any such property or proceeds subsequently transferred to any person remain subject to forfeiture and thereafter shall be ordered forfeited unless the person to whom the property was transferred makes an appropriate claim and has his or her claim adjudicated at the judicial in rem hearing.

(12) A civil action under this Article must be commenced within 5 years after the last conduct giving rise to forfeiture became known or should have become known or 5 years after the forfeitable property is discovered, whichever is later, excluding any time during which either the property or claimant is out of the State or in confinement or during which criminal proceedings relating to the same conduct are in progress.

(m) Stay of time periods. If property is seized for evidence and for forfeiture, the time periods for instituting judicial and non-judicial forfeiture proceedings shall not begin until the property is no longer necessary for evidence.

(n) Settlement of claims. Notwithstanding other provisions of this Article, the State's Attorney and a claimant of seized property may enter into an agreed-upon settlement concerning the seized property in such an amount and upon such terms as are set out in writing in a settlement agreement. All proceeds from a settlement agreement shall be tendered to the Department of State Police and distributed under paragraph (6) of subsection (h) of this Section.

~~(o) Property constituting attorney fees. Nothing in this Article applies to property which constitutes reasonable bona fide attorney's fees paid to an attorney for services rendered or to be rendered in the forfeiture proceeding or criminal proceeding relating directly thereto where such property was paid before its seizure, before the issuance of any seizure warrant or court order prohibiting transfer of the property and where the attorney, at the time he or she received the property did not know that it was property subject to forfeiture under this Article.~~

~~(p) Construction. It is the intent of the General Assembly that the forfeiture provisions of this Article be liberally construed so as to effect their remedial purpose. The forfeiture of property and other remedies hereunder shall be considered to be in addition to, and not exclusive of, any sentence or other remedy provided by law.~~

~~(q) Judicial review. If property has been declared forfeited under subsection (k) of this Section, any person who has an interest in the property declared forfeited may, within 30 days after the effective date of the notice of the declaration of forfeiture, file a claim as described in paragraph (3) of subsection (k) of this Section. If a claim is filed under this Section, then the procedures described in subsection (l) of this Section apply.~~

~~(r) (Blank).~~

~~(s) Review of administrative decisions. All administrative findings, rulings, final determinations, findings, and conclusions of the State's Attorney's Office under this Article are final and conclusive decisions of the matters involved. Any person aggrieved by the decision may obtain review of the decision pursuant to the provisions of the Administrative Review Law and the rules adopted pursuant to that Law. Pending final decision on such review, the administrative acts, orders, and rulings of the State's Attorney's Office remain in full force and effect unless modified or suspended by order of court pending final judicial decision. Pending final decision on such review, the acts, orders, and rulings of the State's Attorney's Office remain in full force and effect, unless stayed by order of court. However, no stay of any decision of the administrative agency shall issue unless the person aggrieved by the decision establishes by a preponderance of the evidence that good cause exists for the stay. In determining good cause, the court shall find that the aggrieved party has established a substantial likelihood of prevailing on the merits and that granting the stay will not have an injurious effect on the general public.~~

~~(t) Actual physical seizure of real property subject to forfeiture under this Act requires the issuance of a seizure warrant. Nothing in this Section prohibits the constructive seizure of real property through the filing of a complaint for forfeiture in circuit court and the recording of a lis pendens against the real property which is subject to forfeiture without any hearing, warrant application, or judicial approval.~~

~~(u) Property which is forfeited shall be subject to an 8th amendment to the United States Constitution disproportionate penalties analysis and the property forfeiture may be denied in whole or in part if the court finds that the forfeiture would constitute an excessive fine in violation of the 8th amendment as interpreted by case law.~~

~~(v) If property is ordered forfeited under this Section from a claimant who held title to the property in joint tenancy or tenancy in common with another claimant, the court shall determine the amount of each owner's interest in the property according to principles of property law.~~

~~(w) A claimant or a party interested in personal property contained within a seized conveyance may file a request with the State's Attorney in a non-judicial forfeiture action, or a motion with the court in a judicial forfeiture action for the return of any personal property contained within a conveyance which is seized under this Article. The return of personal property shall not be unreasonably withheld if the personal property is not mechanically or electrically coupled to the conveyance, needed for evidentiary purposes, or otherwise contraband. Any law enforcement agency that returns property under a court order under this Section shall not be liable to any person who claims ownership to the property if it is returned to an improper party.~~

~~(x) Innocent owner hearing.~~

~~(1) After a complaint for forfeiture has been filed and all claimants have appeared and answered, a claimant may file a motion with the court for an innocent owner hearing prior to trial. This motion shall be made and supported by sworn affidavit and shall assert the following along with specific facts which support each assertion:~~

~~(i) that the claimant filing the motion is the true owner of the conveyance as interpreted by case law;~~

~~(ii) that the claimant was not legally accountable for the conduct giving rise to the forfeiture or acquiesced in the conduct;~~

~~(iii) that the claimant did not solicit, conspire, or attempt to commit the conduct giving rise to the forfeiture;~~

~~(iv) that the claimant did not know or did not have reason to know that the conduct giving rise to the forfeiture was likely to occur; and~~

~~(v) that the claimant did not hold the property for the benefit of, or as nominee for any person whose conduct gave rise to its forfeiture or if the owner or interest holder acquired the interest through any person, the owner or interest holder did not acquire it as a bona fide purchaser for value or acquired the interest without knowledge of the seizure of the property for forfeiture.~~

~~(2) The claimant shall include specific facts which support these assertions in their motion.~~

~~(3) Upon this filing, a hearing may only be conducted after the parties have been given the opportunity to conduct limited discovery as to the ownership and control of the property, the claimant's knowledge, or any matter relevant to the issues raised or facts alleged in the claimant's motion. Discovery shall be limited to the People's requests in these areas but may proceed by any means allowed in the Code of Civil Procedure.~~

~~(i) After discovery is complete and the court has allowed for sufficient time to review and investigate the discovery responses, the court shall conduct a hearing. At the hearing, the fact that the conveyance is subject to forfeiture shall not be at issue. The court shall only hear evidence relating to the issue of innocent ownership.~~

~~(ii) At the hearing on the motion, it shall be the burden of the claimant to prove each of the assertions listed in paragraph (1) of this subsection (x) by a preponderance of the evidence.~~

~~(iii) If a claimant meets his burden of proof, the court shall grant the motion and order the property returned to the claimant. If the claimant fails to meet his or her burden of proof then the court shall deny the motion.~~

~~(y) No property shall be forfeited under this Section from a person who, without actual or constructive notice that the property was the subject of forfeiture proceedings, obtained possession of the property as a bona fide purchaser for value. A person who purports to affect transfer of property after receiving actual or constructive notice that the property is subject to seizure or forfeiture is guilty of contempt of court, and shall be liable to the State for a penalty in the amount of the fair market value of the property.~~

~~(z) Forfeiture proceedings under this Section shall be subject to the Code of Civil Procedure and the rules of evidence relating to civil actions.~~

~~(aa) Return of property, damages, and costs.~~

~~(1) The law enforcement agency that holds custody of property seized for forfeiture shall deliver property ordered by the court to be returned or conveyed to the claimant within a reasonable time not to exceed 7 days, unless the order is stayed by the trial court or a reviewing court pending an appeal, motion to reconsider, or other reason.~~

~~(2) The law enforcement agency that holds custody of property is responsible for any damages, storage fees, and related costs applicable to property returned. The claimant shall not be subject to any charges by the State for storage of the property or expenses incurred in the preservation of the property. Charges for the towing of a conveyance shall be borne by the claimant unless the conveyance was towed for the sole reason of seizure for forfeiture. This Section does not prohibit the imposition of any fees or costs by a home rule unit of local government related to the impoundment of a conveyance under an ordinance enacted by the unit of government.~~

~~(3) A law enforcement agency shall not retain forfeited property for its own use or transfer the property to any person or entity, except as provided under this Section. A law enforcement agency may apply in writing to the Director of State Police to request that a forfeited property be awarded to the agency for a specifically articulated official law enforcement use in an investigation. The Director of State Police shall provide a written justification in each instance detailing the reasons why the forfeited property was placed into official use and the justification shall be retained for a period of not less than 3 years.~~

~~(bb) The changes made to this Section by this amendatory Act of the 100th General Assembly are subject to Sections 2 and 4 of the Statute on Statutes.~~

(Source: P.A. 99-480, eff. 9-9-15; 100-512, eff. 7-1-18.)

(720 ILCS 5/29B-2 new)

Sec. 29B-2. Evidence in money laundering prosecutions.

In a prosecution under this Article, either party may introduce the following evidence pertaining to the issue of whether the property or proceeds were known to be some form of criminally derived property or from some form of unlawful activity:

(1) a financial transaction was conducted or structured or attempted in violation of the reporting requirements of any State or federal law;

(2) a financial transaction was conducted or attempted with the use of a false or fictitious name or a forged instrument;

(3) a falsely altered or completed written instrument or a written instrument that contains any materially false personal identifying information was made, used, offered or presented, whether accepted or not, in connection with a financial transaction;

(4) a financial transaction was structured or attempted to be structured so as to falsely report the actual consideration or value of the transaction;

(5) a money transmitter, a person engaged in a trade or business, or any employee of a money transmitter or a person engaged in a trade or business, knows or reasonably should know that false personal identifying information has been presented and incorporates the false personal identifying information into any report or record;

(6) the criminally derived property is transported or possessed in a fashion inconsistent with the ordinary or usual means of transportation or possession of the property and where the property is discovered in the absence of any documentation or other indicia of legitimate origin or right to the property;

(7) a person pays or receives substantially less than face value for one or more monetary instruments; or

(8) a person engages in a transaction involving one or more monetary instruments, where the physical condition or form of the monetary instrument or instruments makes it apparent that they are not the product of bona fide business or financial transactions.

(720 ILCS 5/29B-3 new)

Sec. 29B-3. Duty to enforce this Article.

(a) It is the duty of the Department of State Police, and its agents, officers, and investigators, to enforce this Article, except those provisions otherwise specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, or of any state, relating to money laundering. Only an agent, officer, or investigator designated by the Director may be authorized in accordance with this Section to serve seizure notices, warrants, subpoenas, and summonses under the authority of this State.

(b) An agent, officer, investigator, or peace officer designated by the Director may: (1) make seizure of property under this Article; and (2) perform other law enforcement duties as the Director designates. It is the duty of all State's Attorneys to prosecute violations of this Article and institute legal proceedings as authorized under this Article.

(720 ILCS 5/29B-4 new)

Sec. 29B-4. Protective orders and warrants for forfeiture purposes.

(a) Upon application of the State, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in Section 29B-5 of this Article for forfeiture under this Article:

(1) upon the filing of an indictment, information, or complaint charging a violation of this Article for which forfeiture may be ordered under this Article and alleging that the property with respect to which the order is sought would be subject to forfeiture under this Article; or

(2) prior to the filing of the indictment, information, or complaint, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that:

(A) there is probable cause to believe that the State will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

(B) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered.

Provided, however, that an order entered under paragraph (2) of this Section shall be effective for not more than 90 days, unless extended by the court for good cause shown or unless an indictment, information, complaint, or administrative notice has been filed.

(b) A temporary restraining order under this subsection (b) may be entered upon application of the State without notice or opportunity for a hearing when an indictment, information, complaint, or administrative notice has not yet been filed with respect to the property, if the State demonstrates that there is probable cause to believe that the property with respect to which the order is sought would be subject to forfeiture under this Article and that provision of notice will jeopardize the availability of the property for forfeiture. The temporary order shall expire not more than 30 days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this subsection (b) shall be held at the earliest possible time and prior to the expiration of the temporary order.

(c) The court may receive and consider, at a hearing held under this Section, evidence and information that would be inadmissible under the Illinois rules of evidence.

(d) Under its authority to enter a pretrial restraining order under this Section, the court may order a defendant to repatriate any property that may be seized and forfeited and to deposit that property pending

trial with the Department of State Police or another law enforcement agency designated by the Department of State Police. Failure to comply with an order under this Section is punishable as a civil or criminal contempt of court.

(e) The State may request the issuance of a warrant authorizing the seizure of property described in Section 29B-5 of this Article in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would be subject to forfeiture, the court shall issue a warrant authorizing the seizure of that property.

(720 ILCS 5/29B-5 new)

Sec. 29B-5. Property subject to forfeiture. The following are subject to forfeiture:

(1) any property, real or personal, constituting, derived from, or traceable to any proceeds the person obtained directly or indirectly, as a result of a violation of this Article;

(2) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this Article;

(3) all conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraphs (1) and (2) of this Section, but:

(A) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this Article;

(B) no conveyance is subject to forfeiture under this Article by reason of any act or omission which the owner proves to have been committed or omitted without his or her knowledge or consent;

(C) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he or she neither had knowledge of nor consented to the act or omission;

(4) all real property, including any right, title, and interest, including, but not limited to, any leasehold interest or the beneficial interest in a land trust, in the whole of any lot or tract of land and any appurtenances or improvements, which is used or intended to be used, in any manner or part, to commit, or in any manner to facilitate the commission of, any violation of this Article or that is the proceeds of any violation or act that constitutes a violation of this Article.

(720 ILCS 5/29B-6 new)

Sec. 29B-6. Seizure.

(a) Property subject to forfeiture under this Article may be seized by the Director or any peace officer upon process or seizure warrant issued by any court having jurisdiction over the property. Seizure by the Director or any peace officer without process may be made:

(1) if the seizure is incident to a seizure warrant;

(2) if the property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal proceeding, or in an injunction or forfeiture proceeding based upon this Article;

(3) if there is probable cause to believe that the property is directly or indirectly dangerous to health or safety;

(4) if there is probable cause to believe that the property is subject to forfeiture under this Article and the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable; or

(5) in accordance with the Code of Criminal Procedure of 1963.

(b) In the event of seizure under subsection (a) of this Section, forfeiture proceedings shall be instituted in accordance with this Article.

(c) Actual physical seizure of real property subject to forfeiture requires the issuance of a seizure warrant. Nothing in this Article prohibits the constructive seizure of real property through the filing of a complaint for forfeiture in circuit court and the recording of a lis pendens against the real property that is subject to forfeiture without any hearing, warrant application, or judicial approval.

(720 ILCS 5/29B-7 new)

Sec. 29B-7. Safekeeping of seized property pending disposition.

(a) If property is seized under this Article, the seizing agency shall promptly conduct an inventory of the seized property and estimate the property's value and shall forward a copy of the inventory of seized property and the estimate of the property's value to the Director. Upon receiving notice of seizure, the Director may:

(1) place the property under seal;

(2) remove the property to a place designated by the Director;

(3) keep the property in the possession of the seizing agency;

(4) remove the property to a storage area for safekeeping or, if the property is a negotiable instrument or money and is not needed for evidentiary purposes, deposit it in an interest bearing account;

(5) place the property under constructive seizure by posting notice of pending forfeiture on it, by giving notice of pending forfeiture to its owners and interest holders, or by filing notice of pending forfeiture in any appropriate public record relating to the property; or

(6) provide for another agency or custodian, including an owner, secured party, or lienholder, to take custody of the property upon the terms and conditions set by the Director.

(b) When property is forfeited under this Article, the Director shall sell all the property unless the property is required by law to be destroyed or is harmful to the public, and shall distribute the proceeds of the sale, together with any moneys forfeited or seized, under Section 29B-26 of this Article.

(720 ILCS 5/29B-8 new)

Sec. 29B-8. Notice to State's Attorney. The law enforcement agency seizing property for forfeiture under this Article shall, within 60 days after seizure, notify the State's Attorney for the county, either where an act or omission giving rise to the forfeiture occurred or where the property was seized, of the seizure of the property and the facts and circumstances giving rise to the seizure and shall provide the State's Attorney with the inventory of the property and its estimated value. If the property seized for forfeiture is a vehicle, the law enforcement agency seizing the property shall immediately notify the Secretary of State that forfeiture proceedings are pending regarding the vehicle. This notice shall be by Form 4-64.

(720 ILCS 5/29B-9 new)

Sec. 29B-9. Preliminary review.

(a) Within 28 days of the seizure, the State shall seek a preliminary determination from the circuit court as to whether there is probable cause that the property may be subject to forfeiture.

(b) The rules of evidence shall not apply to any proceeding conducted under this Section.

(c) The court may conduct the review under subsection (a) of this Section simultaneously with a proceeding under Section 109-1 of the Code of Criminal Procedure of 1963 for a related criminal offense if a prosecution is commenced by information or complaint.

(d) The court may accept a finding of probable cause at a preliminary hearing following the filing of an information or complaint charging a related criminal offense or following the return of indictment by a grand jury charging the related offense as sufficient evidence of probable cause as required under subsection (a) of this Section.

(e) Upon a finding of probable cause as required under this Section, the circuit court shall order the property subject to the applicable forfeiture Act held until the conclusion of any forfeiture proceeding.

(720 ILCS 5/29B-10 new)

Sec. 29B-10. Notice to owner or interest holder.

(a) The first attempted service of notice shall be commenced within 28 days of the latter of filing of the verified claim or the receipt of the notice from the seizing agency by Form 4-64. A complaint for forfeiture or a notice of pending forfeiture shall be served on a claimant if the owner's or interest holder's name and current address are known, then by either: (1) personal service; or (2) mailing a copy of the notice by certified mail, return receipt requested, and first class mail to that address.

(b) If no signed return receipt is received by the State's Attorney within 28 days of mailing or no communication from the owner or interest holder is received by the State's Attorney documenting actual notice by the parties, the State's Attorney shall, within a reasonable period of time, mail a second copy of the notice by certified mail, return receipt requested, and first class mail to that address. If no signed return receipt is received by the State's Attorney within 28 days of the second mailing, or no communication from the owner or interest holder is received by the State's Attorney documenting actual notice by the parties, the State's Attorney shall have 60 days to attempt to serve the notice by personal service, including substitute service by leaving a copy at the usual place of abode with some person of the family or a person residing there, of the age of 13 years or upwards. If, after 3 attempts at service in this manner, no service of the notice is accomplished, the notice shall be posted in a conspicuous manner at the address and service shall be made by the posting. The attempts at service and the posting if required, shall be documented by the person attempting service which shall be made part of a return of service returned to the State's Attorney. The State's Attorney may utilize any Sheriff or Deputy Sheriff, a peace officer, a private process server or investigator, or an employee, agent, or investigator of the State's Attorney's Office to attempt service without seeking leave of court.

(c) After the procedures listed are followed, service shall be effective on the owner or interest holder on the date of receipt by the State's Attorney of a return receipt, or on the date of receipt of a communication from an owner or interest holder documenting actual notice, whichever is first in time, or on the date of the last act performed by the State's Attorney in attempting personal service. For purposes of notice under this Section, if a person has been arrested for the conduct giving rise to the forfeiture, the address provided to the arresting agency at the time of arrest shall be deemed to be that person's known address. Provided, however, if an owner or interest holder's address changes prior to the effective date of the notice of pending

forfeiture, the owner or interest holder shall promptly notify the seizing agency of the change in address or, if the owner or interest holder's address changes subsequent to the effective date of the notice of pending forfeiture, the owner or interest holder shall promptly notify the State's Attorney of the change in address. If the property seized is a conveyance, notice shall also be directed to the address reflected in the office of the agency or official in which title to or interest in the conveyance is required by law to be recorded.

(d) If the owner's or interest holder's address is not known, and is not on record as provided in this Section, service by publication for 3 successive weeks in a newspaper of general circulation in the county in which the seizure occurred shall suffice for service requirements.

(e) Notice to any business entity, corporation, limited liability company, limited liability partnership, or partnership shall be completed by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail to that address. This notice is complete regardless of the return of a signed return receipt.

(f) Notice to a person whose address is not within the State shall be completed by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail to that address. This notice is complete regardless of the return of a signed return receipt.

(g) Notice to a person whose address is not within the United States shall be completed by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail to that address. This notice is complete regardless of the return of a signed return receipt. If certified mail is not available in the foreign country where the person has an address, notice shall proceed by publication requirements under subsection (d) of this Section.

(h) A person whom the State's Attorney reasonably should know is incarcerated within this State, shall also include, mailing a copy of the notice by certified mail, return receipt requested, and first class mail to the address of the detention facility with the inmate's name clearly marked on the envelope.

(i) After a claimant files a verified claim with the State's Attorney and provides an address at which the claimant will accept service, the complaint shall be served and notice shall be complete upon the mailing of the complaint to the claimant at the address the claimant provided via certified mail, return receipt requested, and first class mail. No return receipt need be received, or any other attempts at service need be made to comply with service and notice requirements under this Section. This certified mailing, return receipt requested, shall be proof of service of the complaint on the claimant. If notice is to be shown by actual notice from communication with a claimant, then the State's Attorney shall file an affidavit as proof of service, providing details of the communication, which shall be accepted as proof of service by the court.

(j) If the property seized is a conveyance, to the address reflected in the office of the agency or official in which title to or interest in the conveyance is required by law to be recorded, then by mailing a copy of the notice by certified mail, return receipt requested, to that address.

(k) Notice served under this Article is effective upon personal service, the last date of publication, or the mailing of written notice, whichever is earlier.

(720 ILCS 5/29B-11 new)

Sec. 29B-11. Replevin prohibited. Property taken or detained under this Article shall not be subject to replevin, but is deemed to be in the custody of the Director subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney under this Article.

(720 ILCS 5/29B-12 new)

Sec. 29B-12. Non-judicial forfeiture. If non-real property that exceeds $20,000 in value excluding the value of any conveyance, or if real property is seized under the provisions of this Article, the State's Attorney shall institute judicial in rem forfeiture proceedings as described in Section 29B-13 of this Article within 28 days from receipt of notice of seizure from the seizing agency under Section 29B-8 of this Article. However, if non-real property that does not exceed $20,000 in value excluding the value of any conveyance is seized, the following procedure shall be used:

(1) If, after review of the facts surrounding the seizure, the State's Attorney is of the opinion that the seized property is subject to forfeiture, then within 28 days after the receipt of notice of seizure from the seizing agency, the State's Attorney shall cause notice of pending forfeiture to be given to the owner of the property and all known interest holders of the property in accordance with Section 29B-10 of this Article.

(2) The notice of pending forfeiture shall include a description of the property, the estimated value of the property, the date and place of seizure, the conduct giving rise to forfeiture or the violation of law alleged, and a summary of procedures and procedural rights applicable to the forfeiture action.

(3)(A) Any person claiming an interest in property that is the subject of notice under paragraph (1) of this Section, must, in order to preserve any rights or claims to the property, within 45 days after the

effective date of notice as described in Section 29B-10 of this Article, file a verified claim with the State's Attorney expressing his or her interest in the property. The claim shall set forth:

(i) the caption of the proceedings as set forth on the notice of pending forfeiture and the name of the claimant;

(ii) the address at which the claimant will accept mail;

(iii) the nature and extent of the claimant's interest in the property;

(iv) the date, identity of the transferor, and circumstances of the claimant's acquisition of the interest in the property;

(v) the names and addresses of all other persons known to have an interest in the property;

(vi) the specific provision of law relied on in asserting the property is not subject to forfeiture;

(vii) all essential facts supporting each assertion; and

(viii) the relief sought.

(B) If a claimant files the claim, then the State's Attorney shall institute judicial in rem forfeiture proceedings with the clerk of the court as described in Section 29B-13 of this Article within 28 days after receipt of the claim.

(4) If no claim is filed within the 28-day period as described in paragraph (3) of this Section, the State's Attorney shall declare the property forfeited and shall promptly notify the owner and all known interest holders of the property and the Director of State Police of the declaration of forfeiture and the Director shall dispose of the property in accordance with law.

(720 ILCS 5/29B-13 new)

Sec. 29B-13. Judicial in rem procedures. If property seized under this Article is non-real property that exceeds $20,000 in value excluding the value of any conveyance, or is real property, or a claimant has filed a claim under paragraph (3) of Section 29B-12 of this Article, the following judicial in rem procedures shall apply:

(1) If, after a review of the facts surrounding the seizure, the State's Attorney is of the opinion that the seized property is subject to forfeiture, then within 28 days of the receipt of notice of seizure by the seizing agency or the filing of the claim, whichever is later, the State's Attorney shall institute judicial forfeiture proceedings by filing a verified complaint for forfeiture. If authorized by law, a forfeiture shall be ordered by a court on an action in rem brought by a State's Attorney under a verified complaint for forfeiture.

(2) A complaint of forfeiture shall include:

(A) a description of the property seized;

(B) the date and place of seizure of the property;

(C) the name and address of the law enforcement agency making the seizure; and

(D) the specific statutory and factual grounds for the seizure.

(3) The complaint shall be served upon the person from whom the property was seized and all persons known or reasonably believed by the State to claim an interest in the property, as provided in Section 29B-10 of this Article. The complaint shall be accompanied by the following written notice:

"This is a civil court proceeding subject to the Code of Civil Procedure. You received this Complaint of Forfeiture because the State's Attorney's office has brought a legal action seeking forfeiture of your seized property. This complaint starts the court process where the State seeks to prove that your property should be forfeited and not returned to you. This process is also your opportunity to try to prove to a judge that you should get your property back. The complaint lists the date, time, and location of your first court date. You must appear in court on that day, or you may lose the case automatically. You must also file an appearance and answer. If you are unable to pay the appearance fee, you may qualify to have the fee waived. If there is a criminal case related to the seizure of your property, your case may be set for trial after the criminal case has been resolved. Before trial, the judge may allow discovery, where the State can ask you to respond in writing to questions and give them certain documents, and you can make similar requests of the State. The trial is your opportunity to explain what happened when your property was seized and why you should get the property back."

(4) Forfeiture proceedings under this Article shall be subject to the Code of Civil Procedure and the rules of evidence relating to civil actions shall apply to proceedings under this Article with the following exception. The parties shall be allowed to use, and the court shall receive and consider, all relevant hearsay evidence that relates to evidentiary foundation, chain of custody, business records, recordings, laboratory analysis, laboratory reports, and relevant hearsay related to the use of technology in the investigation that resulted in the seizure of property that is subject to the forfeiture action.

(5) Only an owner of or interest holder in the property may file an answer asserting a claim against the property in the action in rem. For purposes of this Section, the owner or interest holder shall be referred to as claimant. Upon motion of the State, the court shall first hold a hearing, in which a claimant shall

establish by a preponderance of the evidence, that he or she has a lawful, legitimate ownership interest in the property and that it was obtained through a lawful source.

(6) The answer must be signed by the owner or interest holder under penalty of perjury and shall set forth:

(A) the caption of the proceedings as set forth on the notice of pending forfeiture and the name of the claimant;

(B) the address at which the claimant will accept mail;

(C) the nature and extent of the claimant's interest in the property;

(D) the date, identity of transferor, and circumstances of the claimant's acquisition of the interest in the property;

(E) the names and addresses of all other persons known to have an interest in the property;

(F) all essential facts supporting each assertion;

(G) the precise relief sought;

(H) in a forfeiture action involving currency or its equivalent, a claimant shall provide the State with notice of his or her intent to allege that the currency or its equivalent is not related to the alleged factual basis for the forfeiture, and why; and

(I) the answer shall follow the rules under the Code of Civil Procedure.

(7) The answer shall be filed with the court within 45 days after service of the civil in rem complaint.

(8) The hearing shall be held within 60 days after filing of the answer unless continued for good cause.

(9) At the judicial in rem proceeding, in the State's case in chief, the State shall show by a preponderance of the evidence that the property is subject to forfeiture. If the State makes such a showing, the claimant shall have the burden of production to set forth evidence that the property is not related to the alleged factual basis of the forfeiture. After this production of evidence, the State shall maintain the burden of proof to overcome this assertion. A claimant shall provide the State notice of its intent to allege that the currency or its equivalent is not related to the alleged factual basis of the forfeiture and why. As to conveyances, at the judicial in rem proceeding, in its case in chief, the State shall show by a preponderance of the evidence, that (A) the property is subject to forfeiture; and (B) at least one of the following:

(i) that the claimant was legally accountable for the conduct giving rise to the forfeiture;

(ii) that the claimant knew or reasonably should have known of the conduct giving rise to the forfeiture;

(iii) that the claimant knew or reasonably should have known that the conduct giving rise to the forfeiture was likely to occur;

(iv) that the claimant held the property for the benefit of, or as nominee for, any person whose conduct gave rise to its forfeiture;

(v) that if the claimant acquired the interest through any person engaging in any of the conduct described above or conduct giving rise to the forfeiture:

(a) the claimant did not acquire it as a bona fide purchaser for value; or

(b) the claimant acquired the interest under the circumstances that the claimant reasonably should have known the property was derived from, or used in, the conduct giving rise to the forfeiture; or

(vi) that the claimant is not the true owner of the property that is subject to forfeiture.

(10) If the State does not meet its burden to show that the property is subject to forfeiture, the court shall order the interest in the property returned or conveyed to the claimant and shall order all other property forfeited to the State. If the State does meet its burden to show that the property is subject to forfeiture, the court shall order all property forfeited to the State.

(11) A defendant convicted in any criminal proceeding is precluded from later denying the essential allegations of the criminal offense of which the defendant was convicted in any proceeding under this Article regardless of the pendency of an appeal from that conviction. However, evidence of the pendency of an appeal is admissible.

(12) On a motion by the parties, the court may stay civil forfeiture proceedings during the criminal trial for a related criminal indictment or information alleging a money laundering violation. Such a stay shall not be available pending an appeal. Property subject to forfeiture under this Article shall not be subject to return or release by a court exercising jurisdiction over a criminal case involving the seizure of the property unless the return or release is consented to by the State's Attorney.

(720 ILCS 5/29B-14 new)

Sec. 29B-14. Innocent owner hearing.

(a) After a complaint for forfeiture has been filed and all claimants have appeared and answered, a claimant may file a motion with the court for an innocent owner hearing prior to trial. This motion shall be made and supported by sworn affidavit and shall assert the following along with specific facts that support each assertion:

(1) that the claimant filing the motion is the true owner of the conveyance as interpreted by case law;

(2) that the claimant was not legally accountable for the conduct giving rise to the forfeiture or acquiesced in the conduct;

(3) that the claimant did not solicit, conspire, or attempt to commit the conduct giving rise to the forfeiture;

(4) that the claimant did not know or did not have reason to know that the conduct giving rise to the forfeiture was likely to occur; and

(5) that the claimant did not hold the property for the benefit of, or as nominee for any person whose conduct gave rise to its forfeiture or if the owner or interest holder acquired the interest through any person, the owner or interest holder did not acquire it as a bona fide purchaser for value or acquired the interest without knowledge of the seizure of the property for forfeiture.

(b) The claimant's motion shall include specific facts supporting these assertions.

(c) Upon this filing, a hearing may only be conducted after the parties have been given the opportunity to conduct limited discovery as to the ownership and control of the property, the claimant's knowledge, or any matter relevant to the issues raised or facts alleged in the claimant's motion. Discovery shall be limited to the People's requests in these areas but may proceed by any means allowed in the Code of Civil Procedure.

(1) After discovery is complete and the court has allowed for sufficient time to review and investigate the discovery responses, the court shall conduct a hearing. At the hearing, the fact that the conveyance is subject to forfeiture shall not be at issue. The court shall only hear evidence relating to the issue of innocent ownership.

(2) At the hearing on the motion, it shall be the burden of the claimant to prove each of the assertions listed in subsection (a) of this Section by a preponderance of the evidence.

(3) If a claimant meets his or her burden of proof, the court shall grant the motion and order the property returned to the claimant. If the claimant fails to meet his or her burden of proof, then the court shall deny the motion and the forfeiture case shall proceed according to the Code of Civil Procedure.

(720 ILCS 5/29B-15 new)

Sec. 29B-15. Burden and commencement of forfeiture action.

(a) Notwithstanding any other provision of this Article, the State's burden of proof at the trial of the forfeiture action shall be by clear and convincing evidence if:

(1) a finding of not guilty is entered as to all counts and all defendants in a criminal proceeding relating to the conduct giving rise to the forfeiture action; or

(2) the State receives an adverse finding at a preliminary hearing and fails to secure an indictment in a criminal proceeding relating to the factual allegations of the forfeiture action.

(b) All property declared forfeited under this Article vests in the State on the commission of the conduct giving rise to forfeiture together with the proceeds of the property after that time. Except as otherwise provided in this Article, title to any property or proceeds subject to forfeiture subsequently transferred to any person remain subject to forfeiture and thereafter shall be ordered forfeited unless the person to whom the property was transferred makes an appropriate claim and has his or her claim adjudicated at the judicial in rem hearing.

(c) A civil action under this Article shall be commenced within 5 years after the last conduct giving rise to forfeiture became known or should have become known or 5 years after the forfeitable property is discovered, whichever is later, excluding any time during which either the property or claimant is out of the State or in confinement or during which criminal proceedings relating to the same conduct are in progress.

(720 ILCS 5/29B-16 new)

Sec. 29B-16. Joint tenancy or tenancy in common. If property is ordered forfeited under this Section from a claimant who held title to the property in joint tenancy or tenancy in common with another claimant, the court shall determine the amount of each owner's interest in the property according to principles of property law.

(720 ILCS 5/29B-17 new)

Sec. 29B-17. Exception for bona fide purchasers. No property shall be forfeited under this Article from a person who, without actual or constructive notice that the property was the subject of forfeiture proceedings, obtained possession of the property as a bona fide purchaser for value. A person who purports to affect transfer of property after receiving actual or constructive notice that the property is subject to seizure or forfeiture is guilty of contempt of court, and shall be liable to the State for a penalty in the amount of the fair market value of the property.

(720 ILCS 5/29B-18 new)

Sec. 29B-18. Proportionality. Property that is forfeited shall be subject to an 8th Amendment to the United States Constitution disproportionate penalties analysis and the property forfeiture may be denied in whole or in part if the court finds that the forfeiture would constitute an excessive fine in violation of the 8th Amendment as interpreted by case law.

(720 ILCS 5/29B-19 new)

Sec. 29B-19. Stay of time periods. If property is seized for evidence and for forfeiture, the time periods for instituting judicial and non-judicial forfeiture proceedings shall not begin until the property is no longer necessary for evidence.

(720 ILCS 5/29B-20 new)

Sec. 29B-20. Settlement of claims. Notwithstanding other provisions of this Article, the State's Attorney and a claimant of seized property may enter into an agreed-upon settlement concerning the seized property in such an amount and upon such terms as are set out in writing in a settlement agreement. All proceeds from a settlement agreement shall be tendered to the Department of State Police and distributed under Section 29B-26 of this Article.

(720 ILCS 5/29B-21 new)

Sec. 29B-21. Attorney's fees. Nothing in this Article applies to property that constitutes reasonable bona fide attorney's fees paid to an attorney for services rendered or to be rendered in the forfeiture proceeding or criminal proceeding relating directly thereto if the property was paid before its seizure, before the issuance of any seizure warrant or court order prohibiting transfer of the property and if the attorney, at the time he or she received the property did not know that it was property subject to forfeiture under this Article.

(720 ILCS 5/29B-22 new)

Sec. 29B-22. Construction.

(a) It is the intent of the General Assembly that the forfeiture provisions of this Article be liberally construed so as to effect their remedial purpose. The forfeiture of property and other remedies under this Article shall be considered to be in addition to, and not exclusive of, any sentence or other remedy provided by law.

(b) The changes made to this Article by Public Act 100-0512 and this amendatory Act of the 100th General Assembly are subject to Section 2 of the Statute on Statutes.

(720 ILCS 5/29B-23 new)

Sec. 29B-23. Judicial review. If property has been declared forfeited under Section 29B-12 of this Article, any person who has an interest in the property declared forfeited may, within 30 days after the effective date of the notice of the declaration of forfeiture, file a claim as described in paragraph (3) of Section 29B-12 of this Article. If a claim is filed under this Section, then the procedures described in Section of 29B-13 of this Article apply.

(720 ILCS 5/29B-24 new)

Sec. 29B-24. Review of administrative decisions. All administrative findings, rulings, final determinations, findings, and conclusions of the State's Attorney's Office under this Article are final and conclusive decisions of the matters involved. Any person aggrieved by the decision may obtain review of the decision under the provisions of the Administrative Review Law and the rules adopted under that Law. Pending final decision on such review, the administrative acts, orders, and rulings of the State's Attorney's Office remain in full force and effect unless modified or suspended by order of court pending final judicial decision. Pending final decision on such review, the acts, orders, and rulings of the State's Attorney's Office remain in full force and effect, unless stayed by order of court. However, no stay of any decision of the administrative agency shall issue unless the person aggrieved by the decision establishes by a preponderance of the evidence that good cause exists for the stay. In determining good cause, the court shall find that the aggrieved party has established a substantial likelihood of prevailing on the merits and that granting the stay will not have an injurious effect on the general public.

(720 ILCS 5/29B-25 new)

Sec. 29B-25. Return of property, damages, and costs.

(a) The law enforcement agency that holds custody of property seized for forfeiture shall deliver property ordered by the court to be returned or conveyed to the claimant within a reasonable time not to exceed 7 days, unless the order is stayed by the trial court or a reviewing court pending an appeal, motion to reconsider, or other reason.

(b) The law enforcement agency that holds custody of property is responsible for any damages, storage fees, and related costs applicable to property returned. The claimant shall not be subject to any charges by the State for storage of the property or expenses incurred in the preservation of the property. Charges for the towing of a conveyance shall be borne by the claimant unless the conveyance was towed for the sole reason of seizure for forfeiture. This Section does not prohibit the imposition of any fees or costs by a

home rule unit of local government related to the impoundment of a conveyance under an ordinance enacted by the unit of government.

(c) A law enforcement agency shall not retain forfeited property for its own use or transfer the property to any person or entity, except as provided under this Section. A law enforcement agency may apply in writing to the Director of State Police to request that forfeited property be awarded to the agency for a specifically articulated official law enforcement use in an investigation. The Director shall provide a written justification in each instance detailing the reasons why the forfeited property was placed into official use and the justification shall be retained for a period of not less than 3 years.

(d) A claimant or a party interested in personal property contained within a seized conveyance may file a request with the State's Attorney in a non-judicial forfeiture action, or a motion with the court in a judicial forfeiture action for the return of any personal property contained within a conveyance that is seized under this Article. The return of personal property shall not be unreasonably withheld if the personal property is not mechanically or electrically coupled to the conveyance, needed for evidentiary purposes, or otherwise contraband. Any law enforcement agency that returns property under a court order under this Section shall not be liable to any person who claims ownership to the property if it is returned to an improper party.

(720 ILCS 5/29B-26 new)

Sec. 29B-26. Distribution of proceeds.

All monies and the sale proceeds of all other property forfeited and seized under this Article shall be distributed as follows:

(1) 65% shall be distributed to the metropolitan enforcement group, local, municipal, county, or State law enforcement agency or agencies that conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based. Amounts distributed to the agency or agencies shall be used for the enforcement of laws.

(2)(i) 12.5% shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in the enforcement of laws. In counties over 3,000,000 population, 25% shall be distributed to the Office of the State's Attorney for use in the enforcement of laws. If the prosecution is undertaken solely by the Attorney General, the portion provided under this subparagraph (i) shall be distributed to the Attorney General for use in the enforcement of laws.

(ii) 12.5% shall be distributed to the Office of the State's Attorneys Appellate Prosecutor and deposited in the Narcotics Profit Forfeiture Fund of that office to be used for additional expenses incurred in the investigation, prosecution, and appeal of cases arising under laws. The Office of the State's Attorneys Appellate Prosecutor shall not receive distribution from cases brought in counties with over 3,000,000 population.

(3) 10% shall be retained by the Department of State Police for expenses related to the administration and sale of seized and forfeited property.

Moneys and the sale proceeds distributed to the Department of State Police under this Article shall be deposited in the Money Laundering Asset Recovery Fund created in the State treasury and shall be used by the Department of State Police for State law enforcement purposes. All moneys and sale proceeds of property forfeited and seized under this Article and distributed according to this Section may also be used to purchase opioid antagonists as defined in Section 5-23 of the Alcoholism and Other Drug Abuse and Dependency Act.

(720 ILCS 5/29B-27 new)

Sec. 29B-27. Applicability; savings clause.

(a) The changes made to this Article by Public Act 100-0512 and this amendatory Act of the 100th General Assembly only apply to property seized on and after July 1, 2018.

(b) The changes made to this Article by this amendatory Act of the 100th General Assembly are subject to Section 4 of the Statute on Statutes.

(720 ILCS 5/33G-6)

(Text of Section before amendment by P.A. 100-512)

(Section scheduled to be repealed on June 11, 2022)

Sec. 33G-6. Remedial proceedings, procedures, and forfeiture. Under this Article:

(a) The circuit court shall have jurisdiction to prevent and restrain violations of this Article by issuing appropriate orders, including:

(1) ordering any person to disgorge illicit proceeds obtained by a violation of this

Article or divest himself or herself of any interest, direct or indirect, in any enterprise or real or personal property of any character, including money, obtained, directly or indirectly, by a violation of this Article;

(2) imposing reasonable restrictions on the future activities or investments of any person or enterprise, including prohibiting any person or enterprise from engaging in the same type of endeavor as the person or enterprise engaged in, that violated this Article; or

(3) ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

(b) Any violation of this Article is subject to the remedies, procedures, and forfeiture as set forth in subsections (f) through (s) of Section 29B-1 of this Code.

(Source: P.A. 97-686, eff. 6-11-12.)

(Text of Section after amendment by P.A. 100-512)

(Section scheduled to be repealed on June 11, 2022)

Sec. 33G-6. Remedial proceedings, procedures, and forfeiture. Under this Article:

(a) The circuit court shall have jurisdiction to prevent and restrain violations of this Article by issuing appropriate orders, including:

(1) ordering any person to disgorge illicit proceeds obtained by a violation of this Article or divest himself or herself of any interest, direct or indirect, in any enterprise or real or personal property of any character, including money, obtained, directly or indirectly, by a violation of this Article;

(2) imposing reasonable restrictions on the future activities or investments of any person or enterprise, including prohibiting any person or enterprise from engaging in the same type of endeavor as the person or enterprise engaged in, that violated this Article; or

(3) ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

(b) Any violation of this Article is subject to the remedies, procedures, and forfeiture as set forth in Article 29B ~~subsections (f) through (s) of Section 29B-1~~ of this Code.

(c) Property seized or forfeited under this Article is subject to reporting under the Seizure and Forfeiture Reporting Act.

(Source: P.A. 100-512, eff. 7-1-18.)

(720 ILCS 5/36-1.1)

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

Sec. 36-1.1. Seizure.

(a) Any property subject to forfeiture under this Article may be seized and impounded by the Director of State Police or any peace officer upon process or seizure warrant issued by any court having jurisdiction over the property.

(b) Any property subject to forfeiture under this Article may be seized and impounded by the Director of State Police or any peace officer without process if there is probable cause to believe that the property is subject to forfeiture under Section 36-1 of this Article and the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable.

(c) If the seized property is a conveyance, an investigation shall be made by the law enforcement agency as to any person whose right, title, interest, or lien is of record in the office of the agency or official in which title to or interest in ~~to~~ the conveyance is required by law to be recorded.

(d) After seizure under this Section, notice shall be given to all known interest holders that forfeiture proceedings, including a preliminary review, may be instituted and the proceedings may be instituted under this Article.

(Source: P.A. 100-512, eff. 7-1-18.)

(720 ILCS 5/36-1.3)

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

Sec. 36-1.3. Safekeeping of seized property pending disposition.

(a) Property seized under this Article is deemed to be in the custody of the Director of State Police, subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney under this Article.

(b) If property is seized under this Article, the seizing agency shall promptly conduct an inventory of the seized property and estimate the property's value, and shall forward a copy of the inventory of seized property and the estimate of the property's value to the Director of State Police. Upon receiving notice of seizure, the Director of State Police may:

(1) place the property under seal;

(2) remove the property to a place designated by the Director of State Police;

(3) keep the property in the possession of the seizing agency;

(4) remove the property to a storage area for safekeeping; ~~or~~

(5) place the property under constructive seizure by posting notice of pending forfeiture on it, by giving notice of pending forfeiture to its owners and interest holders, or by filing notice of pending forfeiture in any appropriate public record relating to the property; or

(6) provide for another agency or custodian, including an owner, secured party, or lienholder, to take custody of the property upon the terms and conditions set by the seizing agency.

(c) The seizing agency shall exercise ordinary care to protect the subject of the forfeiture from negligent loss, damage, or destruction.

(d) Property seized or forfeited under this Article is subject to reporting under the Seizure and Forfeiture Reporting Act.

(Source: P.A. 100-512, eff. 7-1-18.)

(720 ILCS 5/36-1.4)

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

Sec. 36-1.4. Notice to State's Attorney. The law enforcement agency seizing property for forfeiture under this Article shall, as soon as practicable but not later than 28 days after the seizure, notify the State's Attorney for the county in which an act or omission giving rise to the seizure occurred or in which the property was seized and the facts and circumstances giving rise to the seizure, and shall provide the State's Attorney with the inventory of the property and its estimated value. The notice shall be by the delivery of Illinois State Police Notice/Inventory of Seized Property (Form 4-64) ~~the form 4-64~~. If the property seized for forfeiture is a vehicle, the law enforcement agency seizing the property shall immediately notify the Secretary of State that forfeiture proceedings are pending regarding the vehicle.

(Source: P.A. 100-512, eff. 7-1-18.)

(720 ILCS 5/36-1.5)

(Text of Section before amendment by P.A. 100-512)

Sec. 36-1.5. Preliminary review.

(a) Within 14 days of the seizure, the State's Attorney in the county in which the seizure occurred shall seek a preliminary determination from the circuit court as to whether there is probable cause that the property may be subject to forfeiture.

(b) The rules of evidence shall not apply to any proceeding conducted under this Section.

(c) The court may conduct the review under subsection (a) simultaneously with a proceeding pursuant to Section 109-1 of the Code of Criminal Procedure of 1963 for a related criminal offense if a prosecution is commenced by information or complaint.

(d) The court may accept a finding of probable cause at a preliminary hearing following the filing of an information or complaint charging a related criminal offense or following the return of indictment by a grand jury charging the related offense as sufficient evidence of probable cause as required under subsection (a).

(e) Upon making a finding of probable cause as required under this Section, the circuit court shall order the property subject to the provisions of the applicable forfeiture Act held until the conclusion of any forfeiture proceeding.

For seizures of conveyances, within 7 days of a finding of probable cause under subsection (a), the registered owner or other claimant may file a motion in writing supported by sworn affidavits claiming that denial of the use of the conveyance during the pendency of the forfeiture proceedings creates a substantial hardship. The court shall consider the following factors in determining whether a substantial hardship has been proven:

(1) the nature of the claimed hardship;

(2) the availability of public transportation or other available means of transportation; and

(3) any available alternatives to alleviate the hardship other than the return of the seized conveyance.

If the court determines that a substantial hardship has been proven, the court shall then balance the nature of the hardship against the State's interest in safeguarding the conveyance. If the court determines that the hardship outweighs the State's interest in safeguarding the conveyance, the court may temporarily release the conveyance to the registered owner or the registered owner's authorized designee, or both, until the conclusion of the forfeiture proceedings or for such shorter period as ordered by the court provided that the person to whom the conveyance is released provides proof of insurance and a valid driver's license and all State and local registrations for operation of the conveyance are current. The court shall place conditions on the conveyance limiting its use to the stated hardship and restricting the conveyance's use to

only those individuals authorized to use the conveyance by the registered owner. The court shall revoke the order releasing the conveyance and order that the conveyance be reseized by law enforcement if the conditions of release are violated or if the conveyance is used in the commission of any offense identified in subsection (a) of Section 6-205 of the Illinois Vehicle Code.

If the court orders the release of the conveyance during the pendency of the forfeiture proceedings, the registered owner or his or her authorized designee shall post a cash security with the Clerk of the Court as ordered by the court. The court shall consider the following factors in determining the amount of the cash security:

(A) the full market value of the conveyance;

(B) the nature of the hardship;

(C) the extent and length of the usage of the conveyance; and

(D) such other conditions as the court deems necessary to safeguard the conveyance.

If the conveyance is released, the court shall order that the registered owner or his or her designee safeguard the conveyance, not remove the conveyance from the jurisdiction, not conceal, destroy, or otherwise dispose of the conveyance, not encumber the conveyance, and not diminish the value of the conveyance in any way. The court shall also make a determination of the full market value of the conveyance prior to it being released based on a source or sources defined in 50 Ill. Adm. Code 919.80(c)(2)(A) or 919.80(c)(2)(B).

If the conveyance subject to forfeiture is released under this Section and is subsequently forfeited, the person to whom the conveyance was released shall return the conveyance to the law enforcement agency that seized the conveyance within 7 days from the date of the declaration of forfeiture or order of forfeiture. If the conveyance is not returned within 7 days, the cash security shall be forfeited in the same manner as the conveyance subject to forfeiture. If the cash security was less than the full market value, a judgment shall be entered against the parties to whom the conveyance was released and the registered owner, jointly and severally, for the difference between the full market value and the amount of the cash security. If the conveyance is returned in a condition other than the condition in which it was released, the cash security shall be returned to the surety who posted the security minus the amount of the diminished value, and that amount shall be forfeited in the same manner as the conveyance subject to forfeiture. Additionally, the court may enter an order allowing any law enforcement agency in the State of Illinois to seize the conveyance wherever it may be found in the State to satisfy the judgment if the cash security was less than the full market value of the conveyance.

(Source: P.A. 97-544, eff. 1-1-12; 97-680, eff. 3-16-12; 98-1020, eff. 8-22-14.)

(Text of Section after amendment by P.A. 100-512)

Sec. 36-1.5. Preliminary review.

(a) Within 14 days of the seizure, the State's Attorney of ~~in~~ the county in which the seizure occurred shall seek a preliminary determination from the circuit court as to whether there is probable cause that the property may be subject to forfeiture.

(b) The rules of evidence shall not apply to any proceeding conducted under this Section.

(c) The court may conduct the review under subsection (a) of this Section simultaneously with a proceeding under ~~pursuant to~~ Section 109-1 of the Code of Criminal Procedure of 1963 for a related criminal offense if a prosecution is commenced by information or complaint.

(d) The court may accept a finding of probable cause at a preliminary hearing following the filing of an information or complaint charging a related criminal offense or following the return of indictment by a grand jury charging the related offense as sufficient evidence of probable cause as required under subsection (a) of ths Section.

(e) Upon making a finding of probable cause as required under this Section, the circuit court shall order the property subject to the provisions of the applicable forfeiture Act held until the conclusion of any forfeiture proceeding.

For seizures of conveyances, within 28 days of a finding of probable cause under subsection (a) of this Section, the registered owner or other claimant may file a motion in writing supported by sworn affidavits claiming that denial of the use of the conveyance during the pendency of the forfeiture proceedings creates a substantial hardship and alleges facts showing that the hardship ~~delay~~ was not due to his or her culpable negligence. The court shall consider the following factors in determining whether a substantial hardship has been proven:

(1) the nature of the claimed hardship;

(2) the availability of public transportation or other available means of transportation; and

(3) any available alternatives to alleviate the hardship other than the return of the

seized conveyance.

If the court determines that a substantial hardship has been proven, the court shall then balance the nature of the hardship against the State's interest in safeguarding the conveyance. If the court determines that the hardship outweighs the State's interest in safeguarding the conveyance, the court may temporarily release the conveyance to the registered owner or the registered owner's authorized designee, or both, until the conclusion of the forfeiture proceedings or for such shorter period as ordered by the court provided that the person to whom the conveyance is released provides proof of insurance and a valid driver's license and all State and local registrations for operation of the conveyance are current. The court shall place conditions on the conveyance limiting its use to the stated hardship and providing transportation for employment, religious purposes, medical needs, child care, and restricting the conveyance's use to only those individuals authorized to use the conveyance by the registered owner. The use of the vehicle shall be further restricted to exclude all recreational and entertainment purposes. The court may order additional restrictions it deems reasonable and just on its own motion or on motion of the People. The court shall revoke the order releasing the conveyance and order that the conveyance be reseized by law enforcement if the conditions of release are violated or if the conveyance is used in the commission of any offense identified in subsection (a) of Section 6-205 of the Illinois Vehicle Code.

If the court orders the release of the conveyance during the pendency of the forfeiture proceedings, the court may order the registered owner or his or her authorized designee to post a cash security with the clerk ~~Clerk~~ of the court ~~Court~~ as ordered by the court. If cash security is ordered, the court shall consider the following factors in determining the amount of the cash security:

(A) the full market value of the conveyance;

(B) the nature of the hardship;

(C) the extent and length of the usage of the conveyance;

(D) the ability of the owner or designee to pay; and

(E) other conditions as the court deems necessary to safeguard the conveyance.

If the conveyance is released, the court shall order that the registered owner or his or her designee safeguard the conveyance, not remove the conveyance from the jurisdiction, not conceal, destroy, or otherwise dispose of the conveyance, not encumber the conveyance, and not diminish the value of the conveyance in any way. The court shall also make a determination of the full market value of the conveyance prior to it being released based on a source or sources defined in 50 Ill. Adm. Code 919.80(c)(2)(A) or 919.80(c)(2)(B).

If the conveyance subject to forfeiture is released under this Section and is subsequently forfeited, the person to whom the conveyance was released shall return the conveyance to the law enforcement agency that seized the conveyance within 7 days from the date of the declaration of forfeiture or order of forfeiture. If the conveyance is not returned within 7 days, the cash security shall be forfeited in the same manner as the conveyance subject to forfeiture. If the cash security was less than the full market value, a judgment shall be entered against the parties to whom the conveyance was released and the registered owner, jointly and severally, for the difference between the full market value and the amount of the cash security. If the conveyance is returned in a condition other than the condition in which it was released, the cash security shall be returned to the surety who posted the security minus the amount of the diminished value, and that amount shall be forfeited in the same manner as the conveyance subject to forfeiture. Additionally, the court may enter an order allowing any law enforcement agency in the State of Illinois to seize the conveyance wherever it may be found in the State to satisfy the judgment if the cash security was less than the full market value of the conveyance.

(Source: P.A. 100-512, eff. 7-1-18.)

(720 ILCS 5/36-2) (from Ch. 38, par. 36-2)

(Text of Section before amendment by P.A. 100-512)

Sec. 36-2. Action for forfeiture.

(a) The State's Attorney in the county in which such seizure occurs if he or she finds that the forfeiture was incurred without willful negligence or without any intention on the part of the owner of the vessel or watercraft, vehicle or aircraft or any person whose right, title or interest is of record as described in Section 36-1, to violate the law, or finds the existence of such mitigating circumstances as to justify remission of the forfeiture, may cause the law enforcement agency to remit the same upon such terms and conditions as the State's Attorney deems reasonable and just. The State's Attorney shall exercise his or her discretion under the foregoing provision of this Section 36-2(a) prior to or promptly after the preliminary review under Section 36-1.5.

(b) If the State's Attorney does not cause the forfeiture to be remitted he or she shall forthwith bring an action for forfeiture in the Circuit Court within whose jurisdiction the seizure and confiscation has taken place. The State's Attorney shall give notice of seizure and the forfeiture proceeding to each person

according to the following method: upon each person whose right, title, or interest is of record in the office of the Secretary of State, the Secretary of Transportation, the Administrator of the Federal Aviation Agency, or any other department of this State, or any other state of the United States if the vessel or watercraft, vehicle, or aircraft is required to be so registered, as the case may be, by delivering the notice and complaint in open court or by certified mail to the address as given upon the records of the Secretary of State, the Division of Aeronautics of the Department of Transportation, the Capital Development Board, or any other department of this State or the United States if the vessel or watercraft, vehicle, or aircraft is required to be so registered.

(c) The owner of the seized vessel or watercraft, vehicle, or aircraft or any person whose right, title, or interest is of record as described in Section 36-1, may within 20 days after delivery in open court or the mailing of such notice file a verified answer to the Complaint and may appear at the hearing on the action for forfeiture.

(d) The State shall show at such hearing by a preponderance of the evidence, that such vessel or watercraft, vehicle, or aircraft was used in the commission of an offense described in Section 36-1.

(e) The owner of such vessel or watercraft, vehicle, or aircraft or any person whose right, title, or interest is of record as described in Section 36-1, may show by a preponderance of the evidence that he did not know, and did not have reason to know, that the vessel or watercraft, vehicle, or aircraft was to be used in the commission of such an offense or that any of the exceptions set forth in Section 36-3 are applicable.

(f) Unless the State shall make such showing, the Court shall order such vessel or watercraft, vehicle, or aircraft released to the owner. Where the State has made such showing, the Court may order the vessel or watercraft, vehicle, or aircraft destroyed or may order it forfeited to any local, municipal or county law enforcement agency, or the Department of State Police or the Department of Revenue of the State of Illinois.

(g) A copy of the order shall be filed with the law enforcement agency, and with each Federal or State office or agency with which such vessel or watercraft, vehicle, or aircraft is required to be registered. Such order, when filed, constitutes authority for the issuance of clear title to such vessel or watercraft, vehicle, or aircraft, to the department or agency to whom it is delivered or any purchaser thereof. The law enforcement agency shall comply promptly with instructions to remit received from the State's Attorney or Attorney General in accordance with Sections 36-2(a) or 36-3.

(h) The proceeds of any sale at public auction pursuant to Section 36-2 of this Act, after payment of all liens and deduction of the reasonable charges and expenses incurred by the State's Attorney's Office shall be paid to the law enforcement agency having seized the vehicle for forfeiture.

(Source: P.A. 98-699, eff. 1-1-15; 98-1020, eff. 8-22-14; 99-78, eff. 7-20-15.)

(Text of Section after amendment by P.A. 100-512)

Sec. 36-2. Complaint for forfeiture.

(a) If the State's Attorney of ~~in~~ the county in which such seizure occurs finds that the alleged violation of law giving rise to the seizure was incurred without willful negligence or without any intention on the part of the owner of the vessel or watercraft, vehicle or aircraft or any person whose right, title or interest is of record as described in Section 36-1 of this Article, to violate the law, or finds the existence of such mitigating circumstances as to justify remission of the forfeiture, he or she may cause the law enforcement agency having custody of the property to return the property to the owner within a reasonable time not to exceed 7 days. The State's Attorney shall exercise his or her discretion under this subsection (a) prior to or promptly after the preliminary review under Section 36-1.5.

(b) If, after review of the facts surrounding the seizure, the State's Attorney is of the opinion that the seized property is subject to forfeiture and the State's Attorney does not cause the forfeiture to be remitted under subsection (a) of this Section, he or she shall ~~forthwith~~ bring an action for forfeiture in the circuit court ~~Circuit Court~~ within whose jurisdiction the seizure and confiscation has taken place by filing a verified complaint for ~~of~~ forfeiture in the circuit court within whose jurisdiction the seizure occurred, or within whose jurisdiction an act or omission giving rise to the seizure occurred, subject to Supreme Court Rule 187. The complaint shall be filed as soon as practicable but not later ~~less~~ than 28 days after the State's Attorney receives notice from the seizing agency as provided ~~a finding of probable cause at a preliminary review~~ under Section 36-1.4 ~~36-1.5~~ of this Article. A complaint of forfeiture shall include:

(1) a description of the property seized;

(2) the date and place of seizure of the property;

(3) the name and address of the law enforcement agency making the seizure; and

(4) the specific statutory and factual grounds for the seizure.

The complaint shall be served upon each person whose right, title, or interest is of record in the office of the Secretary of State, the Secretary of Transportation, the Administrator of the Federal Aviation

Agency, or any other department of this State, or any other state of the United States if the vessel or watercraft, vehicle, or aircraft is required to be so registered, as the case may be, the person from whom the property was seized, and all persons known or reasonably believed by the State to claim an interest in the property, as provided in this Article. The complaint shall be accompanied by the following written notice:

"This is a civil court proceeding subject to the Code of Civil Procedure. You received this Complaint of Forfeiture because the State's Attorney's office has brought a legal action seeking forfeiture of your seized property. This complaint starts the court process where the State seeks to prove that your property should be forfeited and not returned to you. This process is also your opportunity to try to prove to a judge that you should get your property back. The complaint lists the date, time, and location of your first court date. You must appear in court on that day, or you may lose the case automatically. You must also file an appearance and answer. If you are unable to pay the appearance fee, you may qualify to have the fee waived. If there is a criminal case related to the seizure of your property, your case may be set for trial after the criminal case has been resolved. Before trial, the judge may allow discovery, where the State can ask you to respond in writing to questions and give them certain documents, and you can make similar requests of the State. The trial is your opportunity to explain what happened when your property was seized and why you should get the property back."

(c) (Blank).

(d) (Blank).

(e) (Blank).

(f) (Blank).

(g) (Blank).

(h) (Blank).

(Source: P.A. 99-78, eff. 7-20-15; 100-512, eff. 7-1-18.)

(720 ILCS 5/36-2.1)

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

Sec. 36-2.1. Notice to owner or interest holder. The first attempted service of notice shall be commenced within 28 days of the receipt of the notice from the seizing agency by Form ~~the form~~ 4-64. If the property seized is a conveyance, notice shall also be directed to the address reflected in the office of the agency or official in which title to or interest in ~~to~~ the conveyance is required by law to be recorded. A complaint for forfeiture shall be served upon the property owner or interest holder in the following manner:

(1) If the owner's or interest holder's name and current address are known, then by either:

(A) personal service; or

(B) mailing a copy of the notice by certified mail, return receipt requested, and first class mail~~,~~ to that address.

(i) If notice is sent by certified mail and no signed return receipt is received by the State's Attorney within 28 days of mailing, and no communication from the owner or interest holder is received by the State's Attorney documenting actual notice by said parties, the State's Attorney shall, within a reasonable period of time, mail a second copy of the notice by certified mail, return receipt requested, and first class mail ~~,~~ to that address.

(ii) If no signed return receipt is received by the State's Attorney within 28 days of the second attempt at service by certified mail, and no communication from the owner or interest holder is received by the State's Attorney documenting actual notice by said parties, the State's Attorney shall have 60 days to attempt to serve the notice by personal service, which also includes substitute service by leaving a copy at the usual place of abode, with some person of the family or a person residing there, of the age of 13 years or upwards. If, after 3 attempts at service in this manner, no service of the notice is accomplished, then the notice shall be posted in a conspicuous manner at this address and service shall be made by the posting.

The attempts at service and the posting if required, shall be documented by the person attempting service and said documentation shall be made part of a return of service returned to the State's Attorney.

The State's Attorney may utilize a Sheriff or Deputy Sheriff, any peace officer, a private process server or investigator, or any employee, agent, or investigator of the State's Attorney's office to attempt service without seeking leave of court.

After the procedures are followed, service shall be effective on an owner or interest holder on the date of receipt by the State's Attorney of a ~~returned~~ return receipt ~~requested~~, or on the date of receipt of a communication from an owner or interest holder documenting actual notice, whichever is first in time, or on the date of the last act performed by the State's Attorney in attempting

personal service under item (ii) of this paragraph (1). If notice is to be shown by actual notice from communication with a claimant, then the State's Attorney shall file an affidavit providing details of the communication, which shall be accepted as sufficient proof of service by the court.

For purposes of notice under this Section, if a person has been arrested for the conduct giving rise to the forfeiture, the address provided to the arresting agency at the time of arrest shall be deemed to be that person's known address. Provided, however, if an owner or interest holder's address changes prior to the effective date of the complaint for forfeiture, the owner or interest holder shall promptly notify the seizing agency of the change in address or, if the owner or interest holder's address changes subsequent to the effective date of the notice of pending forfeiture, the owner or interest holder shall promptly notify the State's Attorney of the change in address; or if the property seized is a conveyance, to the address reflected in the office of the agency or official in which title to or interest in ~~to~~ the conveyance is required by law to be recorded.

(2) If the owner's or interest holder's address is not known, and is not on record, then notice shall be served by publication for 3 successive weeks in a newspaper of general circulation in the county in which the seizure occurred.

(3) Notice to any business entity, corporation, limited liability company, limited liability partnership ~~LLC, LLP~~, or partnership shall be completed ~~complete~~ by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail ~~,~~ to that address. This notice is complete regardless of the return of a signed "return receipt ~~requested~~".

(4) Notice to a person whose address is not within the State shall be completed ~~complete~~ by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail ~~,~~ to that address. This notice is complete regardless of the return of a signed "return receipt ~~requested~~".

(5) Notice to a person whose address is not within the United States shall be completed ~~complete~~ by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail ~~,~~ to that address. This notice shall be complete regardless of the return of a signed "return receipt ~~requested~~". If certified mail is not available in the foreign country where the person has an address, then notice shall proceed by publication under paragraph (2) of this Section.

(6) Notice to any person whom the State's Attorney reasonably should know is incarcerated within the State shall also include the mailing a copy of the notice by certified mail, return receipt requested, and first class mail ~~,~~ to the address of the detention facility with the inmate's name clearly marked on the envelope.

(Source: P.A. 100-512, eff. 7-1-18.)

(720 ILCS 5/36-2.2)

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

Sec. 36-2.2. Replevin prohibited; return of personal property inside seized conveyance.

(a) Property seized under this Article shall not be subject to replevin, but is deemed to be in the custody of the Director of State Police, subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney.

(b) A claimant or a party interested in personal property contained within a seized conveyance may file a motion with the court in a judicial forfeiture action for the return of any personal property contained within a conveyance seized under this Article. The return of personal property shall not be unreasonably withheld if the personal property is not mechanically or electrically coupled to the conveyance, needed for evidentiary purposes, or otherwise contraband. A law enforcement agency that returns property under a court order under this Section shall not be liable to any person who claims ownership to the property if the property is returned to an improper party.

(Source: P.A. 100-512, eff. 7-1-18.)

(720 ILCS 5/36-2.5)

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

Sec. 36-2.5. Judicial in rem procedures.

(a) The laws of evidence relating to civil actions shall apply to judicial in rem proceedings under this Article.

(b) Only an owner of or interest holder in the property may file an answer asserting a claim against the property in the action in rem. For purposes of this Section, the owner or interest holder shall be referred to as claimant. A person not named in the forfeiture complaint who claims to have an interest in the property may petition to intervene as a claimant under Section 2-408 of the Code of Civil Procedure.

(c) The answer shall be filed with the court within 45 days after service of the civil in rem complaint.

(d) The trial shall be held within 60 days after filing of the answer unless continued for good cause.

(e) In its case in chief, the State shall show by a preponderance of the evidence that:

(1) the property is subject to forfeiture; and

(2) at least one of the following:

(i) the claimant knew or should have known that the conduct was likely to occur; or

(ii) the claimant is not the true owner of the property that is subject to forfeiture.

In any forfeiture case under this Article, a claimant may present evidence to overcome evidence presented by the State that the property is subject to forfeiture.

(f) Notwithstanding any other provision of this Section, the State's burden of proof at the trial of the forfeiture action shall be by clear and convincing evidence if:

(1) a finding of not guilty is entered as to all counts and all defendants in a criminal proceeding relating to the conduct giving rise to the forfeiture action; or

(2) the State receives an adverse finding at a preliminary hearing and fails to secure an indictment in a criminal proceeding related to the factual allegations of the forfeiture action.

(g) If the State does not meet its burden of proof, the court shall order the interest in the property returned or conveyed to the claimant and shall order all other property in which the State does meet its burden of proof forfeited to the State. If the State does meet its burden of proof, the court shall order all property forfeited to the State.

(h) A defendant convicted in any criminal proceeding is precluded from later denying the essential allegations of the criminal offense of which the defendant was convicted in any proceeding under this Article regardless of the pendency of an appeal from that conviction. However, evidence of the pendency of an appeal is admissible.

(i) An acquittal or dismissal in a criminal proceeding shall not preclude civil proceedings under this Act; however, for good cause shown, on a motion by either party, the court may stay civil forfeiture proceedings during the criminal trial for a related criminal indictment or information alleging a violation of law authorizing forfeiture under Section 36-1 of this Article.

(j) Title to all property declared forfeited under this Act vests in this State on the commission of the conduct giving rise to forfeiture together with the proceeds of the property after that time. Except as otherwise provided in this Article, any property or proceeds subsequently transferred to any person remain subject to forfeiture unless a person to whom the property was transferred makes an appropriate claim under or has the ~~their~~ claim adjudicated at the judicial in rem hearing.

(k) No property shall be forfeited under this Article from a person who, without actual or constructive notice that the property was the subject of forfeiture proceedings, obtained possession of the property as a bona fide purchaser for value. A person who purports to transfer property after receiving actual or constructive notice that the property is subject to seizure or forfeiture is guilty of contempt of court, and shall be liable to the State for a penalty in the amount of the fair market value of the property.

(l) A civil action under this Article shall be commenced within 5 years after the last conduct giving rise to forfeiture became known or should have become known or 5 years after the forfeitable property is discovered, whichever is later, excluding any time during which either the property or claimant is out of the State or in confinement or during which criminal proceedings relating to the same conduct are in progress.

(m) If property is ordered forfeited under this Article from a claimant who held title to the property in joint tenancy or tenancy in common with another claimant, the court shall determine the amount of each owner's interest in the property according to principles of property law.

(Source: P.A. 100-512, eff. 7-1-18.)

(720 ILCS 5/36-2.7)

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

Sec. 36-2.7. Innocent owner hearing.

(a) After a complaint for forfeiture has been filed and all claimants have appeared and answered, a claimant may file a motion with the court for an innocent owner hearing prior to trial. This motion shall be made and supported by sworn affidavit and shall assert the following along with specific facts that ~~which~~ support each assertion:

(1) that the claimant filing the motion is the true owner of the conveyance as interpreted by case law; and

(2) that the claimant did not know or did not have reason to know the conduct giving rise to the forfeiture was likely to occur.

~~(b)~~ The claimant's motion ~~claimant~~ shall include specific facts that ~~which~~ support these assertions ~~in their motion~~.

(b) ~~(c)~~ Upon the filing, a hearing may only be conducted after the parties have been given the opportunity to conduct limited discovery as to the ownership and control of the property, the claimant's knowledge, or

any matter relevant to the issues raised or facts alleged in the claimant's motion. Discovery shall be limited to the People's requests in these areas but may proceed by any means allowed in the Code of Civil Procedure.

(c) ~~(d)~~ After discovery is complete and the court has allowed for sufficient time to review and investigate the discovery responses, the court shall conduct a hearing. At the hearing, the fact that the conveyance is subject to forfeiture shall not be at issue. The court shall only hear evidence relating to the issue of innocent ownership.

(d) ~~(e)~~ At the hearing on the motion, the claimant shall bear the burden of proving each of the assertions listed in subsection (a) of this Section by a preponderance of the evidence. ~~(f)~~ If a claimant meets the ~~their~~ burden of proof, the court shall grant the motion and order the conveyance returned to the claimant. If the claimant fails to meet the ~~their~~ burden of proof, the court shall deny the motion and the forfeiture case shall proceed according to the Code ~~Rules~~ of Civil Procedure.

(Source: P.A. 100-512, eff. 7-1-18.)

(720 ILCS 5/36-7)

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

Sec. 36-7. Distribution of proceeds; selling or retaining seized property prohibited.

(a) Except as otherwise provided in this Section, the court shall order that property forfeited under this Article be delivered to the Department of State Police within 60 days.

(b) The Department of State Police or its designee shall dispose of all property at public auction and shall distribute the proceeds of the sale, together with any moneys forfeited or seized, under subsection (c) of this Section.

(c) All moneys ~~monies~~ and the sale proceeds of all other property forfeited and seized under this Act shall be distributed as follows:

(1) 65% shall be distributed to the drug task force, metropolitan enforcement group, local, municipal, county, or State ~~state~~ law enforcement agency or agencies that ~~which~~ conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based. Amounts distributed to the agency or agencies shall be used, at the discretion of the agency, for the enforcement of criminal laws; or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or for security cameras used for the prevention or detection of violence, except that amounts distributed to the Secretary of State shall be deposited into the Secretary of State Evidence Fund to be used as provided in Section 2-115 of the Illinois Vehicle Code.

Any local, municipal, or county law enforcement agency entitled to receive a monetary distribution of forfeiture proceeds may share those forfeiture proceeds pursuant to the terms of an intergovernmental agreement with a municipality that has a population in excess of 20,000 if:

(A) the receiving agency has entered into an intergovernmental agreement with the municipality to provide police services;

(B) the intergovernmental agreement for police services provides for consideration in an amount of not less than $1,000,000 per year;

(C) the seizure took place within the geographical limits of the municipality; and

(D) the funds are used only for the enforcement of criminal laws; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or for security cameras used for the prevention or detection of violence or the establishment of a municipal police force, including the training of officers, construction of a police station, the purchase of law enforcement equipment, or vehicles.

(2) 12.5% shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State's Attorney for use, at the discretion of the State's Attorney, in the enforcement of criminal laws; or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or at the discretion of the State's Attorney, in addition to other authorized purposes, to make grants to local substance abuse treatment facilities and half-way houses. In counties over 3,000,000 population, 25% will be distributed to the Office of the State's Attorney for use, at the discretion of the State's Attorney, in the enforcement of criminal laws; or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or at the discretion of the State's Attorney, in addition to other authorized purposes, to make grants to local substance abuse treatment facilities and half-way houses. If the prosecution is undertaken solely by the Attorney General, the portion provided shall be distributed to the Attorney General for use in the

enforcement of criminal laws governing cannabis and controlled substances or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol.

12.5% shall be distributed to the Office of the State's Attorneys Appellate Prosecutor and shall be used at the discretion of the State's Attorneys Appellate Prosecutor for additional expenses incurred in the investigation, prosecution and appeal of cases arising in the enforcement of criminal laws; or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol. The Office of the State's Attorneys Appellate Prosecutor shall not receive distribution from cases brought in counties with over 3,000,000 population.

(3) 10% shall be retained by the Department of State Police for expenses related to the administration and sale of seized and forfeited property.

(d) A law enforcement agency shall not retain forfeited property for its own use or transfer the property to any person or entity, except as provided under this Section. A law enforcement agency may apply in writing to the Director of State Police to request that ~~a~~ forfeited property be awarded to the agency for a specifically articulated official law enforcement use in an investigation. The Director of State Police shall provide a written justification in each instance detailing the reasons why the forfeited property was placed into official use, and the justification shall be retained for a period of not less than 3 years.

(Source: P.A. 100-512, eff. 7-1-18.)

(720 ILCS 5/36-10 new)

Sec. 36-10. Applicability; savings clause.

(a) The changes made to this Article by Public Act 100-0512 and this amendatory Act of the 100th General Assembly only apply to property seized on and after July 1, 2018.

(b) The changes made to this Article by this amendatory Act of the 100th General Assembly are subject to Section 4 of the Statute on Statutes.

Section 25. The Cannabis Control Act is amended by changing Section 12 as follows:

(720 ILCS 550/12) (from Ch. 56 1/2, par. 712)

(Text of Section before amendment by P.A. 100-512)

Sec. 12. (a) The following are subject to forfeiture:

(1) all substances containing cannabis which have been produced, manufactured, delivered, or possessed in violation of this Act;

(2) all raw materials, products and equipment of any kind which are produced, delivered, or possessed in connection with any substance containing cannabis in violation of this Act;

(3) all conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraph (1) or (2) that constitutes a felony violation of the Act, but:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this Act;

(ii) no conveyance is subject to forfeiture under this Section by reason of any act or omission which the owner proves to have been committed or omitted without his knowledge or consent;

(iii) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission;

(4) all money, things of value, books, records, and research products and materials including formulas, microfilm, tapes, and data which are used, or intended for use in a felony violation of this Act;

(5) everything of value furnished or intended to be furnished by any person in exchange for a substance in violation of this Act, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to commit or in any manner to facilitate any felony violation of this Act;

(6) all real property, including any right, title, and interest including, but not limited to, any leasehold interest or the beneficial interest to a land trust, in the whole of any lot or tract of land and any appurtenances or improvements, that is used or intended to be used to facilitate the manufacture, distribution, sale, receipt, or concealment of property described in paragraph (1) or (2) of this subsection (a) that constitutes a felony violation of more than 2,000 grams of a substance containing cannabis or that is the proceeds of any felony violation of this Act.

(b) Property subject to forfeiture under this Act may be seized by the Director or any peace officer upon process or seizure warrant issued by any court having jurisdiction over the property. Seizure by the Director or any peace officer without process may be made:

(1) if the property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal proceeding or in an injunction or forfeiture proceeding based upon this Act or the Drug Asset Forfeiture Procedure Act;

(2) if there is probable cause to believe that the property is directly or indirectly dangerous to health or safety;

(3) if there is probable cause to believe that the property is subject to forfeiture under this Act and the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable; or

(4) in accordance with the Code of Criminal Procedure of 1963.

(c) In the event of seizure pursuant to subsection (b), notice shall be given forthwith to all known interest holders that forfeiture proceedings, including a preliminary review, shall be instituted in accordance with the Drug Asset Forfeiture Procedure Act and such proceedings shall thereafter be instituted in accordance with that Act. Upon a showing of good cause, the notice required for a preliminary review under this Section may be postponed.

(c-1) In the event the State's Attorney is of the opinion that real property is subject to forfeiture under this Act, forfeiture proceedings shall be instituted in accordance with the Drug Asset Forfeiture Procedure Act. The exemptions from forfeiture provisions of Section 8 of the Drug Asset Forfeiture Procedure Act are applicable.

(d) Property taken or detained under this Section shall not be subject to replevin, but is deemed to be in the custody of the Director subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney under the Drug Asset Forfeiture Procedure Act. When property is seized under this Act, the seizing agency shall promptly conduct an inventory of the seized property, estimate the property's value, and shall forward a copy of the inventory of seized property and the estimate of the property's value to the Director. Upon receiving notice of seizure, the Director may:

(1) place the property under seal;

(2) remove the property to a place designated by him;

(3) keep the property in the possession of the seizing agency;

(4) remove the property to a storage area for safekeeping or, if the property is a negotiable instrument or money and is not needed for evidentiary purposes, deposit it in an interest bearing account;

(5) place the property under constructive seizure by posting notice of pending forfeiture on it, by giving notice of pending forfeiture to its owners and interest holders, or by filing notice of pending forfeiture in any appropriate public record relating to the property; or

(6) provide for another agency or custodian, including an owner, secured party, or lienholder, to take custody of the property upon the terms and conditions set by the Director.

(e) No disposition may be made of property under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court.

(f) When property is forfeited under this Act the Director shall sell all such property unless such property is required by law to be destroyed or is harmful to the public, and shall distribute the proceeds of the sale, together with any moneys forfeited or seized, in accordance with subsection (g). However, upon the application of the seizing agency or prosecutor who was responsible for the investigation, arrest or arrests and prosecution which lead to the forfeiture, the Director may return any item of forfeited property to the seizing agency or prosecutor for official use in the enforcement of laws relating to cannabis or controlled substances, if the agency or prosecutor can demonstrate that the item requested would be useful to the agency or prosecutor in their enforcement efforts. When any forfeited conveyance, including an aircraft, vehicle, or vessel, is returned to the seizing agency or prosecutor, the conveyance may be used immediately in the enforcement of the criminal laws of this State. Upon disposal, all proceeds from the sale of the conveyance must be used for drug enforcement purposes. When any real property returned to the seizing agency is sold by the agency or its unit of government, the proceeds of the sale shall be delivered to the Director and distributed in accordance with subsection (g).

(g) All monies and the sale proceeds of all other property forfeited and seized under this Act shall be distributed as follows:

(1)(i) 65% shall be distributed to the metropolitan enforcement group, local, municipal,

county, or state law enforcement agency or agencies which conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based. Amounts distributed to the agency or agencies shall be used for the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or for security cameras used for the prevention or detection of violence, except that amounts distributed to the Secretary of State shall be deposited into the Secretary of State Evidence Fund to be used as provided in Section 2-115 of the Illinois Vehicle Code.

(ii) Any local, municipal, or county law enforcement agency entitled to receive a monetary distribution of forfeiture proceeds may share those forfeiture proceeds pursuant to the terms of an intergovernmental agreement with a municipality that has a population in excess of 20,000 if:

(I) the receiving agency has entered into an intergovernmental agreement with the municipality to provide police services;

(II) the intergovernmental agreement for police services provides for consideration in an amount of not less than $1,000,000 per year;

(III) the seizure took place within the geographical limits of the municipality; and

(IV) the funds are used only for the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or for security cameras used for the prevention or detection of violence or the establishment of a municipal police force, including the training of officers, construction of a police station, the purchase of law enforcement equipment, or vehicles.

(2)(i) 12.5% shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or at the discretion of the State's Attorney, in addition to other authorized purposes, to make grants to local substance abuse treatment facilities and half-way houses. In counties over 3,000,000 population, 25% will be distributed to the Office of the State's Attorney for use in the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or at the discretion of the State's Attorney, in addition to other authorized purposes, to make grants to local substance abuse treatment facilities and half-way houses. If the prosecution is undertaken solely by the Attorney General, the portion provided hereunder shall be distributed to the Attorney General for use in the enforcement of laws governing cannabis and controlled substances.

(ii) 12.5% shall be distributed to the Office of the State's Attorneys Appellate Prosecutor and deposited in the Narcotics Profit Forfeiture Fund of that Office to be used for additional expenses incurred in the investigation, prosecution and appeal of cases arising under laws governing cannabis and controlled substances or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol. The Office of the State's Attorneys Appellate Prosecutor shall not receive distribution from cases brought in counties with over 3,000,000 population.

(3) 10% shall be retained by the Department of State Police for expenses related to the administration and sale of seized and forfeited property.

(Source: P.A. 99-686, eff. 7-29-16.)

(Text of Section after amendment by P.A. 100-512)

Sec. 12. (a) The following are subject to forfeiture:

(1) (blank);

(2) all raw materials, products, and equipment of any kind which are produced, delivered, or possessed in connection with any substance containing cannabis in a felony violation of this Act;

(3) all conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of any substance containing cannabis or property described in paragraph (2) of this subsection (a) that constitutes a felony violation of the Act, but:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the violation;

(ii) no conveyance is subject to forfeiture under this Section by reason of any act

or omission which the owner proves to have been committed or omitted without his knowledge or consent;

(iii) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission;

(4) all money, things of value, books, records, and research products and materials including formulas, microfilm, tapes, and data which are used, or intended for use in a felony violation of this Act;

(5) everything of value furnished or intended to be furnished by any person in exchange for a substance in violation of this Act, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to commit or in any manner to facilitate any felony violation of this Act;

(6) all real property, including any right, title, and interest including, but not limited to, any leasehold interest or the beneficial interest in ~~to~~ a land trust, in the whole of any lot or tract of land and any appurtenances or improvements, that is used or intended to be used to facilitate the manufacture, distribution, sale, receipt, or concealment of a substance containing cannabis or property described in paragraph (2) of this subsection (a) that constitutes a felony violation of this Act involving more than 2,000 grams of a substance containing cannabis or that is the proceeds of any felony violation of this Act.

(b) Property subject to forfeiture under this Act may be seized under the Drug Asset Forfeiture Procedure Act. In the event of seizure, forfeiture proceedings shall be instituted under the Drug Asset Forfeiture Procedure Act.

(c) Forfeiture under this Act is subject to ~~subject to~~ an 8th Amendment ~~amendment~~ to the United States Constitution disproportionate penalties analysis as provided under Section 9.5 of the Drug Asset Forfeiture Procedure Act.

(c-1) With regard to possession of cannabis offenses only, a sum of currency with a value of less than $500 shall not be subject to forfeiture under this Act. For all other offenses under this Act, a sum of currency with a value of less than $100 shall not be subject to forfeiture under this Act. In seizures of currency in excess of these amounts, this Section shall not create an exemption for these amounts.

(d) (Blank).

(e) (Blank).

(f) (Blank).

(g) (Blank).

(h) Contraband, including cannabis possessed without authorization under State or federal law, is not subject to forfeiture. No property right exists in contraband. Contraband is subject to seizure and shall be disposed of according to State law.

(i) The changes made to this Section by Public Act 100-0512 and this amendatory Act of the 100th General Assembly only apply to property seized on and after July 1, 2018.

(j) The changes made to this Section by this amendatory Act of the 100th General Assembly are subject to Section 4 of the Statute on Statutes.

(Source: P.A. 99-686, eff. 7-29-16; 100-512, eff. 7-1-18.)

Section 30. The Illinois Controlled Substances Act is amended by changing Section 505 as follows:

(720 ILCS 570/505) (from Ch. 56 1/2, par. 1505)

(Text of Section before amendment by P.A. 100-512)

Sec. 505. (a) The following are subject to forfeiture:

(1) all substances which have been manufactured, distributed, dispensed, or possessed in violation of this Act;

(2) all raw materials, products and equipment of any kind which are used, or intended for use in manufacturing, distributing, dispensing, administering or possessing any substance in violation of this Act;

(3) all conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraphs (1) and (2), but:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this Act;

(ii) no conveyance is subject to forfeiture under this Section by reason of any act

or omission which the owner proves to have been committed or omitted without his or her knowledge or consent;

(iii) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he or she neither had knowledge of nor consented to the act or omission;

(4) all money, things of value, books, records, and research products and materials including formulas, microfilm, tapes, and data which are used, or intended to be used in violation of this Act;

(5) everything of value furnished, or intended to be furnished, in exchange for a substance in violation of this Act, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to commit or in any manner to facilitate any violation of this Act;

(6) all real property, including any right, title, and interest (including, but not limited to, any leasehold interest or the beneficial interest in a land trust) in the whole of any lot or tract of land and any appurtenances or improvements, which is used or intended to be used, in any manner or part, to commit, or in any manner to facilitate the commission of, any violation or act that constitutes a violation of Section 401 or 405 of this Act or that is the proceeds of any violation or act that constitutes a violation of Section 401 or 405 of this Act.

(b) Property subject to forfeiture under this Act may be seized by the Director or any peace officer upon process or seizure warrant issued by any court having jurisdiction over the property. Seizure by the Director or any peace officer without process may be made:

(1) if the seizure is incident to inspection under an administrative inspection warrant;

(2) if the property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal proceeding, or in an injunction or forfeiture proceeding based upon this Act or the Drug Asset Forfeiture Procedure Act;

(3) if there is probable cause to believe that the property is directly or indirectly dangerous to health or safety;

(4) if there is probable cause to believe that the property is subject to forfeiture under this Act and the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable; or

(5) in accordance with the Code of Criminal Procedure of 1963.

(c) In the event of seizure pursuant to subsection (b), notice shall be given forthwith to all known interest holders that forfeiture proceedings, including a preliminary review, shall be instituted in accordance with the Drug Asset Forfeiture Procedure Act and such proceedings shall thereafter be instituted in accordance with that Act. Upon a showing of good cause, the notice required for a preliminary review under this Section may be postponed.

(d) Property taken or detained under this Section shall not be subject to replevin, but is deemed to be in the custody of the Director subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney under the Drug Asset Forfeiture Procedure Act. When property is seized under this Act, the seizing agency shall promptly conduct an inventory of the seized property and estimate the property's value, and shall forward a copy of the inventory of seized property and the estimate of the property's value to the Director. Upon receiving notice of seizure, the Director may:

(1) place the property under seal;

(2) remove the property to a place designated by the Director;

(3) keep the property in the possession of the seizing agency;

(4) remove the property to a storage area for safekeeping or, if the property is a negotiable instrument or money and is not needed for evidentiary purposes, deposit it in an interest bearing account;

(5) place the property under constructive seizure by posting notice of pending forfeiture on it, by giving notice of pending forfeiture to its owners and interest holders, or by filing notice of pending forfeiture in any appropriate public record relating to the property; or

(6) provide for another agency or custodian, including an owner, secured party, or lienholder, to take custody of the property upon the terms and conditions set by the Director.

(e) If the Department of Financial and Professional Regulation suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal by the Director. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit

of the proceeds of the sale with the court. Upon a suspension or revocation order becoming final, all substances may be forfeited to the Illinois State Police.

(f) When property is forfeited under this Act the Director shall sell all such property unless such property is required by law to be destroyed or is harmful to the public, and shall distribute the proceeds of the sale, together with any moneys forfeited or seized, in accordance with subsection (g). However, upon the application of the seizing agency or prosecutor who was responsible for the investigation, arrest or arrests and prosecution which lead to the forfeiture, the Director may return any item of forfeited property to the seizing agency or prosecutor for official use in the enforcement of laws relating to cannabis or controlled substances, if the agency or prosecutor can demonstrate that the item requested would be useful to the agency or prosecutor in their enforcement efforts. When any forfeited conveyance, including an aircraft, vehicle, or vessel, is returned to the seizing agency or prosecutor, the conveyance may be used immediately in the enforcement of the criminal laws of this State. Upon disposal, all proceeds from the sale of the conveyance must be used for drug enforcement purposes. When any real property returned to the seizing agency is sold by the agency or its unit of government, the proceeds of the sale shall be delivered to the Director and distributed in accordance with subsection (g).

(g) All monies and the sale proceeds of all other property forfeited and seized under this Act shall be distributed as follows:

(1)(i) 65% shall be distributed to the metropolitan enforcement group, local, municipal, county, or state law enforcement agency or agencies which conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based. Amounts distributed to the agency or agencies shall be used for the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or for security cameras used for the prevention or detection of violence, except that amounts distributed to the Secretary of State shall be deposited into the Secretary of State Evidence Fund to be used as provided in Section 2-115 of the Illinois Vehicle Code.

(ii) Any local, municipal, or county law enforcement agency entitled to receive a monetary distribution of forfeiture proceeds may share those forfeiture proceeds pursuant to the terms of an intergovernmental agreement with a municipality that has a population in excess of 20,000 if:

(I) the receiving agency has entered into an intergovernmental agreement with the municipality to provide police services;

(II) the intergovernmental agreement for police services provides for consideration in an amount of not less than $1,000,000 per year;

(III) the seizure took place within the geographical limits of the municipality; and

(IV) the funds are used only for the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or for security cameras used for the prevention or detection of violence or the establishment of a municipal police force, including the training of officers, construction of a police station, the purchase of law enforcement equipment, or vehicles.

(2)(i) 12.5% shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or at the discretion of the State's Attorney, in addition to other authorized purposes, to make grants to local substance abuse treatment facilities and half-way houses. In counties over 3,000,000 population, 25% will be distributed to the Office of the State's Attorney for use in the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or at the discretion of the State's Attorney, in addition to other authorized purposes, to make grants to local substance abuse treatment facilities and half-way houses. If the prosecution is undertaken solely by the Attorney General, the portion provided hereunder shall be distributed to the Attorney General for use in the enforcement of laws governing cannabis and controlled substances or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol.

(ii) 12.5% shall be distributed to the Office of the State's Attorneys Appellate Prosecutor and deposited in the Narcotics Profit Forfeiture Fund of that office to be used for additional expenses incurred in the investigation, prosecution and appeal of cases arising under laws governing cannabis and controlled substances or for public education in the community or schools in the

prevention or detection of the abuse of drugs or alcohol. The Office of the State's Attorneys Appellate Prosecutor shall not receive distribution from cases brought in counties with over 3,000,000 population.

(3) 10% shall be retained by the Department of State Police for expenses related to the administration and sale of seized and forfeited property.

(h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this Act, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the State. The failure, upon demand by the Director or any peace officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored, to produce registration, or proof that he or she is the holder thereof, constitutes authority for the seizure and forfeiture of the plants.
(Source: P.A. 99-686, eff. 7-29-16.)

(Text of Section after amendment by P.A. 100-512)

Sec. 505. (a) The following are subject to forfeiture:

(1) (blank);

(2) all raw materials, products, and equipment of any kind which are used, or intended for use in manufacturing, distributing, dispensing, administering or possessing any substance in violation of this Act;

(3) all conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of substances manufactured, distributed, dispensed, or possessed in violation of this Act, or property described in paragraph ~~paragraphs~~ (2) of this subsection (a), but:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this Act;

(ii) no conveyance is subject to forfeiture under this Section by reason of any act or omission which the owner proves to have been committed or omitted without his or her knowledge or consent;

(iii) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he or she neither had knowledge of nor consented to the act or omission;

(4) all money, things of value, books, records, and research products and materials including formulas, microfilm, tapes, and data which are used, or intended to be used in violation of this Act;

(5) everything of value furnished, or intended to be furnished, in exchange for a substance in violation of this Act, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to commit or in any manner to facilitate any violation of this Act;

(6) all real property, including any right, title, and interest (including, but not limited to, any leasehold interest or the beneficial interest in a land trust) in the whole of any lot or tract of land and any appurtenances or improvements, which is used or intended to be used, in any manner or part, to commit, or in any manner to facilitate the commission of, any violation or act that constitutes a violation of Section 401 or 405 of this Act or that is the proceeds of any violation or act that constitutes a violation of Section 401 or 405 of this Act.

(b) Property subject to forfeiture under this Act may be seized under the Drug Asset Forfeiture Procedure Act. In the event of seizure, forfeiture proceedings shall be instituted under the Drug Asset Forfeiture Procedure Act.

(c) Forfeiture under this Act is subject to ~~subject to~~ an 8th Amendment ~~amendment~~ to the United States Constitution disproportionate penalties analysis as provided under Section 9.5 of the Drug Asset Forfeiture Procedure Act.

(d) With regard to possession of controlled substances offenses only, a sum of currency with a value of less than $500 shall not be subject to forfeiture under this Act. For all other offenses under this Act, a sum of currency with a value of less than ~~currency with a value of under~~ $100 shall not be subject to forfeiture under this Act. In seizures of currency in excess of these amounts, this Section shall not create an exemption for these amounts.

(d-5) For felony offenses involving possession of controlled substances only, no property shall be subject to forfeiture under this Act because of the possession of less than 2 single unit doses of a controlled substance. This exemption shall not apply in instances when the possessor, or another person at the

direction of the possessor, engaged in the destruction of any amount of a controlled substance. The amount of a single unit dose shall be the State's burden to prove in its ~~their~~ case in chief.

(e) If the Department of Financial and Professional Regulation suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal by the Director. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a suspension or revocation order becoming final, all substances are subject to seizure and forfeiture under the Drug Asset Forfeiture Procedure Act.

(f) (Blank).

(g) (Blank).

(h) (Blank).

(i) Contraband, including controlled substances possessed without authorization under State or federal law, is not subject to forfeiture. No property right exists in contraband. Contraband is subject to seizure and shall be disposed of according to State law.

(j) The changes made to this Section by Public Act 100-0512 and this amendatory Act of the 100th General Assembly only apply to property seized on and after July 1, 2018.

(k) The changes made to this Section by this amendatory Act of the 100th General Assembly are subject to Section 4 of the Statute on Statutes.

(Source: P.A. 99-686, eff. 7-29-16; 100-512, eff. 7-1-18.)

Section 35. The Methamphetamine Control and Community Protection Act is amended by changing Section 85 as follows:

(720 ILCS 646/85)

(Text of Section before amendment by P.A. 100-512)

Sec. 85. Forfeiture.

(a) The following are subject to forfeiture:

(1) all substances containing methamphetamine which have been produced, manufactured, delivered, or possessed in violation of this Act;

(2) all methamphetamine manufacturing materials which have been produced, delivered, or possessed in connection with any substance containing methamphetamine in violation of this Act;

(3) all conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraph (1) or (2) that constitutes a felony violation of the Act, but:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this Act;

(ii) no conveyance is subject to forfeiture under this Section by reason of any act or omission which the owner proves to have been committed or omitted without his or her knowledge or consent;

(iii) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he or she neither had knowledge of nor consented to the act or omission;

(4) all money, things of value, books, records, and research products and materials including formulas, microfilm, tapes, and data which are used, or intended for use in a felony violation of this Act;

(5) everything of value furnished or intended to be furnished by any person in exchange for a substance in violation of this Act, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to commit or in any manner to facilitate any felony violation of this Act.

(6) all real property, including any right, title, and interest (including, but not limited to, any leasehold interest or the beneficial interest in a land trust) in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or in any manner to facilitate the commission of, any violation or act that constitutes a violation of this Act or that is the proceeds of any violation or act that constitutes a violation of this Act.

(b) Property subject to forfeiture under this Act may be seized by the Director or any peace officer upon process or seizure warrant issued by any court having jurisdiction over the property. Seizure by the Director or any peace officer without process may be made:

(1) if the property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal proceeding or in an injunction or forfeiture proceeding based upon this Act or the Drug Asset Forfeiture Procedure Act;

(2) if there is probable cause to believe that the property is directly or indirectly dangerous to health or safety;

(3) if there is probable cause to believe that the property is subject to forfeiture under this Act and the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable; or

(4) in accordance with the Code of Criminal Procedure of 1963.

(c) In the event of seizure pursuant to subsection (b), notice shall be given forthwith to all known interest holders that forfeiture proceedings, including a preliminary review, shall be instituted in accordance with the Drug Asset Forfeiture Procedure Act and such proceedings shall thereafter be instituted in accordance with that Act. Upon a showing of good cause, the notice required for a preliminary review under this Section may be postponed.

(d) Property taken or detained under this Section is not subject to replevin, but is deemed to be in the custody of the Director subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney under the Drug Asset Forfeiture Procedure Act. When property is seized under this Act, the seizing agency shall promptly conduct an inventory of the seized property, estimate the property's value, and forward a copy of the inventory of seized property and the estimate of the property's value to the Director. Upon receiving notice of seizure, the Director may:

(1) place the property under seal;

(2) remove the property to a place designated by him or her;

(3) keep the property in the possession of the seizing agency;

(4) remove the property to a storage area for safekeeping or, if the property is a negotiable instrument or money and is not needed for evidentiary purposes, deposit it in an interest bearing account;

(5) place the property under constructive seizure by posting notice of pending forfeiture on it, by giving notice of pending forfeiture to its owners and interest holders, or by filing notice of pending forfeiture in any appropriate public record relating to the property; or

(6) provide for another agency or custodian, including an owner, secured party, or lienholder, to take custody of the property upon the terms and conditions set by the Director.

(e) No disposition may be made of property under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court.

(f) When property is forfeited under this Act, the Director shall sell the property unless the property is required by law to be destroyed or is harmful to the public, and shall distribute the proceeds of the sale, together with any moneys forfeited or seized, in accordance with subsection (g). However, upon the application of the seizing agency or prosecutor who was responsible for the investigation, arrest or arrests and prosecution which lead to the forfeiture, the Director may return any item of forfeited property to the seizing agency or prosecutor for official use in the enforcement of laws relating to methamphetamine, cannabis, or controlled substances, if the agency or prosecutor demonstrates that the item requested would be useful to the agency or prosecutor in their enforcement efforts. When any forfeited conveyance, including an aircraft, vehicle, or vessel, is returned to the seizing agency or prosecutor, the conveyance may be used immediately in the enforcement of the criminal laws of this State. Upon disposal, all proceeds from the sale of the conveyance must be used for drug enforcement purposes. When any real property returned to the seizing agency is sold by the agency or its unit of government, the proceeds of the sale shall be delivered to the Director and distributed in accordance with subsection (g).

(g) All moneys and the sale proceeds of all other property forfeited and seized under this Act shall be distributed as follows:

(1)(i) 65% shall be distributed to the metropolitan enforcement group, local, municipal, county, or State law enforcement agency or agencies which conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based. Amounts distributed to the agency

or agencies shall be used for the enforcement of laws governing methamphetamine, cannabis, and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or for security cameras used for the prevention or detection of violence, except that amounts distributed to the Secretary of State shall be deposited into the Secretary of State Evidence Fund to be used as provided in Section 2-115 of the Illinois Vehicle Code.

(ii) Any local, municipal, or county law enforcement agency entitled to receive a monetary distribution of forfeiture proceeds may share those forfeiture proceeds pursuant to the terms of an intergovernmental agreement with a municipality that has a population in excess of 20,000 if:

(I) the receiving agency has entered into an intergovernmental agreement with the municipality to provide police services;

(II) the intergovernmental agreement for police services provides for consideration in an amount of not less than $1,000,000 per year;

(III) the seizure took place within the geographical limits of the municipality; and

(IV) the funds are used only for the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or for security cameras used for the prevention or detection of violence or the establishment of a municipal police force, including the training of officers, construction of a police station, the purchase of law enforcement equipment, or vehicles.

(2)(i) 12.5% shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in the enforcement of laws governing methamphetamine, cannabis, and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or at the discretion of the State's Attorney, in addition to other authorized purposes, to make grants to local substance abuse treatment facilities and half-way houses. In counties with a population over 3,000,000, 25% shall be distributed to the Office of the State's Attorney for use in the enforcement of laws governing methamphetamine, cannabis, and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or at the discretion of the State's Attorney, in addition to other authorized purposes, to make grants to local substance abuse treatment facilities and half-way houses. If the prosecution is undertaken solely by the Attorney General, the portion provided hereunder shall be distributed to the Attorney General for use in the enforcement of laws governing methamphetamine, cannabis, and controlled substances or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol.

(ii) 12.5% shall be distributed to the Office of the State's Attorneys Appellate Prosecutor and deposited in the Narcotics Profit Forfeiture Fund of that Office to be used for additional expenses incurred in the investigation, prosecution and appeal of cases arising under laws governing methamphetamine, cannabis, and controlled substances or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol. The Office of the State's Attorneys Appellate Prosecutor shall not receive distribution from cases brought in counties with a population over 3,000,000.

(3) 10% shall be retained by the Department of State Police for expenses related to the administration and sale of seized and forfeited property.

(Source: P.A. 99-686, eff. 7-29-16.)

(Text of Section after amendment by P.A. 100-512)

Sec. 85. Forfeiture.

(a) The following are subject to forfeiture:

(1) (blank);

(2) all methamphetamine manufacturing materials which have been produced, delivered, or possessed in connection with any substance containing methamphetamine in violation of this Act;

(3) all conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of any substance containing methamphetamine or property described in paragraph (2) of this subsection (a) that constitutes a felony violation of the Act, but:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the violation;

(ii) no conveyance is subject to forfeiture under this Section by reason of

any act or omission which the owner proves to have been committed or omitted without his or her knowledge or consent;

(iii) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he or she neither had knowledge of nor consented to the act or omission;

(4) all money, things of value, books, records, and research products and materials including formulas, microfilm, tapes, and data which are used, or intended for use in a felony violation of this Act;

(5) everything of value furnished or intended to be furnished by any person in exchange for a substance in violation of this Act, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to commit or in any manner to facilitate any felony violation of this Act; ~~.~~

(6) all real property, including any right, title, and interest (including, but not limited to, any leasehold interest or the beneficial interest in a land trust) in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or in any manner to facilitate the commission of, any violation or act that constitutes a violation of this Act or that is the proceeds of any violation or act that constitutes a violation of this Act.

(b) Property subject to forfeiture under this Act may be seized under the Drug Asset Forfeiture Procedure Act. In the event of seizure, forfeiture proceedings shall be instituted under the Drug Asset Forfeiture Procedure Act.

(c) Forfeiture under this Act is subject to ~~subject to~~ an 8th Amendment ~~amendment~~ to the United States Constitution disproportionate penalties analysis as provided under Section 9.5 of the Drug Asset Forfeiture Procedure Act.

(d) With regard to possession of methamphetamine offenses only, a sum of currency with a value of less than $500 shall not be subject to forfeiture under this Act. For all other offenses under this Act, a sum of currency with a value of less than ~~under~~ $100 shall not be subject to forfeiture under this Act. In seizures of currency in excess of these amounts, this Section shall not create an exemption for these amounts.

(e) For felony offenses involving possession of a substance containing methamphetamine only, no property shall be subject to forfeiture under this Act because of the possession of less than 2 single unit doses of a substance. This exemption shall not apply in instances when the possessor, or another person at the direction of the possessor, is engaged in the destruction of any amount of a substance containing methamphetamine. The amount of a single unit dose shall be the State's burden to prove in its ~~their~~ case in chief.

(f) (Blank).

(g) (Blank).

(h) Contraband, including methamphetamine or any controlled substance possessed without authorization under State or federal law, is not subject to forfeiture. No property right exists in contraband. Contraband is subject to seizure and shall be disposed of according to State law.

(i) The changes made to this Section by Public Act 100-0512 and this amendatory Act of the 100th General Assembly only apply to property seized on and after July 1, 2018.

(j) The changes made to this Section by this amendatory Act of the 100th General Assembly are subject to Section 4 of the Statute on Statutes.

(Source: P.A. 99-686, eff. 7-29-16; 100-512, eff. 7-1-18.)

Section 40. The Drug Asset Forfeiture Procedure Act is amended by changing Sections 3.1, 3.3, 3.5, 4, 5, 5.1, 6, 7, 8, 9, 9.1, and 11, by adding Section 13.4, renumbering and changing Sections 15 and 17, and renumbering Section 20 as follows:

(725 ILCS 150/3.1)

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

Sec. 3.1. Seizure.

(a) Actual physical seizure of real property subject to forfeiture under this Act requires the issuance of a seizure warrant. Nothing in this Section prohibits the constructive seizure of real property through the filing of a complaint for forfeiture in circuit court and the recording of a lis pendens against the real property without a hearing, warrant application, or judicial approval.

(b) Personal property subject to forfeiture under the Illinois Controlled Substances Act, the Cannabis Control Act, the Illinois Food, Drug and Cosmetic Act, or the Methamphetamine Control and Community Protection Act may be seized by the Director of State Police or any peace officer upon process or seizure warrant issued by any court having jurisdiction over the property.

(c) Personal property subject to forfeiture under the Illinois Controlled Substances Act, the Cannabis Control Act, the Illinois Food, Drug and Cosmetic Act, or the Methamphetamine Control and Community Protection Act may be seized by the Director of State Police or any peace officer without process:

(1) if the seizure is incident to inspection under an administrative inspection warrant;

(2) if the property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal proceeding or in an injunction or forfeiture proceeding based upon this Act;

(3) if there is probable cause to believe that the property is directly or indirectly dangerous to health or safety;

(4) if there is probable cause to believe that the property is subject to forfeiture under the Illinois Controlled Substances Act, the Cannabis Control Act, the Illinois Food, Drug and Cosmetic Act, or the Methamphetamine Control and Community Protection Act, and the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable; or

(5) under the Code of Criminal Procedure of 1963.

(d) If a conveyance is seized under this Act, an investigation shall be made by the law enforcement agency as to any person whose right, title, interest, or lien is of record in the office of the agency or official in which title to or interest in ~~to~~ the conveyance is required by law to be recorded.

(e) After seizure under this Section, notice shall be given to all known interest holders that forfeiture proceedings, including a preliminary review, may be instituted and the proceedings may be instituted under this Act. Upon a showing of good cause related to an ongoing investigation, the notice required for a preliminary review under this Section may be postponed.

(Source: P.A. 100-512, eff. 7-1-18.)

(725 ILCS 150/3.3)

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

Sec. 3.3. Safekeeping of seized property pending disposition.

(a) Property seized under this Act is deemed to be in the custody of the Director of State Police, subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney under this Act.

(b) If property is seized under this Act, the seizing agency shall promptly conduct an inventory of the seized property and estimate the property's value, and shall forward a copy of the inventory of seized property and the estimate of the property's value to the Director of State Police. Upon receiving notice of seizure, the Director of State Police may:

(1) place the property under seal;

(2) remove the property to a place designated by the seizing agency;

(3) keep the property in the possession of the Director of State Police;

(4) remove the property to a storage area for safekeeping; ~~or~~

(5) place the property under constructive seizure by posting notice of pending forfeiture on it, by giving notice of pending forfeiture to its owners and interest holders, or by filing notice of pending forfeiture in any appropriate public record relating to the property; or

(6) provide for another agency or custodian, including an owner, secured party, or lienholder, to take custody of the property upon the terms and conditions set by the seizing agency.

(c) The seizing agency is required to exercise ordinary care to protect the seized property from negligent loss, damage, or destruction.

(Source: P.A. 100-512, eff. 7-1-18.)

(725 ILCS 150/3.5)

(Text of Section before amendment by P.A. 100-512)

Sec. 3.5. Preliminary review.

(a) Within 14 days of the seizure, the State shall seek a preliminary determination from the circuit court as to whether there is probable cause that the property may be subject to forfeiture.

(b) The rules of evidence shall not apply to any proceeding conducted under this Section.

(c) The court may conduct the review under subsection (a) simultaneously with a proceeding pursuant to Section 109-1 of the Code of Criminal Procedure of 1963 for a related criminal offense if a prosecution is commenced by information or complaint.

(d) The court may accept a finding of probable cause at a preliminary hearing following the filing of an information or complaint charging a related criminal offense or following the return of indictment by a grand jury charging the related offense as sufficient evidence of probable cause as required under subsection (a).

(e) Upon making a finding of probable cause as required under this Section, the circuit court shall order the property subject to the provisions of the applicable forfeiture Act held until the conclusion of any forfeiture proceeding.

For seizures of conveyances, within 7 days of a finding of probable cause under subsection (a), the registered owner or other claimant may file a motion in writing supported by sworn affidavits claiming that denial of the use of the conveyance during the pendency of the forfeiture proceedings creates a substantial hardship. The court shall consider the following factors in determining whether a substantial hardship has been proven:

(1) the nature of the claimed hardship;

(2) the availability of public transportation or other available means of transportation; and

(3) any available alternatives to alleviate the hardship other than the return of the seized conveyance.

If the court determines that a substantial hardship has been proven, the court shall then balance the nature of the hardship against the State's interest in safeguarding the conveyance. If the court determines that the hardship outweighs the State's interest in safeguarding the conveyance, the court may temporarily release the conveyance to the registered owner or the registered owner's authorized designee, or both, until the conclusion of the forfeiture proceedings or for such shorter period as ordered by the court provided that the person to whom the conveyance is released provides proof of insurance and a valid driver's license and all State and local registrations for operation of the conveyance are current. The court shall place conditions on the conveyance limiting its use to the stated hardship and restricting the conveyance's use to only those individuals authorized to use the conveyance by the registered owner. The court shall revoke the order releasing the conveyance and order that the conveyance be reseized by law enforcement if the conditions of release are violated or if the conveyance is used in the commission of any offense identified in subsection (a) of Section 6-205 of the Illinois Vehicle Code.

If the court orders the release of the conveyance during the pendency of the forfeiture proceedings, the registered owner or his or her authorized designee shall post a cash security with the Clerk of the Court as ordered by the court. The court shall consider the following factors in determining the amount of the cash security:

(A) the full market value of the conveyance;

(B) the nature of the hardship;

(C) the extent and length of the usage of the conveyance; and

(D) such other conditions as the court deems necessary to safeguard the conveyance.

If the conveyance is released, the court shall order that the registered owner or his or her designee safeguard the conveyance, not remove the conveyance from the jurisdiction, not conceal, destroy, or otherwise dispose of the conveyance, not encumber the conveyance, and not diminish the value of the conveyance in any way. The court shall also make a determination of the full market value of the conveyance prior to it being released based on a source or sources defined in 50 Ill. Adm. Code 919.80(c)(2)(A) or 919.80(c)(2)(B).

If the conveyance subject to forfeiture is released under this Section and is subsequently forfeited, the person to whom the conveyance was released shall return the conveyance to the law enforcement agency that seized the conveyance within 7 days from the date of the declaration of forfeiture or order of forfeiture. If the conveyance is not returned within 7 days, the cash security shall be forfeited in the same manner as the conveyance subject to forfeiture. If the cash security was less than the full market value, a judgment shall be entered against the parties to whom the conveyance was released and the registered owner, jointly and severally, for the difference between the full market value and the amount of the cash security. If the conveyance is returned in a condition other than the condition in which it was released, the cash security shall be returned to the surety who posted the security minus the amount of the diminished value, and that amount shall be forfeited in the same manner as the conveyance subject to forfeiture. Additionally, the court may enter an order allowing any law enforcement agency in the State of Illinois to seize the conveyance wherever it may be found in the State to satisfy the judgment if the cash security was less than the full market value of the conveyance.

(Source: P.A. 97-544, eff. 1-1-12; 97-680, eff. 3-16-12.)

(Text of Section after amendment by P.A. 100-512)

Sec. 3.5. Preliminary review.

(a) Within 14 days of the seizure, the State shall seek a preliminary determination from the circuit court as to whether there is probable cause that the property may be subject to forfeiture.

(b) The rules of evidence shall not apply to any proceeding conducted under this Section.

(c) The court may conduct the review under subsection (a) <u>of this Section</u> simultaneously with a proceeding <u>under</u> ~~pursuant to~~ Section 109-1 of the Code of Criminal Procedure of 1963 for a related criminal offense if a prosecution is commenced by information or complaint.

(d) The court may accept a finding of probable cause at a preliminary hearing following the filing of an information or complaint charging a related criminal offense or following the return of indictment by a grand jury charging the related offense as sufficient evidence of probable cause as required under subsection (a) of this Section.

(e) Upon making a finding of probable cause as required under this Section, the circuit court shall order the property subject to the provisions of the applicable forfeiture Act held until the conclusion of any forfeiture proceeding.

For seizures of conveyances, within 28 days after a finding of probable cause under subsection (a) of this Section, the registered owner or other claimant may file a motion in writing supported by sworn affidavits claiming that denial of the use of the conveyance during the pendency of the forfeiture proceedings creates a substantial hardship and alleges facts showing that the hardship ~~delay~~ was not due to his or her culpable negligence. The court shall consider the following factors in determining whether a substantial hardship has been proven:

(1) the nature of the claimed hardship;

(2) the availability of public transportation or other available means of transportation; and

(3) any available alternatives to alleviate the hardship other than the return of the seized conveyance.

If the court determines that a substantial hardship has been proven, the court shall then balance the nature of the hardship against the State's interest in safeguarding the conveyance. If the court determines that the hardship outweighs the State's interest in safeguarding the conveyance, the court may temporarily release the conveyance to the registered owner or the registered owner's authorized designee, or both, until the conclusion of the forfeiture proceedings or for such shorter period as ordered by the court provided that the person to whom the conveyance is released provides proof of insurance and a valid driver's license and all State and local registrations for operation of the conveyance are current. The court shall place conditions on the conveyance limiting its use to the stated hardship and providing transportation for employment, religious purposes, medical needs, child care, and obtaining food, and restricting the conveyance's use to only those individuals authorized to use the conveyance by the registered owner. The use of the vehicle shall be further restricted to exclude all recreational and entertainment purposes. The court may order any additional restrictions it deems reasonable and just on its own motion or on motion of the People. The court shall revoke the order releasing the conveyance and order that the conveyance be reseized by law enforcement if the conditions of release are violated or if the conveyance is used in the commission of any offense identified in subsection (a) of Section 6-205 of the Illinois Vehicle Code.

If the court orders the release of the conveyance during the pendency of the forfeiture proceedings, the court may order the registered owner or his or her authorized designee to post a cash security with the clerk ~~Clerk~~ of the court ~~Court~~ as ordered by the court. If cash security is ordered, the court shall consider the following factors in determining the amount of the cash security:

(A) the full market value of the conveyance;

(B) the nature of the hardship;

(C) the extent and length of the usage of the conveyance;

(D) the ability of the owner or designee to pay; and

(E) other conditions as the court deems necessary to safeguard the conveyance.

If the conveyance is released, the court shall order that the registered owner or his or her designee safeguard the conveyance, not remove the conveyance from the jurisdiction, not conceal, destroy, or otherwise dispose of the conveyance, not encumber the conveyance, and not diminish the value of the conveyance in any way. The court shall also make a determination of the full market value of the conveyance prior to it being released based on a source or sources defined in 50 Ill. Adm. Code 919.80(c)(2)(A) or 919.80(c)(2)(B).

If the conveyance subject to forfeiture is released under this Section and is subsequently forfeited, the person to whom the conveyance was released shall return the conveyance to the law enforcement agency that seized the conveyance within 7 days from the date of the declaration of forfeiture or order of forfeiture. If the conveyance is not returned within 7 days, the cash security shall be forfeited in the same manner as the conveyance subject to forfeiture. If the cash security was less than the full market value, a judgment shall be entered against the parties to whom the conveyance was released and the registered owner, jointly and severally, for the difference between the full market value and the amount of the cash security. If the conveyance is returned in a condition other than the condition in which it was released, the cash security shall be returned to the surety who posted the security minus the amount of the diminished value, and that amount shall be forfeited in the same manner as the conveyance subject to forfeiture. Additionally, the court may enter an order allowing any law enforcement agency in the State of Illinois to seize the

conveyance wherever it may be found in the State to satisfy the judgment if the cash security was less than the full market value of the conveyance.
(Source: P.A. 100-512, eff. 7-1-18.)

(725 ILCS 150/4) (from Ch. 56 1/2, par. 1674)

(Text of Section before amendment by P.A. 100-512)

Sec. 4. Notice to owner or interest holder.

(A) Whenever notice of pending forfeiture or service of an in rem complaint is required under the provisions of this Act, such notice or service shall be given as follows:

(1) If the owner's or interest holder's name and current address are known, then by either personal service or mailing a copy of the notice by certified mail, return receipt requested, to that address. For purposes of notice under this Section, if a person has been arrested for the conduct giving rise to the forfeiture, then the address provided to the arresting agency at the time of arrest shall be deemed to be that person's known address. Provided, however, if an owner or interest holder's address changes prior to the effective date of the notice of pending forfeiture, the owner or interest holder shall promptly notify the seizing agency of the change in address or, if the owner or interest holder's address changes subsequent to the effective date of the notice of pending forfeiture, the owner or interest holder shall promptly notify the State's Attorney of the change in address; or

(2) If the property seized is a conveyance, to the address reflected in the office of the agency or official in which title or interest to the conveyance is required by law to be recorded, then by mailing a copy of the notice by certified mail, return receipt requested, to that address; or

(3) If the owner's or interest holder's address is not known, and is not on record as provided in paragraph (2), then by publication for 3 successive weeks in a newspaper of general circulation in the county in which the seizure occurred.

(B) Notice served under this Act is effective upon personal service, the last date of publication, or the mailing of written notice, whichever is earlier.
(Source: P.A. 86-1382; 87-614.)

(Text of Section after amendment by P.A. 100-512)

Sec. 4. Notice to owner or interest holder. The first attempted service of notice shall be commenced within 28 days of the filing of the verified claim or the receipt of the notice from the seizing agency by Illinois State Police Notice/Inventory of Seized Property (Form 4-64) ~~the form 4-64~~, whichever occurs sooner. A complaint for forfeiture or a notice of pending forfeiture shall be served upon the property owner or interest holder in the following manner:

(1) If the owner's or interest holder's name and current address are known, then by either:

(A) personal service; or

(B) mailing a copy of the notice by certified mail, return receipt requested, and first class mail~~,~~ to that address.

(i) If notice is sent by certified mail and no signed return receipt is received by the State's Attorney within 28 days of mailing, and no communication from the owner or interest holder is received by the State's Attorney documenting actual notice by said parties, then the State's Attorney shall, within a reasonable period of time, mail a second copy of the notice by certified mail, return receipt requested, and first class mail ~~,~~ to that address.

(ii) If no signed return receipt is received by the State's Attorney within 28 days of the second attempt at service by certified mail, and no communication from the owner or interest holder is received by the State's Attorney documenting actual notice by said parties, then the State's Attorney shall have 60 days to attempt to serve the notice by personal service, which also includes substitute service by leaving a copy at the usual place of abode, with some person of the family or a person residing there, of the age of 13 years or upwards. If, after 3 attempts at service in this manner, no service of the notice is accomplished, then the notice shall be posted in a conspicuous manner at this address and service shall be made by posting.

The attempts at service and the posting if required, shall be documented by the person attempting service and said documentation shall be made part of a return of service returned to the State's Attorney.

The State's Attorney may utilize any Sheriff or Deputy Sheriff, any peace officer, a private process server or investigator, or any employee, agent, or investigator of the State's Attorney's Office to attempt service without seeking leave of court.

After the procedures set forth are followed, service shall be effective on an

owner or interest holder on the date of receipt by the State's Attorney of a ~~returned~~ return receipt ~~requested~~, or on the date of receipt of a communication from an owner or interest holder documenting actual notice, whichever is first in time, or on the date of the last act performed by the State's Attorney in attempting personal service under subparagraph (ii) above. If notice is to be shown by actual notice from communication with a claimant, then the State's Attorney shall file an affidavit providing details of the communication, which may be accepted as sufficient proof of service by the court.

After a claimant files a verified claim with the State's Attorney and provides ~~provide~~ an address at which the claimant ~~they~~ will accept service, the complaint shall be served and notice shall be perfected upon mailing of the complaint to the claimant at the address the claimant provided via certified mail, return receipt requested , and first class mail. No return receipt ~~card~~ need be received, or any other attempts at service need be made to comply with service and notice requirements under this Act. This certified mailing, return receipt requested , shall be proof of service of the complaint on the claimant.

For purposes of notice under this Section, if a person has been arrested for the conduct giving rise to the forfeiture, then the address provided to the arresting agency at the time of arrest shall be deemed to be that person's known address. Provided, however, if an owner or interest holder's address changes prior to the effective date of the notice of pending forfeiture, the owner or interest holder shall promptly notify the seizing agency of the change in address or, if the owner or interest holder's address changes subsequent to the effective date of the notice of pending forfeiture, the owner or interest holder shall promptly notify the State's Attorney of the change in address; or if the property seized is a conveyance, to the address reflected in the office of the agency or official in which title to or interest in ~~to~~ the conveyance is required by law to be recorded.

(2) If the owner's or interest holder's address is not known, and is not on record, then notice shall be served by publication for 3 successive weeks in a newspaper of general circulation in the county in which the seizure occurred.

(3) After a claimant files a verified claim with the State's Attorney and provides an address at which the claimant ~~they~~ will accept service, the complaint shall be served and notice shall be perfected upon mailing of the complaint to the claimant at the address the claimant provided via certified mail, return receipt requested , and first class mail. No return receipt ~~card~~ need be received or any other attempts at service need be made to comply with service and notice requirements under this Act. This certified mailing, return receipt requested , shall be proof of service of the complaint on the claimant.

(4) Notice to any business entity, corporation, limited liability company, limited liability partnership ~~LLC, LLP~~, or partnership shall be completed ~~complete~~ by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail , to that address. This notice is complete regardless of the return of a signed "return receipt ~~requested~~".

(5) Notice to a person whose address is not within the State shall be completed ~~complete~~ by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail , to that address. This notice is complete regardless of the return of a signed "return receipt ~~requested~~".

(6) Notice to a person whose address is not within the United States shall be completed ~~complete~~ by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail , to that address. This notice shall be complete regardless of the return of a signed "return receipt ~~requested~~". If certified mail is not available in the foreign country where the person has an address, then notice shall proceed by publication under paragraph (2) of this Section.

(7) Notice to any person whom the State's Attorney reasonably should know is incarcerated within the State shall also include the mailing a copy of the notice by certified mail, return receipt requested, and first class mail , to the address of the detention facility with the inmate's name clearly marked on the envelope.

~~(A) (Blank).~~

~~(B) (Blank).~~

(Source: P.A. 100-512, eff. 7-1-18.)

(725 ILCS 150/5) (from Ch. 56 1/2, par. 1675)

(Text of Section before amendment by P.A. 100-512)

Sec. 5. Notice to State's Attorney. The law enforcement agency seizing property for forfeiture under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act shall, within 52 days of seizure, notify the State's Attorney for the county in which an act or omission giving rise to the forfeiture occurred or in which the property was seized of the seizure of the property and the facts and circumstances giving rise to the seizure and shall provide the

State's Attorney with the inventory of the property and its estimated value. When the property seized for forfeiture is a vehicle, the law enforcement agency seizing the property shall immediately notify the Secretary of State that forfeiture proceedings are pending regarding such vehicle.
(Source: P.A. 94-556, eff. 9-11-05.)

(Text of Section after amendment by P.A. 100-512)

Sec. 5. Notice to State's Attorney. The law enforcement agency seizing property for forfeiture under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, or the Illinois Food, Drug, and Cosmetic Act shall, as soon as practicable but not later than 28 days after the seizure, notify the State's Attorney for the county in which an act or omission giving rise to the seizure occurred or in which the property was seized of the seizure of the property and the facts and circumstances giving rise to the seizure and shall provide the State's Attorney with the inventory of the property and its estimated value. Said notice shall be by the delivery of Form ~~the form~~ 4-64. When the property seized for forfeiture is a vehicle, the law enforcement agency seizing the property shall immediately notify the Secretary of State that forfeiture proceedings are pending regarding such vehicle.
(Source: P.A. 100-512, eff. 7-1-18.)

(725 ILCS 150/5.1)

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

Sec. 5.1. Replevin prohibited; return of personal property inside seized conveyance.

(a) Property seized under this Act shall not be subject to replevin, but is deemed to be in the custody of the Director of State Police, subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney.

(b) A claimant or a party interested in personal property contained within a seized conveyance may file a request with the State's Attorney in an administrative forfeiture action, or a motion with the court in a judicial forfeiture action, for the return of any personal property contained within a conveyance seized under this Act. The return of personal property shall not be unreasonably withheld if the personal property is not mechanically or electrically coupled to the conveyance, needed for evidentiary purposes, or otherwise contraband. A law enforcement agency that returns property under a court order under this Section shall not be liable to any person who claims ownership to the property if the property is returned to an improper party.
(Source: P.A. 100-512, eff. 7-1-18.)

(725 ILCS 150/6) (from Ch. 56 1/2, par. 1676)

(Text of Section before amendment by P.A. 100-512)

Sec. 6. Non-judicial forfeiture. If non-real property that exceeds $150,000 in value excluding the value of any conveyance, or if real property is seized under the provisions of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, the State's Attorney shall institute judicial in rem forfeiture proceedings as described in Section 9 of this Act within 45 days from receipt of notice of seizure from the seizing agency under Section 5 of this Act. However, if non-real property that does not exceed $150,000 in value excluding the value of any conveyance is seized, the following procedure shall be used:

(A) If, after review of the facts surrounding the seizure, the State's Attorney is of the opinion that the seized property is subject to forfeiture, then within 45 days of the receipt of notice of seizure from the seizing agency, the State's Attorney shall cause notice of pending forfeiture to be given to the owner of the property and all known interest holders of the property in accordance with Section 4 of this Act.

(B) The notice of pending forfeiture must include a description of the property, the estimated value of the property, the date and place of seizure, the conduct giving rise to forfeiture or the violation of law alleged, and a summary of procedures and procedural rights applicable to the forfeiture action.

(C)(1) Any person claiming an interest in property which is the subject of notice under subsection (A) of Section 6 of this Act, may, within 45 days after the effective date of notice as described in Section 4 of this Act, file a verified claim with the State's Attorney expressing his or her interest in the property. The claim must set forth:

(i) the caption of the proceedings as set forth on the notice of pending forfeiture and the name of the claimant;

(ii) the address at which the claimant will accept mail;

(iii) the nature and extent of the claimant's interest in the property;

(iv) the date, identity of the transferor, and circumstances of the claimant's

acquisition of the interest in the property;

(v) the name and address of all other persons known to have an interest in the property;

(vi) the specific provision of law relied on in asserting the property is not subject to forfeiture;

(vii) all essential facts supporting each assertion; and

(viii) the relief sought.

(2) If a claimant files the claim and deposits with the State's Attorney a cost bond, in the form of a cashier's check payable to the clerk of the court, in the sum of 10 percent of the reasonable value of the property as alleged by the State's Attorney or the sum of $100, whichever is greater, upon condition that, in the case of forfeiture, the claimant must pay all costs and expenses of forfeiture proceedings, then the State's Attorney shall institute judicial in rem forfeiture proceedings and deposit the cost bond with the clerk of the court as described in Section 9 of this Act within 45 days after receipt of the claim and cost bond. In lieu of a cost bond, a person claiming interest in the seized property may file, under penalty of perjury, an indigency affidavit.

(3) If none of the seized property is forfeited in the judicial in rem proceeding, the clerk of the court shall return to the claimant, unless the court orders otherwise, 90% of the sum which has been deposited and shall retain as costs 10% of the money deposited. If any of the seized property is forfeited under the judicial forfeiture proceeding, the clerk of the court shall transfer 90% of the sum which has been deposited to the State's Attorney prosecuting the civil forfeiture to be applied to the costs of prosecution and the clerk shall retain as costs 10% of the sum deposited.

(D) If no claim is filed or bond given within the 45 day period as described in subsection (C) of Section 6 of this Act, the State's Attorney shall declare the property forfeited and shall promptly notify the owner and all known interest holders of the property and the Director of the Illinois Department of State Police of the declaration of forfeiture and the Director shall dispose of the property in accordance with law.

(Source: P.A. 97-544, eff. 1-1-12.)

(Text of Section after amendment by P.A. 100-512)

Sec. 6. Non-judicial forfeiture. If non-real property that exceeds $150,000 in value excluding the value of any conveyance, or if real property is seized under the provisions of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, the State's Attorney shall institute judicial in rem forfeiture proceedings as described in Section 9 of this Act within 28 ~~45~~ days from receipt of notice of seizure from the seizing agency under Section 5 of this Act. However, if non-real property that does not exceed $150,000 in value excluding the value of any conveyance is seized, the following procedure shall be used:

(A) If, after review of the facts surrounding the seizure, the State's Attorney is of the opinion that the seized property is subject to forfeiture, then within 28 ~~45~~ days of the receipt of notice of seizure from the seizing agency, the State's Attorney shall cause notice of pending forfeiture to be given to the owner of the property and all known interest holders of the property in accordance with Section 4 of this Act.

(B) The notice of pending forfeiture must include a description of the property, the estimated value of the property, the date and place of seizure, the conduct giving rise to forfeiture or the violation of law alleged, and a summary of procedures and procedural rights applicable to the forfeiture action.

(C)(1) Any person claiming an interest in property which is the subject of notice under subsection (A) of this Section ~~6 of this Act,~~ may, within 45 days after the effective date of notice as described in Section 4 of this Act, file a verified claim with the State's Attorney expressing his or her interest in the property. The claim must set forth:

(i) the caption of the proceedings as set forth on the notice of pending forfeiture and the name of the claimant;

(ii) the address at which the claimant will accept mail;

(iii) the nature and extent of the claimant's interest in the property;

(iv) the date, identity of the transferor, and circumstances of the claimant's acquisition of the interest in the property;

(v) the names and addresses ~~name and address~~ of all other persons known to have an interest in the property;

(vi) the specific provision of law relied on in asserting the property is not subject to forfeiture;

(vii) all essential facts supporting each assertion; and

(viii) the relief sought.

(2) If a claimant files the claim then the State's Attorney shall institute judicial in rem forfeiture proceedings within 28 ~~30~~ days after receipt of the claim.~~.~~

(D) If no claim is filed within the 45 day period as described in subsection (C) of this Section ~~6 of this Act~~, the State's Attorney shall declare the property forfeited and shall promptly notify the owner and all known interest holders of the property and the Director of the Illinois Department of State Police of the declaration of forfeiture and the Director shall dispose of the property in accordance with law.

(Source: P.A. 100-512, eff. 7-1-18.)

(725 ILCS 150/7) (from Ch. 56 1/2, par. 1677)

(Text of Section before amendment by P.A. 100-512)

Sec. 7. Presumptions. The following situations shall give rise to a presumption that the property described therein was furnished or intended to be furnished in exchange for a substance in violation of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, or is the proceeds of such an exchange, and therefore forfeitable under this Act, such presumptions being rebuttable by a preponderance of the evidence:

(1) All moneys, coin, or currency found in close proximity to forfeitable substances, to forfeitable drug manufacturing or distributing paraphernalia, or to forfeitable records of the importation, manufacture or distribution of substances;

(2) All property acquired or caused to be acquired by a person either between the dates of occurrence of two or more acts in felony violation of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, or an act committed in another state, territory or country which would be punishable as a felony under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, committed by that person within 5 years of each other, or all property acquired by such person within a reasonable amount of time after the commission of such acts if:

(a) At least one of the above acts was committed after the effective date of this Act; and

(b) At least one of the acts is or was punishable as a Class X, Class 1, or Class 2 felony; and

(c) There was no likely source for such property other than a violation of the above Acts.

(Source: P.A. 94-556, eff. 9-11-05.)

(Text of Section after amendment by P.A. 100-512)

Sec. 7. Presumptions and inferences.

(1) The following situation shall give rise to a presumption that the property described therein was furnished or intended to be furnished in exchange for a substance in violation of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, or is the proceeds of such an exchange, and therefore forfeitable under this Act, such presumptions being rebuttable by a preponderance of the evidence:

All moneys, coin, or currency found in close proximity to any ~~forfeitable~~ substances manufactured, distributed, dispensed, or possessed in violation of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, to forfeitable drug manufacturing or distributing paraphernalia, or to forfeitable records of the importation, manufacture or distribution of substances.

(2) In the following situation, the trier of fact may infer that the property described therein was furnished or intended to be furnished in exchange for a substance in violation of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, or is the proceeds of such an exchange, and therefore forfeitable under this Act:

All property acquired or caused to be acquired by a person either between the dates of occurrence of two or more acts in felony violation of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, or an act committed in another state, territory or country which would be punishable as a felony under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, committed by that person within 5 years of each other, or all property acquired by such person within a reasonable amount of time after the commission of such acts if:

(a) at ~~At~~ least one of the above acts was committed after the effective date of this Act; and

(b) both ~~Both~~ of the acts are or were punishable as a Class X, Class 1, or Class 2 felony; and

(c) there ~~There~~ was no likely source for such property other than a violation of the above Acts.

(3) Presumptions and permissive inferences set forth in this Section shall apply to all portions of all phases of all ~~the judicial in rem~~ forfeiture proceedings under this Act.

(Source: P.A. 100-512, eff. 7-1-18.)

(725 ILCS 150/8) (from Ch. 56 1/2, par. 1678)

(Text of Section before amendment by P.A. 100-512)

Sec. 8. Exemptions from forfeiture. A property interest is exempt from forfeiture under this Section if its owner or interest holder establishes by a preponderance of evidence that the owner or interest holder:

(A)(i) in the case of personal property, is not legally accountable for the conduct giving rise to the forfeiture, did not acquiesce in it, and did not know and could not reasonably have known of the conduct or that the conduct was likely to occur, or

(ii) in the case of real property, is not legally accountable for the conduct giving rise to the forfeiture, or did not solicit, conspire, or attempt to commit the conduct giving rise to the forfeiture; and

(B) had not acquired and did not stand to acquire substantial proceeds from the conduct giving rise to its forfeiture other than as an interest holder in an arms length commercial transaction; and

(C) with respect to conveyances, did not hold the property jointly or in common with a person whose conduct gave rise to the forfeiture; and

(D) does not hold the property for the benefit of or as nominee for any person whose conduct gave rise to its forfeiture, and, if the owner or interest holder acquired the interest through any such person, the owner or interest holder acquired it as a bona fide purchaser for value without knowingly taking part in the conduct giving rise to the forfeiture; and

(E) that the owner or interest holder acquired the interest:

(i) before the commencement of the conduct giving rise to its forfeiture and the person whose conduct gave rise to its forfeiture did not have the authority to convey the interest to a bona fide purchaser for value at the time of the conduct; or

(ii) after the commencement of the conduct giving rise to its forfeiture, and the owner or interest holder acquired the interest as a mortgagee, secured creditor, lienholder, or bona fide purchaser for value without knowledge of the conduct which gave rise to the forfeiture; and

(a) in the case of personal property, without knowledge of the seizure of the property for forfeiture; or

(b) in the case of real estate, before the filing in the office of the Recorder of Deeds of the county in which the real estate is located of a notice of seizure for forfeiture or a lis pendens notice.

(Source: P.A. 86-1382.)

(Text of Section after amendment by P.A. 100-512)

Sec. 8. Exemptions from forfeiture.

(a) No vessel or watercraft, vehicle, or aircraft used by any person as a common carrier in the transaction of business as a common carrier may be forfeited under this Act unless the State proves by a preponderance of the evidence that:

(1) in the case of a railway car or engine, the owner, or

(2) in the case of any other such vessel or watercraft, vehicle or aircraft, the owner

or the master of such vessel or watercraft or the owner or conductor, driver, pilot, or other person in charge of that vehicle or aircraft was at the time of the alleged illegal act a consenting party or privy to that knowledge.

(b) No vessel or watercraft, vehicle, or aircraft shall be forfeited under this Act by reason of any act or omission committed or omitted by any person other than such owner while a vessel or watercraft, vehicle, or aircraft was unlawfully in the possession of a person who acquired possession in violation of the criminal laws of the United States~~,~~ or of any state.

~~(A) (blank); and~~

~~(B) (blank); and~~

~~(C) (blank); and~~

~~(D) (blank); and~~

~~(E) (blank); and~~

(Source: P.A. 100-512, eff. 7-1-18.)

(725 ILCS 150/9) (from Ch. 56 1/2, par. 1679)

(Text of Section before amendment by P.A. 100-512)

Sec. 9. Judicial in rem procedures. If property seized under the provisions of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act is non-real property that exceeds $20,000 in value excluding the value of any conveyance, or is real

property, or a claimant has filed a claim and a cost bond under subsection (C) of Section 6 of this Act, the following judicial in rem procedures shall apply:

(A) If, after a review of the facts surrounding the seizure, the State's Attorney is of the opinion that the seized property is subject to forfeiture, then within 45 days of the receipt of notice of seizure by the seizing agency or the filing of the claim and cost bond, whichever is later, the State's Attorney shall institute judicial forfeiture proceedings by filing a verified complaint for forfeiture and, if the claimant has filed a claim and cost bond, by depositing the cost bond with the clerk of the court. When authorized by law, a forfeiture must be ordered by a court on an action in rem brought by a State's Attorney under a verified complaint for forfeiture.

(B) During the probable cause portion of the judicial in rem proceeding wherein the State presents its case-in-chief, the court must receive and consider, among other things, all relevant hearsay evidence and information. The laws of evidence relating to civil actions shall apply to all other portions of the judicial in rem proceeding.

(C) Only an owner of or interest holder in the property may file an answer asserting a claim against the property in the action in rem. For purposes of this Section, the owner or interest holder shall be referred to as claimant.

(D) The answer must be signed by the owner or interest holder under penalty of perjury and must set forth:

(i) the caption of the proceedings as set forth on the notice of pending forfeiture and the name of the claimant;

(ii) the address at which the claimant will accept mail;

(iii) the nature and extent of the claimant's interest in the property;

(iv) the date, identity of transferor, and circumstances of the claimant's acquisition of the interest in the property;

(v) the name and address of all other persons known to have an interest in the property;

(vi) the specific provisions of Section 8 of this Act relied on in asserting it is not subject to forfeiture;

(vii) all essential facts supporting each assertion; and

(viii) the precise relief sought.

(E) The answer must be filed with the court within 45 days after service of the civil in rem complaint.

(F) The hearing must be held within 60 days after filing of the answer unless continued for good cause.

(G) The State shall show the existence of probable cause for forfeiture of the property. If the State shows probable cause, the claimant has the burden of showing by a preponderance of the evidence that the claimant's interest in the property is not subject to forfeiture.

(H) If the State does not show existence of probable cause or a claimant has established by a preponderance of evidence that the claimant has an interest that is exempt under Section 8 of this Act, the court shall order the interest in the property returned or conveyed to the claimant and shall order all other property forfeited to the State. If the State does show existence of probable cause and the claimant does not establish by a preponderance of evidence that the claimant has an interest that is exempt under Section 8 of this Act, the court shall order all property forfeited to the State.

(I) A defendant convicted in any criminal proceeding is precluded from later denying the essential allegations of the criminal offense of which the defendant was convicted in any proceeding under this Act regardless of the pendency of an appeal from that conviction. However, evidence of the pendency of an appeal is admissible.

(J) An acquittal or dismissal in a criminal proceeding shall not preclude civil proceedings under this Act; however, for good cause shown, on a motion by the State's Attorney, the court may stay civil forfeiture proceedings during the criminal trial for a related criminal indictment or information alleging a violation of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act. Such a stay shall not be available pending an appeal. Property subject to forfeiture under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act shall not be subject to return or release by a court exercising jurisdiction over a criminal case involving the seizure of such property unless such return or release is consented to by the State's Attorney.

(K) All property declared forfeited under this Act vests in this State on the commission of the conduct giving rise to forfeiture together with the proceeds of the property after that time. Any such property or proceeds subsequently transferred to any person remain subject to forfeiture and thereafter shall be ordered forfeited unless the transferee claims and establishes in a hearing under the provisions of this Act that the transferee's interest is exempt under Section 8 of this Act.

(L) A civil action under this Act must be commenced within 5 years after the last conduct giving rise to forfeiture became known or should have become known or 5 years after the forfeitable property is discovered, whichever is later, excluding any time during which either the property or claimant is out of the State or in confinement or during which criminal proceedings relating to the same conduct are in progress.
(Source: P.A. 94-556, eff. 9-11-05.)

(Text of Section after amendment by P.A. 100-512)

Sec. 9. Judicial in rem procedures. If property seized under the provisions of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act is non-real property that exceeds $150,000 in value excluding the value of any conveyance, or is real property, or a claimant has filed a claim ~~and a cost bond~~ under subsection (C) of Section 6 of this Act, the following judicial in rem procedures shall apply:

(A) If, after a review of the facts surrounding the seizure, the State's Attorney is of the opinion that the seized property is subject to forfeiture, the State's Attorney shall institute judicial forfeiture proceedings by filing a verified complaint for forfeiture in the circuit court within whose jurisdiction the seizure occurred, or within whose jurisdiction an act or omission giving rise to the seizure occurred, subject to Supreme Court Rule 187. The complaint for ~~of~~ forfeiture shall be filed as soon as practicable, but not later than 28 days after the filing of a verified claim by a claimant if the property was acted upon under a non-judicial forfeiture action, or 28 days after the State's Attorney receives notice from the seizing agency as provided under Section 5 of this Act, whichever occurs later. When authorized by law, a forfeiture must be ordered by a court on an action in rem brought by a State's Attorney under a verified complaint for forfeiture.

(A-5) If the State's Attorney finds that the alleged violation of law giving rise to the seizure was incurred without willful negligence or without any intention on the part of the owner of the property to violate the law or finds the existence of ~~those~~ mitigating circumstances to justify remission of the forfeiture, may cause the law enforcement agency having custody of the property to return the property to the owner within a reasonable time not to exceed 7 days. The State's Attorney shall exercise his or her discretion prior to or promptly after the preliminary review under Section 3.5 of this Act. Judicial in rem forfeiture proceedings under this Act shall be subject to the Code of Civil Procedure and the rules of evidence relating to civil actions.

(A-10) A complaint of forfeiture shall include:

(1) a description of the property seized;

(2) the date and place of seizure of the property;

(3) the name and address of the law enforcement agency making the seizure; and

(4) the specific statutory and factual grounds for the seizure.

The complaint shall be served upon the person from whom the property was seized and all persons known or reasonably believed by the State to claim an interest in the property, as provided in Section 4 of this Act. The complaint shall be accompanied by the following written notice:

"This is a civil court proceeding subject to the Code of Civil Procedure. You received this Complaint of Forfeiture because the State's Attorney's office has brought a legal action seeking forfeiture of your seized property. This complaint starts the court process where the state seeks to prove that your property should be forfeited and not returned to you. This process is also your opportunity to try to prove to a judge that you should get your property back. The complaint lists the date, time, and location of your first court date. You must appear in court on that day, or you may lose the case automatically. You must also file an appearance and answer. If you are unable to pay the appearance fee, you may qualify to have the fee waived. If there is a criminal case related to the seizure of your property, your case may be set for trial after the criminal case has been resolved. Before trial, the judge may allow discovery, where the State can ask you to respond in writing to questions and give them certain documents, and you can make similar requests of the State. The trial is your opportunity to explain what happened when your property was seized and why you should get the property back.".

(B) The laws of evidence relating to civil actions shall apply to all other proceedings under this Act except that the parties shall be allowed to use, and the court must receive and consider, all relevant hearsay evidence that ~~which~~ relates to evidentiary foundation, chain of custody, business records, recordings, laboratory analysis, laboratory reports, and the use of technology in the investigation that resulted in the seizure of the property that ~~which~~ is subject to the ~~this~~ forfeiture action.

(C) Only an owner of or interest holder in the property may file an answer asserting a claim against the property in the action in rem. For purposes of this Section, the owner or interest holder shall be referred to

as claimant. A person not named in the forfeiture complaint who claims to have an interest in the property may petition to intervene as a claimant under Section 2-408 of the Code of Civil Procedure.

(D) The answer must be signed by the owner or interest holder under penalty of perjury and must set forth:

(i) the caption of the proceedings as set forth on the notice of pending forfeiture and the name of the claimant;

(ii) the address at which the claimant will accept mail;

(iii) the nature and extent of the claimant's interest in the property;

(iv) the date, identity of transferor, and circumstances of the claimant's acquisition of the interest in the property;

(v) the names and addresses ~~name and address~~ of all other persons known to have an interest in the property;

(vi) the specific provisions of Section 8 of this Act relied on in asserting it is exempt from forfeiture, if applicable;

(vii) all essential facts supporting each assertion;

(viii) the precise relief sought; and

(ix) in a forfeiture action involving currency or its equivalent, a claimant shall provide the State with notice of the claimant's ~~their~~ intent to allege that the currency or its equivalent is not related to the alleged factual basis for the forfeiture, and why.

(E) The answer must be filed with the court within 45 days after service of the civil in rem complaint.

(F) The trial shall be held within 60 days after filing of the answer unless continued for good cause.

(G) The State, in its case in chief, shall show by a preponderance of the evidence the property is subject to forfeiture; and at least one of the following:

(i) In the case of personal property, including conveyances:

(a) that the claimant was legally accountable for the conduct giving rise to the forfeiture;

(b) that the claimant knew or reasonably should have known of the conduct giving rise to the forfeiture;

(c) that the claimant knew or reasonably should have known that the conduct giving rise to the forfeiture was likely to occur;

(d) that the claimant held the property for the benefit of, or as nominee for, any person whose conduct gave rise to its forfeiture;

(e) that if the claimant acquired the ~~their~~ interest through any person engaging in any of the conduct described above or conduct giving rise to the forfeiture:

(1) the claimant did not acquire it as a bona fide purchaser for value, or

(2) the claimant acquired the interest under such circumstances that the claimant ~~they~~ reasonably should have known the property was derived from, or used in, the conduct giving rise to the forfeiture; ~~or~~

(f) that the claimant is not the true owner of the property;

(g) that the claimant acquired the interest:

(1) before the commencement of the conduct giving rise to the forfeiture and the person whose conduct gave rise to the forfeiture did not have authority to convey the interest to a bona fide purchaser for value at the time of the conduct; or

(2) after the commencement of the conduct giving rise to the forfeiture and the owner or interest holder acquired the interest as a mortgagee, secured creditor, lienholder, or bona fide purchaser for value without knowledge of the conduct that ~~which~~ gave rise to the forfeiture, and without the knowledge of the seizure of the property for forfeiture.

(ii) In the case of real property:

(a) that the claimant was legally accountable for the conduct giving rise to the forfeiture;

(b) that the claimant solicited, conspired, or attempted to commit the conduct giving rise to the forfeiture; or

(c) that the claimant had acquired or stood to acquire substantial proceeds from the conduct giving rise to its forfeiture other than as an interest holder in an arm's length transaction;

(d) that the claimant is not the true owner of the property;

(e) that the claimant acquired the interest:

(1) before the commencement of the conduct giving rise to the forfeiture and the person whose conduct gave rise to the forfeiture did not have authority to convey the interest to a bona fide purchaser for value at the time of the conduct; or

(2) after the commencement of the conduct giving rise to the forfeiture and the owner or interest holder acquired the interest as a mortgagee, secured creditor, lienholder, or bona fide purchaser for value without knowledge of the conduct that ~~which~~ gave rise to the forfeiture, and before the filing in the office of the recorder of deeds of the county in which the real estate is located a notice of seizure for forfeiture or a lis pendens notice.

(G-5) If the property that is the subject of the forfeiture proceeding is currency or its equivalent, the State, in its case in chief, shall show by a preponderance of the evidence that the property is subject to forfeiture. If the State makes that showing, the claimant shall have the burden of production to set forth evidence that the currency or its equivalent is not related to the alleged factual basis of the forfeiture. After the production of evidence, the State shall maintain the burden of proof to overcome this assertion.

(G-10) Notwithstanding any other provision of this Section, the State's burden of proof at the trial of the forfeiture action shall be by clear and convincing evidence if:

(1) a finding of not guilty is entered as to all counts and all defendants in a criminal proceeding relating to the conduct giving rise to the forfeiture action; or

(2) the State receives an adverse finding at a preliminary hearing and fails to secure an indictment in a criminal proceeding related to the factual allegations of the forfeiture action.

(H) If the State does not meet its burden of proof, the court shall order the interest in the property returned or conveyed to the claimant and shall order all other property as to which the State does meet its burden of proof forfeited to the State. If the State does meet its burden of proof, the court shall order all property forfeited to the State.

(I) A defendant convicted in any criminal proceeding is precluded from later denying the essential allegations of the criminal offense of which the defendant was convicted in any proceeding under this Act regardless of the pendency of an appeal from that conviction. However, evidence of the pendency of an appeal is admissible.

(J) An acquittal or dismissal in a criminal proceeding shall not preclude civil proceedings under this Act; however, for good cause shown, on a motion by the State's Attorney, the court may stay civil forfeiture proceedings during the criminal trial for a related criminal indictment or information alleging a violation of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act. Such a stay shall not be available pending an appeal. Property subject to forfeiture under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act shall not be subject to return or release by a court exercising jurisdiction over a criminal case involving the seizure of such property unless such return or release is consented to by the State's Attorney.

(K) Title to all property declared forfeited under this Act vests in the ~~this~~ State on the commission of the conduct giving rise to forfeiture together with the proceeds of the property after that time. Except as otherwise provided in this Act, any such property or proceeds subsequently transferred to any person remain subject to forfeiture unless a person to whom the property was transferred makes an appropriate claim under this Act and has the ~~their~~ claim adjudicated in the judicial in rem proceeding.

(L) A civil action under this Act must be commenced within 5 years after the last conduct giving rise to forfeiture became known or should have become known or 5 years after the forfeitable property is discovered, whichever is later, excluding any time during which either the property or claimant is out of the State or in confinement or during which criminal proceedings relating to the same conduct are in progress.

(M) No property shall be forfeited under this Act from a person who, without actual or constructive notice that the property was the subject of forfeiture proceedings, obtained possession of the property as a bona fide purchaser for value. A person who purports to transfer property after receiving actual or constructive notice that the property is subject to seizure or forfeiture is guilty of contempt of court and shall be liable to the State for a penalty in the amount of the fair market value of the property.

(N) If property is ordered forfeited under this Act from a claimant who held title to the property in joint tenancy or tenancy in common with another claimant, the court shall determine the amount of each owner's interest in the property according to principles of property law.

(Source: P.A. 100-512, eff. 7-1-18.)

(725 ILCS 150/9.1)

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

Sec. 9.1. Innocent owner hearing.

(a) After a complaint for forfeiture is filed and all claimants have appeared and answered, a claimant may file a motion with the court for an innocent owner hearing prior to trial. This motion shall be made and supported by sworn affidavit and shall assert the following along with specific facts that ~~which~~ support each assertion:

(1) that the claimant filing the motion is the true owner of the conveyance as interpreted by case law;

(2) that the claimant was not legally accountable for the conduct giving rise to the forfeiture or acquiesced in the conduct;

(3) that the claimant did not solicit, conspire, or attempt to commit the conduct giving rise to the forfeiture;

(4) that the claimant did not know or did not ~~they~~ have reason to know that the conduct giving rise to the forfeiture was likely to occur; and

(5) that the claimant did not hold the property for the benefit of, or as nominee for any person whose conduct gave rise to its forfeiture, or if the owner or interest holder acquired the interest through any such person, the owner or interest holder did not acquire it as a bona fide purchaser for value, or acquired the interest without knowledge of the seizure of the property for forfeiture.

~~(b)~~ The claimant's motion shall include specific facts supporting these assertions.

(b) ~~(c)~~ Upon this filing, a hearing may only be held after the parties have been given the opportunity to conduct limited discovery as to the ownership and control of the property, the claimant's knowledge, or any matter relevant to the issues raised or facts alleged in the claimant's motion. Discovery shall be limited to the People's requests in these areas but may proceed by any means allowed in the Code of Civil Procedure.

(c) ~~(d)~~ After discovery is complete and the court has allowed for sufficient time to review and investigate the discovery responses, the court shall conduct a hearing. At the hearing, the fact that the property is subject to forfeiture shall not be at issue. The court shall only hear evidence relating to the issue of innocent ownership.

(d) ~~(e)~~ At the hearing on the motion, the claimant shall bear the burden of proving by a preponderance of the evidence each of the assertions set forth in subsection (a) of this Section. ~~(f)~~ If a claimant meets the ~~their~~ burden of proof, the court shall grant the motion and order the property returned to the claimant. If the claimant fails to meet the ~~their~~ burden of proof, then the court shall deny the motion and the forfeiture case shall proceed according to the Code ~~Rules~~ of Civil Procedure.

(Source: P.A. 100-512, eff. 7-1-18.)

(725 ILCS 150/11) (from Ch. 56 1/2, par. 1681)

(Text of Section before amendment by P.A. 100-512)

Sec. 11. Settlement of claims. Notwithstanding other provisions of this Act, the State's Attorney and a claimant of seized property may enter into an agreed-upon settlement concerning the seized property in such an amount and upon such terms as are set out in writing in a settlement agreement.

(Source: P.A. 86-1382.)

(Text of Section after amendment by P.A. 100-512)

Sec. 11. Settlement of claims. Notwithstanding other provisions of this Act, the State's Attorney and a claimant of seized property may enter into an agreed-upon settlement concerning the seized property in such an amount and upon such terms as are set out in writing in a settlement agreement. All proceeds from a settlement agreement shall be tendered to the Department of State Police and distributed in accordance with the provisions of Section 13.2 ~~17~~ of this Act.

(Source: P.A. 100-512, eff. 7-1-18.)

(725 ILCS 150/13.1)

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

Sec. 13.1 ~~15~~. Return of property, damages, and costs.

(a) The law enforcement agency that holds custody of property seized for forfeiture shall deliver property ordered by the court to be returned or conveyed to the claimant within a reasonable time not to exceed 7 days, unless the order is stayed by the trial court or a reviewing court pending an appeal, motion to reconsider, or other reason.

(b) The law enforcement agency that holds custody of property described in subsection (a) of this Section is responsible for any damages, storage fees, and related costs applicable to property returned. The claimant shall not be subject to any charges by the State for storage of the property or expenses incurred in the preservation of the property. Charges for the towing of a conveyance shall be borne by the claimant unless the conveyance was towed for the sole reason of seizure for forfeiture. This Section does not prohibit the imposition of any fees or costs by a home rule unit of local government related to the impoundment of a conveyance pursuant to an ordinance enacted by the unit of government.

(c) A law enforcement agency shall not retain forfeited property for its own use or transfer the property to any person or entity, except as provided under this Section. A law enforcement agency may apply in writing to the Director of State Police to request that ~~a~~ forfeited property be awarded to the agency for a

specifically articulated official law enforcement use in an investigation. The Director of State Police shall provide a written justification in each instance detailing the reasons why the forfeited property was placed into official use and the justification shall be retained for a period of not less than 3 years.
(Source: P.A. 100-512, eff. 7-1-18.)

(725 ILCS 150/13.2)

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

Sec. 13.2 ~~17~~. Distribution of proceeds; selling or retaining seized property prohibited.

(a) Except as otherwise provided in this Section, the court shall order that property forfeited under this Act be delivered to the Department of State Police within 60 days.

(b) All moneys ~~monies~~ and the sale proceeds of all other property forfeited and seized under this Act shall be distributed as follows:

(1)(i) 65% shall be distributed to the metropolitan enforcement group, local, municipal, county, or State ~~state~~ law enforcement agency or agencies that ~~which~~ conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based. Amounts distributed to the agency or agencies shall be used for the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or for security cameras used for the prevention or detection of violence, except that amounts distributed to the Secretary of State shall be deposited into the Secretary of State Evidence Fund to be used as provided in Section 2-115 of the Illinois Vehicle Code.

(ii) Any local, municipal, or county law enforcement agency entitled to receive a monetary distribution of forfeiture proceeds may share those forfeiture proceeds pursuant to the terms of an intergovernmental agreement with a municipality that has a population in excess of 20,000 if:

(A) the receiving agency has entered into an intergovernmental agreement with the municipality to provide police services;

(B) the intergovernmental agreement for police services provides for consideration in an amount of not less than $1,000,000 per year;

(C) the seizure took place within the geographical limits of the municipality; and

(D) the funds are used only for the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or for security cameras used for the prevention or detection of violence or the establishment of a municipal police force, including the training of officers, construction of a police station, or the purchase of law enforcement equipment or vehicles.

(2)(i) 12.5% shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or, at the discretion of the State's Attorney, in addition to other authorized purposes, to make grants to local substance abuse treatment facilities and half-way houses. In counties over 3,000,000 population, 25% shall be distributed to the Office of the State's Attorney for use in the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or at the discretion of the State's Attorney, in addition to other authorized purposes, to make grants to local substance abuse treatment facilities and half-way houses. If the prosecution is undertaken solely by the Attorney General, the portion provided shall be distributed to the Attorney General for use in the enforcement of laws governing cannabis and controlled substances or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol.

(ii) 12.5% shall be distributed to the Office of the State's Attorneys Appellate Prosecutor and deposited in the Narcotics Profit Forfeiture Fund of that office to be used for additional expenses incurred in the investigation, prosecution and appeal of cases arising under laws governing cannabis and controlled substances or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol. The Office of the State's Attorneys Appellate Prosecutor shall not receive distribution from cases brought in counties with over 3,000,000 population.

(3) 10% shall be retained by the Department of State Police for expenses related to the administration and sale of seized and forfeited property.

(Source: P.A. 100-512, eff. 7-1-18.)

(725 ILCS 150/13.3)

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

Sec. 13.3 ~~20~~. Reporting. Property seized or forfeited under this Act is subject to reporting under the Seizure and Forfeiture Reporting Act.

(Source: P.A. 100-512, eff. 7-1-18.)

(725 ILCS 150/13.4 new)

Sec. 13.4. Applicability; savings clause.

(a) The changes made to this Act by Public Act 100-0512 and this amendatory Act of the 100th General Assembly only apply to property seized on and after July 1, 2018.

(b) The changes made to this Act by this amendatory Act of the 100th General Assembly are subject to Section 4 of the Statute on Statutes.

Section 42. The Illinois Streetgang Terrorism Omnibus Prevention Act is amended by changing Section 40 as follows:

(740 ILCS 147/40)

(Text of Section before amendment by P.A. 100-512)

Sec. 40. Contraband.

(a) The following are declared to be contraband and no person shall have a property interest in them:

(1) any property that is directly or indirectly used or intended for use in any manner to facilitate streetgang related activity; and

(2) any property constituting or derived from gross profits or other proceeds obtained from streetgang related activity.

(b) Within 60 days of the date of the seizure of contraband under this Section, the State's Attorney shall initiate forfeiture proceedings as provided in Article 36 of the Criminal Code of 2012. An owner or person who has a lien on the property may establish as a defense to the forfeiture of property that is subject to forfeiture under this Section that the owner or lienholder had no knowledge that the property was acquired through a pattern of streetgang related activity. Property that is forfeited under this Section shall be disposed of as provided in Article 36 of the Criminal Code of 2012 for the forfeiture of vehicles, vessels, and aircraft. The proceeds of the disposition shall be paid to the Gang Violence Victims and Witnesses Fund to be used to assist in the prosecution of gang crimes.

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

(Text of Section after amendment by P.A. 100-512)

Sec. 40. Forfeiture.

(a) The following are subject to seizure and forfeiture:

(1) any property that is directly or indirectly used or intended for use in any manner to facilitate streetgang related activity; and

(2) any property constituting or derived from gross profits or other proceeds obtained from streetgang related activity.

(b) Property subject to forfeiture under this Section may be seized under the procedures set forth under Section 36-2.1 of the Criminal Code of 2012, except that actual physical seizure of real property subject to forfeiture under this Act requires the issuance of a seizure warrant. Nothing in this Section prohibits the constructive seizure of real property through the filing of a complaint for forfeiture in circuit court and the recording of a lis pendens against the real property without a hearing, warrant application, or judicial approval.

(c) The State's Attorney may initiate forfeiture proceedings under the procedures in Article 36 of the Criminal Code of 2012. The State shall bear the burden of proving by a preponderance of the evidence that the property was acquired through a pattern of streetgang related activity.

(d) Property forfeited under this Section shall be disposed of in accordance with Section 36-7 of Article 36 of the Criminal Code of 2012 for the forfeiture of vehicles, vessels, and aircraft.

(e) Within 60 days of the date of the seizure of contraband under this Section, the State's Attorney shall initiate forfeiture proceedings as provided in Article 36 of the Criminal Code of 2012. An owner or person who has a lien on the property may establish as a defense to the forfeiture of property that is subject to forfeiture under this Section that the owner or lienholder had no knowledge that the property was acquired through a pattern of streetgang related activity. Property that is forfeited under this Section shall be disposed of as provided in Article 36 of the Criminal Code of 2012 for the forfeiture of vehicles, vessels, and aircraft. The proceeds of the disposition shall be paid to the Gang Violence Victims and Witnesses Fund to be used to assist in the prosecution of gang crimes.

(f) Property seized or forfeited under this Section is subject to reporting under the Seizure and Forfeiture Reporting Act.

(g) The changes made to this Section by Public Act 100-0512 only apply to property seized on and after July 1, 2018.
(Source: P.A. 100-512, eff. 7-1-18.)

Section 45. The Illinois Securities Law of 1953 is amended by changing Section 11 as follows:
(815 ILCS 5/11) (from Ch. 121 1/2, par. 137.11)
(Text of Section before amendment by P.A. 100-512)
Sec. 11. Duties and powers of the Secretary of State.
A. (1) The administration of this Act is vested in the Secretary of State, who may from time to time make, amend and rescind such rules and regulations as may be necessary to carry out this Act, including rules and regulations governing procedures of registration, statements, applications and reports for various classes of securities, persons and matters within his or her jurisdiction and defining any terms, whether or not used in this Act, insofar as the definitions are not inconsistent with this Act. The rules and regulations adopted by the Secretary of State under this Act shall be effective in the manner provided for in the Illinois Administrative Procedure Act.
(2) Among other things, the Secretary of State shall have authority, for the purposes of this Act, to prescribe the form or forms in which required information shall be set forth, accounting practices, the items or details to be shown in balance sheets and earning statements, and the methods to be followed in the preparation of accounts, in the appraisal or valuation of assets and liabilities, in the determination of depreciation and depletion, in the differentiation of recurring and non-recurring income, in the differentiation of investment and operating income, and in the preparation of consolidated balance sheets or income accounts of any person, directly or indirectly, controlling or controlled by the issuer, or any person under direct or indirect common control with the issuer.
(3) No provision of this Act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule or regulation of the Secretary of State under this Act, notwithstanding that the rule or regulation may, after the act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.
(4) The Securities Department of the Office of the Secretary of State shall be deemed a criminal justice agency for purposes of all federal and state laws and regulations and, in that capacity, shall be entitled to access to any information available to criminal justice agencies and has the power to appoint special agents to conduct all investigations, searches, seizures, arrests, and other duties imposed under the provisions of any law administered by the Department. The special agents have and may exercise all the powers of peace officers solely for the purpose of enforcing provisions of this Act.
The Director must authorize to each special agent employed under this Section a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Department and (ii) contains a unique and identifying number.
Special agents shall comply with all training requirements established for law enforcement officers by provisions of the Illinois Police Training Act.
(5) The Secretary of State, by rule, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of Section 5, 6, 7, 8, 8a, or 9 of this Act or of any rule promulgated under these Sections, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.
B. The Secretary of State may, anything in this Act to the contrary notwithstanding, require financial statements and reports of the issuer, dealer, Internet portal, salesperson, investment adviser, or investment adviser representative as often as circumstances may warrant. In addition, the Secretary of State may secure information or books and records from or through others and may make or cause to be made investigations respecting the business, affairs, and property of the issuer of securities, any person involved in the sale or offer for sale, purchase or offer to purchase of any mineral investment contract, mineral deferred delivery contract, or security and of dealers, Internet portals, salespersons, investment advisers, and investment adviser representatives that are registered or are the subject of an application for registration under this Act. The costs of an investigation shall be borne by the registrant or the applicant, provided that the registrant or applicant shall not be obligated to pay the costs without his, her or its consent in advance.
C. Whenever it shall appear to the Secretary of State, either upon complaint or otherwise, that this Act, or any rule or regulation prescribed under authority thereof, has been or is about to be violated, he or she may, in his or her discretion, do one or more of the following:
(1) require or permit the person to file with the Secretary of State a statement in

writing under oath, or otherwise, as to all the facts and circumstances concerning the subject matter which the Secretary of State believes to be in the public interest to investigate, audit, examine, or inspect;

(2) conduct an investigation, audit, examination, or inspection as necessary or advisable for the protection of the interests of the public; and

(3) appoint investigators to conduct all investigations, searches, seizures, arrests, and other duties imposed under the provisions of any law administered by the Department. The Director must authorize to each investigator employed under this Section a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Department and (ii) contains a unique and identifying number.

D. (1) For the purpose of all investigations, audits, examinations, or inspections which in the opinion of the Secretary of State are necessary and proper for the enforcement of this Act, the Secretary of State or a person designated by him or her is empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require, by subpoena or other lawful means provided by this Act or the rules adopted by the Secretary of State, the production of any books and records, papers, or other documents which the Secretary of State or a person designated by him or her deems relevant or material to the inquiry.

(2) The Secretary of State or a person designated by him or her is further empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of any books and records, papers, or other documents in this State at the request of a securities agency of another state, if the activities constituting the alleged violation for which the information is sought would be in violation of Section 12 of this Act if the activities had occurred in this State.

(3) The Circuit Court of any County of this State, upon application of the Secretary of State or a person designated by him or her may order the attendance of witnesses, the production of books and records, papers, accounts and documents and the giving of testimony before the Secretary of State or a person designated by him or her; and any failure to obey the order may be punished by the Circuit Court as a contempt thereof.

(4) The fees of subpoenaed witnesses under this Act for attendance and travel shall be the same as fees of witnesses before the Circuit Courts of this State, to be paid when the witness is excused from further attendance, provided, the witness is subpoenaed at the instance of the Secretary of State; and payment of the fees shall be made and audited in the same manner as other expenses of the Secretary of State.

(5) Whenever a subpoena is issued at the request of a complainant or respondent as the case may be, the Secretary of State may require that the cost of service and the fee of the witness shall be borne by the party at whose instance the witness is summoned.

(6) The Secretary of State shall have power at his or her discretion, to require a deposit to cover the cost of the service and witness fees and the payment of the legal witness fee and mileage to the witness served with subpoena.

(7) A subpoena issued under this Act shall be served in the same manner as a subpoena issued out of a circuit court.

(8) The Secretary of State may in any investigation, audits, examinations, or inspections cause the taking of depositions of persons residing within or without this State in the manner provided in civil actions under the laws of this State.

E. Anything in this Act to the contrary notwithstanding:

(1) If the Secretary of State shall find that the offer or sale or proposed offer or sale or method of offer or sale of any securities by any person, whether exempt or not, in this State, is fraudulent, or would work or tend to work a fraud or deceit, or is being offered or sold in violation of Section 12, or there has been a failure or refusal to submit any notification filing or fee required under this Act, the Secretary of State may by written order prohibit or suspend the offer or sale of securities by that person or deny or revoke the registration of the securities or the exemption from registration for the securities.

(2) If the Secretary of State shall find that any person has violated subsection C, D, E, F, G, H, I, J, or K of Section 12 of this Act, the Secretary of State may by written order temporarily or permanently prohibit or suspend the person from offering or selling any securities, any mineral investment contract, or any mineral deferred delivery contract in this State, provided that any person who is the subject of an order of permanent prohibition may petition the Secretary of State for a hearing to present evidence of rehabilitation or change in circumstances justifying the amendment or termination of the order of permanent prohibition.

(3) If the Secretary of State shall find that any person is engaging or has engaged in the business of selling or offering for sale securities as a dealer, Internet portal, or salesperson or is acting or has acted as an investment adviser, investment adviser representative, or federal covered investment adviser, without prior thereto and at the time thereof having complied with the registration

or notice filing requirements of this Act, the Secretary of State may by written order prohibit or suspend the person from engaging in the business of selling or offering for sale securities, or acting as an investment adviser, investment adviser representative, or federal covered investment adviser, in this State.

(4) In addition to any other sanction or remedy contained in this subsection E, the Secretary of State, after finding that any provision of this Act has been violated, may impose a fine as provided by rule, regulation or order not to exceed $10,000 for each violation of this Act, may issue an order of public censure against the violator, and may charge as costs of investigation all reasonable expenses, including attorney's fees and witness fees.

F. (1) The Secretary of State shall not deny, suspend or revoke the registration of securities, suspend or revoke the registration of a dealer, Internet portal, salesperson, investment adviser, or investment adviser representative, prohibit or suspend the offer or sale of any securities, prohibit or suspend any person from offering or selling any securities in this State, prohibit or suspend a dealer or salesperson from engaging in the business of selling or offering for sale securities, prohibit or suspend a person from acting as an investment adviser or federal covered investment adviser, or investment adviser representative, impose any fine for violation of this Act, issue an order of public censure, or enter into an agreed settlement except after an opportunity for hearing upon not less than 10 days notice given by personal service or registered mail or certified mail, return receipt requested, to the person or persons concerned. Such notice shall state the date and time and place of the hearing and shall contain a brief statement of the proposed action of the Secretary of State and the grounds for the proposed action. A failure to appear at the hearing or otherwise respond to the allegations set forth in the notice of hearing shall constitute an admission of any facts alleged therein and shall constitute sufficient basis to enter an order.

(2) Anything herein contained to the contrary notwithstanding, the Secretary of State may temporarily prohibit or suspend, for a maximum period of 90 days, by an order effective immediately, the offer or sale or registration of securities, the registration of a dealer, Internet portal, salesperson, investment adviser, or investment adviser representative, or the offer or sale of securities by any person, or the business of rendering investment advice, without the notice and prior hearing in this subsection prescribed, if the Secretary of State shall in his or her opinion, based on credible evidence, deem it necessary to prevent an imminent violation of this Act or to prevent losses to investors which the Secretary of State reasonably believes will occur as a result of a prior violation of this Act. Immediately after taking action without such notice and hearing, the Secretary of State shall deliver a copy of the temporary order to the respondent named therein by personal service or registered mail or certified mail, return receipt requested. The temporary order shall set forth the grounds for the action and shall advise that the respondent may request a hearing, that the request for a hearing will not stop the effectiveness of the temporary order and that respondent's failure to request a hearing within 30 days after the date of the entry of the temporary order shall constitute an admission of any facts alleged therein and shall constitute sufficient basis to make the temporary order final. Any provision of this paragraph (2) to the contrary notwithstanding, the Secretary of State may not pursuant to the provisions of this paragraph (2) suspend the registration of a dealer, limited Canadian dealer, salesperson, investment adviser, or investment adviser representative based upon sub-paragraph (n) of paragraph (l) of subsection E of Section 8 of this Act or revoke the registration of securities or revoke the registration of any dealer, salesperson, investment adviser representative, or investment adviser.

(3) The Secretary of State may issue a temporary order suspending or delaying the effectiveness of any registration of securities under subsection A or B of Section 5, 6 or 7 of this Act subsequent to and upon the basis of the issuance of any stop, suspension or similar order by the Securities and Exchange Commission with respect to the securities which are the subject of the registration under subsection A or B of Section 5, 6 or 7 of this Act, and the order shall become effective as of the date and time of effectiveness of the Securities and Exchange Commission order and shall be vacated automatically at such time as the order of the Securities and Exchange Commission is no longer in effect.

(4) When the Secretary of State finds that an application for registration as a dealer, Internet portal, salesperson, investment adviser, or investment adviser representative should be denied, the Secretary of State may enter an order denying the registration. Immediately after taking such action, the Secretary of State shall deliver a copy of the order to the respondent named therein by personal service or registered mail or certified mail, return receipt requested. The order shall state the grounds for the action and that the matter will be set for hearing upon written request filed with the Secretary of State within 30 days after the receipt of the request by the respondent. The respondent's failure to request a hearing within 30 days after receipt of the order shall constitute an admission of any facts alleged therein and shall make the order final. If a hearing is held, the Secretary of State shall affirm, vacate, or modify the order.

(5) The findings and decision of the Secretary of State upon the conclusion of each final hearing held pursuant to this subsection shall be set forth in a written order signed on behalf of the Secretary of State by his or her designee and shall be filed as a public record. All hearings shall be held before a person designated by the Secretary of State, and appropriate records thereof shall be kept.

(6) Notwithstanding the foregoing, the Secretary of State, after notice and opportunity for hearing, may at his or her discretion enter into an agreed settlement, stipulation or consent order with a respondent in accordance with the provisions of the Illinois Administrative Procedure Act. The provisions of the agreed settlement, stipulation or consent order shall have the full force and effect of an order issued by the Secretary of State.

(7) Anything in this Act to the contrary notwithstanding, whenever the Secretary of State finds that a person is currently expelled from, refused membership in or association with, or limited in any material capacity by a self-regulatory organization registered under the Federal 1934 Act or the Federal 1974 Act because of a fraudulent or deceptive act or a practice in violation of a rule, regulation, or standard duly promulgated by the self-regulatory organization, the Secretary of State may, at his or her discretion, enter a Summary Order of Prohibition, which shall prohibit the offer or sale of any securities, mineral investment contract, or mineral deferred delivery contract by the person in this State. The order shall take effect immediately upon its entry. Immediately after taking the action the Secretary of State shall deliver a copy of the order to the named Respondent by personal service or registered mail or certified mail, return receipt requested. A person who is the subject of an Order of Prohibition may petition the Secretary of State for a hearing to present evidence of rehabilitation or change in circumstances justifying the amendment or termination of the Order of Prohibition.

G. No administrative action shall be brought by the Secretary of State for relief under this Act or upon or because of any of the matters for which relief is granted by this Act after the earlier to occur of (i) 3 years from the date upon which the Secretary of State had notice of facts which in the exercise of reasonable diligence would lead to actual knowledge of the alleged violation of the Act, or (ii) 5 years from the date on which the alleged violation occurred.

H. The action of the Secretary of State in denying, suspending, or revoking the registration of a dealer, Internet portal, limited Canadian dealer, salesperson, investment adviser, or investment adviser representative, in prohibiting any person from engaging in the business of offering or selling securities as a dealer, limited Canadian dealer, or salesperson, in prohibiting or suspending the offer or sale of securities by any person, in prohibiting a person from acting as an investment adviser, federal covered investment adviser, or investment adviser representative, in denying, suspending, or revoking the registration of securities, in prohibiting or suspending the offer or sale or proposed offer or sale of securities, in imposing any fine for violation of this Act, or in issuing any order shall be subject to judicial review in the Circuit Courts of Cook or Sangamon Counties in this State. The Administrative Review Law shall apply to and govern every action for the judicial review of final actions or decisions of the Secretary of State under this Act.

I. Notwithstanding any other provisions of this Act to the contrary, whenever it shall appear to the Secretary of State that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of this Act or of any rule or regulation prescribed under authority of this Act, the Secretary of State may at his or her discretion, through the Attorney General take any of the following actions:

(1) File a complaint and apply for a temporary restraining order without notice, and upon a proper showing the court may enter a temporary restraining order without bond, to enforce this Act.

(2) File a complaint and apply for a preliminary or permanent injunction, and, after notice and a hearing and upon a proper showing, the court may grant a preliminary or permanent injunction and may order the defendant to make an offer of rescission with respect to any sales or purchases of securities, mineral investment contracts, or mineral deferred delivery contracts determined by the court to be unlawful under this Act.

(3) Seek the seizure of assets when probable cause exists that the assets were obtained by a defendant through conduct in violation of Section 12, paragraph F, G, I, J, K, or L of this Act, and thereby subject to a judicial forfeiture hearing as required under this Act.

(a) In the event that such probable cause exists that the subject of an investigation who is alleged to have committed one of the relevant violations of this Act has in his possession assets obtained as a result of the conduct giving rise to the violation, the Secretary of State may seek a seizure warrant in any circuit court in Illinois.

(b) In seeking a seizure warrant, the Secretary of State, or his or her designee,

shall submit to the court a sworn affidavit detailing the probable cause evidence for the seizure, the location of the assets to be seized, the relevant violation under Section 12 of this Act, and a statement detailing any known owners or interest holders in the assets.

(c) Seizure of the assets shall be made by any peace officer upon process of the seizure warrant issued by the court. Following the seizure of assets under this Act and pursuant to a seizure warrant, notice of seizure, including a description of the seized assets, shall immediately be returned to the issuing court. Seized assets shall be maintained pending a judicial forfeiture hearing in accordance with the instructions of the court.

(d) In the event that management of seized assets becomes necessary to prevent the devaluation, dissipation, or otherwise to preserve the property, the court shall have jurisdiction to appoint a receiver, conservator, ancillary receiver, or ancillary conservator for that purpose, as provided in item (2) of this subsection.

(4) Seek the forfeiture of assets obtained through conduct in violation of Section 12, paragraph F, G, H, I, J, K, or L when authorized by law. A forfeiture must be ordered by a circuit court or an action brought by the Secretary of State as provided for in this Act, under a verified complaint for forfeiture.

(a) In the event assets have been seized pursuant to this Act, forfeiture proceedings shall be instituted by the Attorney General within 45 days of seizure.

(b) Service of the complaint filed under the provisions of this Act shall be made in the manner as provided in civil actions in this State.

(c) Only an owner of or interest holder in the property may file an answer asserting a claim against the property. For purposes of this Section, the owner or interest holder shall be referred to as claimant.

(d) The answer must be signed by the owner or interest holder under penalty of perjury and must set forth:

(i) the caption of the proceedings as set forth on the notice of pending forfeiture and the name of the claimant;

(ii) the address at which the claimant will accept mail;

(iii) the nature and extent of the claimant's interest in the property;

(iv) the date, identity of the transferor, and circumstances of the claimant's acquisition of the interest in the property;

(v) the name and address of all other persons known to have an interest in the property;

(vi) the specific provisions of this Act relied on in asserting that the property is not subject to forfeiture;

(vii) all essential facts supporting each assertion; and

(viii) the precise relief sought.

(e) The answer must be filed with the court within 45 days after service of the complaint.

(f) A property interest is exempt from forfeiture under this Act if its owner or interest holder establishes by a preponderance of evidence that the owner or interest holder:

(i) is not legally accountable for the conduct giving rise to the forfeiture, did not acquiesce in it, and did not know and could not reasonably have known of the conduct or that the conduct was likely to occur;

(ii) with respect to conveyances, did not hold the property jointly or in common with a person whose conduct gave rise to the forfeiture;

(iii) does not hold the property for the benefit of or as a nominee for any person whose conduct gave rise to its forfeiture and the owner or interest holder acquires it as a bona fide purchaser for value without knowingly taking part in the conduct giving rise to the forfeiture; or

(iv) acquired the interest after the commencement of the conduct giving rise to its forfeiture and the owner or interest holder acquired the interest as a mortgagee, secured creditor, lienholder, or bona fide purchaser for value without knowledge of the conduct that gave rise to the forfeiture.

(g) The hearing must be held within 60 days after the answer is filed unless continued for good cause.

(h) During the probable cause portion of the judicial in rem proceeding wherein the

Secretary of State presents its case-in-chief, the court must receive and consider, among other things, any relevant hearsay evidence and information. The laws of evidence relating to civil actions shall apply to all other portions of the judicial in rem proceeding.

(i) The Secretary of State shall show the existence of probable cause for forfeiture of the property. If the Secretary of State shows probable cause, the claimant has the burden of showing by a preponderance of the evidence that the claimant's interest in the property is not subject to forfeiture.

(j) If the Secretary of State does not show the existence of probable cause or a claimant has an interest that is exempt under subdivision I (4)(d) of this Section, the court shall order the interest in the property returned or conveyed to the claimant and shall order all other property forfeited to the Secretary of State pursuant to all provisions of this Act. If the Secretary of State does show the existence of probable cause and the claimant does not establish by a preponderance of the evidence that the claimant has an interest that is exempt under subsection D herein, the court shall order all the property forfeited to the Secretary of State pursuant to the provisions of the Section.

(k) A defendant convicted in any criminal proceeding is precluded from later denying the essential allegations of the criminal offense of which the defendant was convicted in any proceeding for violations of the Act giving rise to forfeiture of property herein regardless of the pendency of an appeal from that conviction. However, evidence of the pendency of an appeal is admissible.

(l) An acquittal or dismissal in a criminal proceeding for violations of the Act giving rise to the forfeiture of property herein shall not preclude civil proceedings under this provision; however, for good cause shown, on a motion by the Secretary of State, the court may stay civil forfeiture proceedings during the criminal trial for a related criminal indictment or information alleging violation of the provisions of Section 12 of the Illinois Securities Law of 1953. Property subject to forfeiture under this Section shall not be subject to return or release by a court exercising jurisdiction over a criminal case involving the seizure of the property unless the return or release is consented to by the Secretary of State.

(m) All property declared forfeited under this Act vests in the State on the commission of the conduct giving rise to forfeiture together with the proceeds of the property after that time. Any such property or proceeds subsequently transferred to any person remain subject to forfeiture and thereafter shall be ordered forfeited unless the transferee claims and establishes in a hearing under the provisions of this Act that the transferee's interest is exempt under the Act. Any assets forfeited to the State shall be disposed of in following manner:

(i) all forfeited property and assets shall be liquidated by the Secretary of State in accordance with all laws and rules governing the disposition of such property;

(ii) the Secretary of State shall provide the court at the time the property and assets are declared forfeited a verified statement of investors subject to the conduct giving rise to the forfeiture;

(iii) after payment of any costs of sale, receivership, storage, or expenses for preservation of the property seized, other costs to the State, and payment to claimants for any amount deemed exempt from forfeiture, the proceeds from liquidation shall be distributed pro rata to investors subject to the conduct giving rise to the forfeiture; and

(iv) any proceeds remaining after all verified investors have been made whole shall be distributed 25% to the Securities Investors Education Fund, 25% to the Securities Audit and Enforcement Fund, 25% to the Attorney General or any State's Attorney bringing criminal charges for the conduct giving rise to the forfeiture, and 25% to other law enforcement agencies participating in the investigation of the criminal charges for the conduct giving rise to the forfeiture. In the event that no other law enforcement agencies are involved in the investigation of the conduct giving rise to the forfeiture, then the portion to other law enforcement agencies shall be distributed to the Securities Investors Education Fund.

(n) The Secretary of State shall notify by certified mail, return receipt requested, all known investors in the matter giving rise to the forfeiture of the forfeiture proceeding and sale of assets forfeited arising from the violations of this Act, and shall further publish notice in a paper of general circulation in the district in which the violations were prosecuted. The notice to investors shall identify the name, address, and other identifying information about any defendant prosecuted for violations of this Act that resulted in forfeiture and sale of property, the offense for which the defendant was convicted, and that the court has ordered forfeiture and sale of property for claims of investors who incurred losses or damages as a result of the violations. Investors may then file a claim in a form prescribed by the Secretary of State in order to share in disbursement of the proceeds from

sale of the forfeited property. Investor claims must be filed with the Secretary of State within 30 days after receipt of the certified mail return receipt, or within 30 days after the last date of publication of the general notice in a paper of general circulation in the district in which the violations were prosecuted, whichever occurs last.

(o) A civil action under this subsection must be commenced within 5 years after the last conduct giving rise to the forfeiture became known or should have become known or 5 years after the forfeitable property is discovered, whichever is later, excluding time during which either the property or claimant is out of this State or in confinement or during which criminal proceedings relating to the same conduct are in progress.

(p) If property is seized for evidence and for forfeiture, the time periods for instituting judicial forfeiture proceedings shall not begin until the property is no longer necessary for evidence.

(q) Notwithstanding other provisions of this Act, the Secretary of State and a claimant of forfeitable property may enter into an agreed-upon settlement concerning the forfeitable property in such an amount and upon such terms as are set out in writing in a settlement agreement.

(r) Nothing in this Act shall apply to property that constitutes reasonable bona fide attorney's fees paid to an attorney for services rendered or to be rendered in the forfeiture proceeding or criminal proceeding relating directly thereto when the property was paid before its seizure and before the issuance of any seizure warrant or court order prohibiting transfer of the property and when the attorney, at the time he or she received the property, did not know that it was property subject to forfeiture under this Act.

The court shall further have jurisdiction and authority, in addition to the penalties and other remedies in this Act provided, to enter an order for the appointment of the court or a person as a receiver, conservator, ancillary receiver or ancillary conservator for the defendant or the defendant's assets located in this State, or to require restitution, damages or disgorgement of profits on behalf of the person or persons injured by the act or practice constituting the subject matter of the action, and may assess costs against the defendant for the use of the State; provided, however, that the civil remedies of rescission and appointment of a receiver, conservator, ancillary receiver or ancillary conservator shall not be available against any person by reason of the failure to file with the Secretary of State, or on account of the contents of, any report of sale provided for in subsection G or P of Section 4, paragraph (2) of subsection D of Sections 5 and 6, or paragraph (2) of subsection F of Section 7 of this Act. Appeals may be taken as in other civil cases.

J. In no case shall the Secretary of State, or any of his or her employees or agents, in the administration of this Act, incur any official or personal liability by instituting an injunction or other proceeding or by denying, suspending or revoking the registration of a dealer or salesperson, or by denying, suspending or revoking the registration of securities or prohibiting the offer or sale of securities, or by suspending or prohibiting any person from acting as a dealer, limited Canadian dealer, salesperson, investment adviser, or investment adviser representative or from offering or selling securities.

K. No provision of this Act shall be construed to require or to authorize the Secretary of State to require any investment adviser or federal covered investment adviser engaged in rendering investment supervisory services to disclose the identity, investments, or affairs of any client of the investment adviser or federal covered investment adviser, except insofar as the disclosure may be necessary or appropriate in a particular proceeding or investigation having as its object the enforcement of this Act.

L. Whenever, after an examination, investigation or hearing, the Secretary of State deems it of public interest or advantage, he or she may certify a record to the State's Attorney of the county in which the act complained of, examined or investigated occurred. The State's Attorney of that county within 90 days after receipt of the record shall file a written statement at the Office of the Secretary of State, which statement shall set forth the action taken upon the record, or if no action has been taken upon the record that fact, together with the reasons therefor, shall be stated.

M. The Secretary of State may initiate, take, pursue, or prosecute any action authorized or permitted under Section 6d of the Federal 1974 Act.

N. (1) Notwithstanding any provision of this Act to the contrary, to encourage uniform interpretation, administration, and enforcement of the provisions of this Act, the Secretary of State may cooperate with the securities agencies or administrators of one or more states, Canadian provinces or territories, or another country, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Securities Investor Protection Corporation, any self-regulatory organization, and any governmental law enforcement or regulatory agency.

(2) The cooperation authorized by paragraph (1) of this subsection includes, but is not limited to, the following:

(a) establishing or participating in a central depository or depositories for

registration under this Act and for documents or records required under this Act;

(b) making a joint audit, inspection, examination, or investigation;

(c) holding a joint administrative hearing;

(d) filing and prosecuting a joint civil or criminal proceeding;

(e) sharing and exchanging personnel;

(f) sharing and exchanging information and documents; or

(g) issuing any joint statement or policy.

(Source: P.A. 99-182, eff. 1-1-16.)

(Text of Section after amendment by P.A. 100-512)

Sec. 11. Duties and powers of the Secretary of State.

A. (1) The administration of this Act is vested in the Secretary of State, who may from time to time make, amend and rescind such rules and regulations as may be necessary to carry out this Act, including rules and regulations governing procedures of registration, statements, applications and reports for various classes of securities, persons and matters within his or her jurisdiction and defining any terms, whether or not used in this Act, insofar as the definitions are not inconsistent with this Act. The rules and regulations adopted by the Secretary of State under this Act shall be effective in the manner provided for in the Illinois Administrative Procedure Act.

(2) Among other things, the Secretary of State shall have authority, for the purposes of this Act, to prescribe the form or forms in which required information shall be set forth, accounting practices, the items or details to be shown in balance sheets and earning statements, and the methods to be followed in the preparation of accounts, in the appraisal or valuation of assets and liabilities, in the determination of depreciation and depletion, in the differentiation of recurring and non-recurring income, in the differentiation of investment and operating income, and in the preparation of consolidated balance sheets or income accounts of any person, directly or indirectly, controlling or controlled by the issuer, or any person under direct or indirect common control with the issuer.

(3) No provision of this Act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule or regulation of the Secretary of State under this Act, notwithstanding that the rule or regulation may, after the act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

(4) The Securities Department of the Office of the Secretary of State shall be deemed a criminal justice agency for purposes of all federal and state laws and regulations and, in that capacity, shall be entitled to access to any information available to criminal justice agencies and has the power to appoint special agents to conduct all investigations, searches, seizures, arrests, and other duties imposed under the provisions of any law administered by the Department. The special agents have and may exercise all the powers of peace officers solely for the purpose of enforcing provisions of this Act.

The Director must authorize to each special agent employed under this Section a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Department and (ii) contains a unique and identifying number.

Special agents shall comply with all training requirements established for law enforcement officers by provisions of the Illinois Police Training Act.

(5) The Secretary of State, by rule, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of Section 5, 6, 7, 8, 8a, or 9 of this Act or of any rule promulgated under these Sections, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.

B. The Secretary of State may, anything in this Act to the contrary notwithstanding, require financial statements and reports of the issuer, dealer, Internet portal, salesperson, investment adviser, or investment adviser representative as often as circumstances may warrant. In addition, the Secretary of State may secure information or books and records from or through others and may make or cause to be made investigations respecting the business, affairs, and property of the issuer of securities, any person involved in the sale or offer for sale, purchase or offer to purchase of any mineral investment contract, mineral deferred delivery contract, or security and of dealers, Internet portals, salespersons, investment advisers, and investment adviser representatives that are registered or are the subject of an application for registration under this Act. The costs of an investigation shall be borne by the registrant or the applicant, provided that the registrant or applicant shall not be obligated to pay the costs without his, her or its consent in advance.

C. Whenever it shall appear to the Secretary of State, either upon complaint or otherwise, that this Act, or any rule or regulation prescribed under authority thereof, has been or is about to be violated, he or she may, in his or her discretion, do one or more of the following:

(1) require or permit the person to file with the Secretary of State a statement in writing under oath, or otherwise, as to all the facts and circumstances concerning the subject matter which the Secretary of State believes to be in the public interest to investigate, audit, examine, or inspect;

(2) conduct an investigation, audit, examination, or inspection as necessary or advisable for the protection of the interests of the public; and

(3) appoint investigators to conduct all investigations, searches, seizures, arrests, and other duties imposed under the provisions of any law administered by the Department. The Director must authorize to each investigator employed under this Section a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Department and (ii) contains a unique and identifying number.

D. (1) For the purpose of all investigations, audits, examinations, or inspections which in the opinion of the Secretary of State are necessary and proper for the enforcement of this Act, the Secretary of State or a person designated by him or her is empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require, by subpoena or other lawful means provided by this Act or the rules adopted by the Secretary of State, the production of any books and records, papers, or other documents which the Secretary of State or a person designated by him or her deems relevant or material to the inquiry.

(2) The Secretary of State or a person designated by him or her is further empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of any books and records, papers, or other documents in this State at the request of a securities agency of another state, if the activities constituting the alleged violation for which the information is sought would be in violation of Section 12 of this Act if the activities had occurred in this State.

(3) The Circuit Court of any County of this State, upon application of the Secretary of State or a person designated by him or her may order the attendance of witnesses, the production of books and records, papers, accounts and documents and the giving of testimony before the Secretary of State or a person designated by him or her; and any failure to obey the order may be punished by the Circuit Court as a contempt thereof.

(4) The fees of subpoenaed witnesses under this Act for attendance and travel shall be the same as fees of witnesses before the Circuit Courts of this State, to be paid when the witness is excused from further attendance, provided, the witness is subpoenaed at the instance of the Secretary of State; and payment of the fees shall be made and audited in the same manner as other expenses of the Secretary of State.

(5) Whenever a subpoena is issued at the request of a complainant or respondent as the case may be, the Secretary of State may require that the cost of service and the fee of the witness shall be borne by the party at whose instance the witness is summoned.

(6) The Secretary of State shall have power at his or her discretion, to require a deposit to cover the cost of the service and witness fees and the payment of the legal witness fee and mileage to the witness served with subpoena.

(7) A subpoena issued under this Act shall be served in the same manner as a subpoena issued out of a circuit court.

(8) The Secretary of State may in any investigation, audits, examinations, or inspections cause the taking of depositions of persons residing within or without this State in the manner provided in civil actions under the laws of this State.

E. Anything in this Act to the contrary notwithstanding:

(1) If the Secretary of State shall find that the offer or sale or proposed offer or sale or method of offer or sale of any securities by any person, whether exempt or not, in this State, is fraudulent, or would work or tend to work a fraud or deceit, or is being offered or sold in violation of Section 12, or there has been a failure or refusal to submit any notification filing or fee required under this Act, the Secretary of State may by written order prohibit or suspend the offer or sale of securities by that person or deny or revoke the registration of the securities or the exemption from registration for the securities.

(2) If the Secretary of State shall find that any person has violated subsection C, D, E, F, G, H, I, J, or K of Section 12 of this Act, the Secretary of State may by written order temporarily or permanently prohibit or suspend the person from offering or selling any securities, any mineral investment contract, or any mineral deferred delivery contract in this State, provided that any person who is the subject of an order of permanent prohibition may petition the Secretary of State for a hearing to present evidence of rehabilitation or change in circumstances justifying the amendment or termination of the order of permanent prohibition.

(3) If the Secretary of State shall find that any person is engaging or has engaged in the business of selling or offering for sale securities as a dealer, Internet portal, or salesperson or is acting or has acted as an investment adviser, investment adviser representative, or federal covered investment adviser, without prior thereto and at the time thereof having complied with the registration or notice filing requirements of this Act, the Secretary of State may by written order prohibit or suspend the person from engaging in the business of selling or offering for sale securities, or acting as an investment adviser, investment adviser representative, or federal covered investment adviser, in this State.

(4) In addition to any other sanction or remedy contained in this subsection E, the Secretary of State, after finding that any provision of this Act has been violated, may impose a fine as provided by rule, regulation or order not to exceed $10,000 for each violation of this Act, may issue an order of public censure against the violator, and may charge as costs of investigation all reasonable expenses, including attorney's fees and witness fees.

F. (1) The Secretary of State shall not deny, suspend or revoke the registration of securities, suspend or revoke the registration of a dealer, Internet portal, salesperson, investment adviser, or investment adviser representative, prohibit or suspend the offer or sale of any securities, prohibit or suspend any person from offering or selling any securities in this State, prohibit or suspend a dealer or salesperson from engaging in the business of selling or offering for sale securities, prohibit or suspend a person from acting as an investment adviser or federal covered investment adviser, or investment adviser representative, impose any fine for violation of this Act, issue an order of public censure, or enter into an agreed settlement except after an opportunity for hearing upon not less than 10 days notice given by personal service or registered mail or certified mail, return receipt requested, to the person or persons concerned. Such notice shall state the date and time and place of the hearing and shall contain a brief statement of the proposed action of the Secretary of State and the grounds for the proposed action. A failure to appear at the hearing or otherwise respond to the allegations set forth in the notice of hearing shall constitute an admission of any facts alleged therein and shall constitute sufficient basis to enter an order.

(2) Anything herein contained to the contrary notwithstanding, the Secretary of State may temporarily prohibit or suspend, for a maximum period of 90 days, by an order effective immediately, the offer or sale or registration of securities, the registration of a dealer, Internet portal, salesperson, investment adviser, or investment adviser representative, or the offer or sale of securities by any person, or the business of rendering investment advice, without the notice and prior hearing in this subsection prescribed, if the Secretary of State shall in his or her opinion, based on credible evidence, deem it necessary to prevent an imminent violation of this Act or to prevent losses to investors which the Secretary of State reasonably believes will occur as a result of a prior violation of this Act. Immediately after taking action without such notice and hearing, the Secretary of State shall deliver a copy of the temporary order to the respondent named therein by personal service or registered mail or certified mail, return receipt requested. The temporary order shall set forth the grounds for the action and shall advise that the respondent may request a hearing, that the request for a hearing will not stop the effectiveness of the temporary order and that respondent's failure to request a hearing within 30 days after the date of the entry of the temporary order shall constitute an admission of any facts alleged therein and shall constitute sufficient basis to make the temporary order final. Any provision of this paragraph (2) to the contrary notwithstanding, the Secretary of State may not pursuant to the provisions of this paragraph (2) suspend the registration of a dealer, limited Canadian dealer, salesperson, investment adviser, or investment adviser representative based upon sub-paragraph (n) of paragraph (l) of subsection E of Section 8 of this Act or revoke the registration of securities or revoke the registration of any dealer, salesperson, investment adviser representative, or investment adviser.

(3) The Secretary of State may issue a temporary order suspending or delaying the effectiveness of any registration of securities under subsection A or B of Section 5, 6 or 7 of this Act subsequent to and upon the basis of the issuance of any stop, suspension or similar order by the Securities and Exchange Commission with respect to the securities which are the subject of the registration under subsection A or B of Section 5, 6 or 7 of this Act, and the order shall become effective as of the date and time of effectiveness of the Securities and Exchange Commission order and shall be vacated automatically at such time as the order of the Securities and Exchange Commission is no longer in effect.

(4) When the Secretary of State finds that an application for registration as a dealer, Internet portal, salesperson, investment adviser, or investment adviser representative should be denied, the Secretary of State may enter an order denying the registration. Immediately after taking such action, the Secretary of State shall deliver a copy of the order to the respondent named therein by personal service or registered mail or certified mail, return receipt requested. The order shall state the grounds for the action and that the matter will be set for hearing upon written request filed with the Secretary of State within 30 days after

the receipt of the request by the respondent. The respondent's failure to request a hearing within 30 days after receipt of the order shall constitute an admission of any facts alleged therein and shall make the order final. If a hearing is held, the Secretary of State shall affirm, vacate, or modify the order.

(5) The findings and decision of the Secretary of State upon the conclusion of each final hearing held pursuant to this subsection shall be set forth in a written order signed on behalf of the Secretary of State by his or her designee and shall be filed as a public record. All hearings shall be held before a person designated by the Secretary of State, and appropriate records thereof shall be kept.

(6) Notwithstanding the foregoing, the Secretary of State, after notice and opportunity for hearing, may at his or her discretion enter into an agreed settlement, stipulation or consent order with a respondent in accordance with the provisions of the Illinois Administrative Procedure Act. The provisions of the agreed settlement, stipulation or consent order shall have the full force and effect of an order issued by the Secretary of State.

(7) Anything in this Act to the contrary notwithstanding, whenever the Secretary of State finds that a person is currently expelled from, refused membership in or association with, or limited in any material capacity by a self-regulatory organization registered under the Federal 1934 Act or the Federal 1974 Act because of a fraudulent or deceptive act or a practice in violation of a rule, regulation, or standard duly promulgated by the self-regulatory organization, the Secretary of State may, at his or her discretion, enter a Summary Order of Prohibition, which shall prohibit the offer or sale of any securities, mineral investment contract, or mineral deferred delivery contract by the person in this State. The order shall take effect immediately upon its entry. Immediately after taking the action the Secretary of State shall deliver a copy of the order to the named Respondent by personal service or registered mail or certified mail, return receipt requested. A person who is the subject of an Order of Prohibition may petition the Secretary of State for a hearing to present evidence of rehabilitation or change in circumstances justifying the amendment or termination of the Order of Prohibition.

G. No administrative action shall be brought by the Secretary of State for relief under this Act or upon or because of any of the matters for which relief is granted by this Act after the earlier to occur of (i) 3 years from the date upon which the Secretary of State had notice of facts which in the exercise of reasonable diligence would lead to actual knowledge of the alleged violation of the Act, or (ii) 5 years from the date on which the alleged violation occurred.

H. The action of the Secretary of State in denying, suspending, or revoking the registration of a dealer, Internet portal, limited Canadian dealer, salesperson, investment adviser, or investment adviser representative, in prohibiting any person from engaging in the business of offering or selling securities as a dealer, limited Canadian dealer, or salesperson, in prohibiting or suspending the offer or sale of securities by any person, in prohibiting a person from acting as an investment adviser, federal covered investment adviser, or investment adviser representative, in denying, suspending, or revoking the registration of securities, in prohibiting or suspending the offer or sale or proposed offer or sale of securities, in imposing any fine for violation of this Act, or in issuing any order shall be subject to judicial review in the Circuit Courts of Cook or Sangamon Counties in this State. The Administrative Review Law shall apply to and govern every action for the judicial review of final actions or decisions of the Secretary of State under this Act.

I. Notwithstanding any other provisions of this Act to the contrary, whenever it shall appear to the Secretary of State that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of this Act or of any rule or regulation prescribed under authority of this Act, the Secretary of State may at his or her discretion, through the Attorney General take any of the following actions:

(1) File a complaint and apply for a temporary restraining order without notice, and upon a proper showing the court may enter a temporary restraining order without bond, to enforce this Act.

(2) File a complaint and apply for a preliminary or permanent injunction, and, after notice and a hearing and upon a proper showing, the court may grant a preliminary or permanent injunction and may order the defendant to make an offer of rescission with respect to any sales or purchases of securities, mineral investment contracts, or mineral deferred delivery contracts determined by the court to be unlawful under this Act.

(3) Seek the seizure of assets when probable cause exists that the assets were obtained by a defendant through conduct in violation of Section 12, paragraph F, G, I, J, K, or L of this Act, and thereby subject to a judicial forfeiture hearing as required under this Act.

(a) In the event that such probable cause exists that the subject of an

investigation who is alleged to have committed one of the relevant violations of this Act has in his possession assets obtained as a result of the conduct giving rise to the violation, the Secretary of State may seek a seizure warrant in any circuit court in Illinois.

(b) In seeking a seizure warrant, the Secretary of State, or his or her designee, shall submit to the court a sworn affidavit detailing the probable cause evidence for the seizure, the location of the assets to be seized, the relevant violation under Section 12 of this Act, and a statement detailing any known owners or interest holders in the assets.

(c) Seizure of the assets shall be made by any peace officer upon process of the seizure warrant issued by the court. Following the seizure of assets under this Act and pursuant to a seizure warrant, notice of seizure, including a description of the seized assets, shall immediately be returned to the issuing court. Seized assets shall be maintained pending a judicial forfeiture hearing in accordance with the instructions of the court.

(d) In the event that management of seized assets becomes necessary to prevent the devaluation, dissipation, or otherwise to preserve the property, the court shall have jurisdiction to appoint a receiver, conservator, ancillary receiver, or ancillary conservator for that purpose, as provided in item (2) of this subsection.

(4) Seek the forfeiture of assets obtained through conduct in violation of Section 12, paragraph F, G, H, I, J, K, or L when authorized by law. A forfeiture must be ordered by a circuit court or an action brought by the Secretary of State as provided for in this Act, under a verified complaint for forfeiture.

(a) In the event assets have been seized pursuant to this Act, forfeiture proceedings shall be instituted by the Attorney General within 45 days of seizure.

(b) Service of the complaint filed under the provisions of this Act shall be made in the manner as provided in civil actions in this State.

(c) Only an owner of or interest holder in the property may file an answer asserting a claim against the property. For purposes of this Section, the owner or interest holder shall be referred to as claimant.

(d) The answer must be signed by the owner or interest holder under penalty of perjury and must set forth:

(i) the caption of the proceedings as set forth on the notice of pending forfeiture and the name of the claimant;

(ii) the address at which the claimant will accept mail;

(iii) the nature and extent of the claimant's interest in the property;

(iv) the date, identity of the transferor, and circumstances of the claimant's acquisition of the interest in the property;

(v) the names and addresses ~~name and address~~ of all other persons known to have an interest in the property;

(vi) the specific provisions of this Act relied on in asserting that the property is not subject to forfeiture;

(vii) all essential facts supporting each assertion; and

(viii) the precise relief sought.

(e) The answer must be filed with the court within 45 days after service of the complaint.

(f) A property interest is exempt from forfeiture under this Act if its owner or interest holder establishes by a preponderance of evidence that the owner or interest holder:

(i) is not legally accountable for the conduct giving rise to the forfeiture, did not acquiesce in it, and did not know and could not reasonably have known of the conduct or that the conduct was likely to occur;

(ii) with respect to conveyances, did not hold the property jointly or in common with a person whose conduct gave rise to the forfeiture;

(iii) does not hold the property for the benefit of or as a nominee for any person whose conduct gave rise to its forfeiture and the owner or interest holder acquires it as a bona fide purchaser for value without knowingly taking part in the conduct giving rise to the forfeiture; or

(iv) acquired the interest after the commencement of the conduct giving rise to its forfeiture and the owner or interest holder acquired the interest as a mortgagee, secured creditor, lienholder, or bona fide purchaser for value without knowledge of the conduct that gave rise to the forfeiture.

(g) The hearing must be held within 60 days after the answer is filed unless

continued for good cause.

(h) During the probable cause portion of the judicial in rem proceeding wherein the Secretary of State presents its case-in-chief, the court must receive and consider, among other things, any relevant hearsay evidence and information. The laws of evidence relating to civil actions shall apply to all other portions of the judicial in rem proceeding.

(i) The Secretary of State shall show the existence of probable cause for forfeiture of the property. If the Secretary of State shows probable cause, the claimant has the burden of showing by a preponderance of the evidence that the claimant's interest in the property is not subject to forfeiture.

(j) If the Secretary of State does not show the existence of probable cause or a claimant has an interest that is exempt under subdivision I (4)(d) of this Section, the court shall order the interest in the property returned or conveyed to the claimant and shall order all other property forfeited to the Secretary of State pursuant to all provisions of this Act. If the Secretary of State does show the existence of probable cause and the claimant does not establish by a preponderance of the evidence that the claimant has an interest that is exempt under subsection D herein, the court shall order all the property forfeited to the Secretary of State pursuant to the provisions of the Section.

(k) A defendant convicted in any criminal proceeding is precluded from later denying the essential allegations of the criminal offense of which the defendant was convicted in any proceeding for violations of the Act giving rise to forfeiture of property herein regardless of the pendency of an appeal from that conviction. However, evidence of the pendency of an appeal is admissible.

(l) An acquittal or dismissal in a criminal proceeding for violations of the Act giving rise to the forfeiture of property herein shall not preclude civil proceedings under this provision; however, for good cause shown, on a motion by the Secretary of State, the court may stay civil forfeiture proceedings during the criminal trial for a related criminal indictment or information alleging violation of the provisions of Section 12 of the Illinois Securities Law of 1953. Property subject to forfeiture under this Section shall not be subject to return or release by a court exercising jurisdiction over a criminal case involving the seizure of the property unless the return or release is consented to by the Secretary of State.

(m) All property declared forfeited under this Act vests in the State on the commission of the conduct giving rise to forfeiture together with the proceeds of the property after that time. Any such property or proceeds subsequently transferred to any person remain subject to forfeiture and thereafter shall be ordered forfeited unless the transferee claims and establishes in a hearing under the provisions of this Act that the transferee's interest is exempt under the Act. Any assets forfeited to the State shall be disposed of in following manner:

(i) all forfeited property and assets shall be liquidated by the Secretary of State in accordance with all laws and rules governing the disposition of such property;

(ii) the Secretary of State shall provide the court at the time the property and assets are declared forfeited a verified statement of investors subject to the conduct giving rise to the forfeiture;

(iii) after payment of any costs of sale, receivership, storage, or expenses for preservation of the property seized, other costs to the State, and payment to claimants for any amount deemed exempt from forfeiture, the proceeds from liquidation shall be distributed pro rata to investors subject to the conduct giving rise to the forfeiture; and

(iv) any proceeds remaining after all verified investors have been made whole shall be distributed 25% to the Securities Investors Education Fund, 25% to the Securities Audit and Enforcement Fund, 25% to the Attorney General or any State's Attorney bringing criminal charges for the conduct giving rise to the forfeiture, and 25% to other law enforcement agencies participating in the investigation of the criminal charges for the conduct giving rise to the forfeiture. In the event that no other law enforcement agencies are involved in the investigation of the conduct giving rise to the forfeiture, then the portion to other law enforcement agencies shall be distributed to the Securities Investors Education Fund.

(n) The Secretary of State shall notify by certified mail, return receipt requested, all known investors in the matter giving rise to the forfeiture of the forfeiture proceeding and sale of assets forfeited arising from the violations of this Act, and shall further publish notice in a paper of general circulation in the district in which the violations were prosecuted. The notice to investors shall identify the name, address, and other identifying information about any defendant prosecuted for violations of this Act that resulted in forfeiture and sale of property, the offense for which the defendant was convicted, and that the court has ordered forfeiture and sale of property for claims of

investors who incurred losses or damages as a result of the violations. Investors may then file a claim in a form prescribed by the Secretary of State in order to share in disbursement of the proceeds from sale of the forfeited property. Investor claims must be filed with the Secretary of State within 30 days after receipt of the certified mail return receipt, or within 30 days after the last date of publication of the general notice in a paper of general circulation in the district in which the violations were prosecuted, whichever occurs last.

(o) A civil action under this subsection must be commenced within 5 years after the last conduct giving rise to the forfeiture became known or should have become known or 5 years after the forfeitable property is discovered, whichever is later, excluding time during which either the property or claimant is out of this State or in confinement or during which criminal proceedings relating to the same conduct are in progress.

(p) If property is seized for evidence and for forfeiture, the time periods for instituting judicial forfeiture proceedings shall not begin until the property is no longer necessary for evidence.

(q) Notwithstanding other provisions of this Act, the Secretary of State and a claimant of forfeitable property may enter into an agreed-upon settlement concerning the forfeitable property in such an amount and upon such terms as are set out in writing in a settlement agreement.

(r) Nothing in this Act shall apply to property that constitutes reasonable bona fide attorney's fees paid to an attorney for services rendered or to be rendered in the forfeiture proceeding or criminal proceeding relating directly thereto when the property was paid before its seizure and before the issuance of any seizure warrant or court order prohibiting transfer of the property and when the attorney, at the time he or she received the property, did not know that it was property subject to forfeiture under this Act.

The court shall further have jurisdiction and authority, in addition to the penalties and other remedies in this Act provided, to enter an order for the appointment of the court or a person as a receiver, conservator, ancillary receiver or ancillary conservator for the defendant or the defendant's assets located in this State, or to require restitution, damages or disgorgement of profits on behalf of the person or persons injured by the act or practice constituting the subject matter of the action, and may assess costs against the defendant for the use of the State; provided, however, that the civil remedies of rescission and appointment of a receiver, conservator, ancillary receiver or ancillary conservator shall not be available against any person by reason of the failure to file with the Secretary of State, or on account of the contents of, any report of sale provided for in subsection G or P of Section 4, paragraph (2) of subsection D of Sections 5 and 6, or paragraph (2) of subsection F of Section 7 of this Act. Appeals may be taken as in other civil cases.

I-5. Property forfeited under this Section is subject to reporting under the Seizure and Forfeiture Reporting Act.

J. In no case shall the Secretary of State, or any of his or her employees or agents, in the administration of this Act, incur any official or personal liability by instituting an injunction or other proceeding or by denying, suspending or revoking the registration of a dealer or salesperson, or by denying, suspending or revoking the registration of securities or prohibiting the offer or sale of securities, or by suspending or prohibiting any person from acting as a dealer, limited Canadian dealer, salesperson, investment adviser, or investment adviser representative or from offering or selling securities.

K. No provision of this Act shall be construed to require or to authorize the Secretary of State to require any investment adviser or federal covered investment adviser engaged in rendering investment supervisory services to disclose the identity, investments, or affairs of any client of the investment adviser or federal covered investment adviser, except insofar as the disclosure may be necessary or appropriate in a particular proceeding or investigation having as its object the enforcement of this Act.

L. Whenever, after an examination, investigation or hearing, the Secretary of State deems it of public interest or advantage, he or she may certify a record to the State's Attorney of the county in which the act complained of, examined or investigated occurred. The State's Attorney of that county within 90 days after receipt of the record shall file a written statement at the Office of the Secretary of State, which statement shall set forth the action taken upon the record, or if no action has been taken upon the record that fact, together with the reasons therefor, shall be stated.

M. The Secretary of State may initiate, take, pursue, or prosecute any action authorized or permitted under Section 6d of the Federal 1974 Act.

N. (1) Notwithstanding any provision of this Act to the contrary, to encourage uniform interpretation, administration, and enforcement of the provisions of this Act, the Secretary of State may cooperate with the securities agencies or administrators of one or more states, Canadian provinces or territories, or another country, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the

Securities Investor Protection Corporation, any self-regulatory organization, and any governmental law enforcement or regulatory agency.

(2) The cooperation authorized by paragraph (1) of this subsection includes, but is not limited to, the following:

(a) establishing or participating in a central depository or depositories for registration under this Act and for documents or records required under this Act;

(b) making a joint audit, inspection, examination, or investigation;

(c) holding a joint administrative hearing;

(d) filing and prosecuting a joint civil or criminal proceeding;

(e) sharing and exchanging personnel;

(f) sharing and exchanging information and documents; or

(g) issuing any joint statement or policy.

(Source: P.A. 99-182, eff. 1-1-16; 100-512, eff. 7-1-18.)

Section 50. "AN ACT concerning criminal law", approved September 19, 2017, (Public Act 100-0512) is amended by adding Section 997 as follows:

Section 997. Savings clause. The provisions of this Act are subject to Section 4 of the Statute on Statutes.

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 July 1, 2018.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Harmon, **Senate Bill No. 564** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Curran	Manar	Sandoval
Anderson	Fowler	Martinez	Schimpf
Barickman	Haine	McCann	Sims
Bennett	Harmon	McCarter	Stadelman
Bertino-Tarrant	Harris	McConchie	Steans
Biss	Hastings	Morrison	Syverson
Brady	Holmes	Mulroe	Tracy
Bush	Hunter	Muñoz	Van Pelt
Castro	Hutchinson	Murphy	Weaver
Clayborne	Jones, E.	Nybo	Mr. President
Collins	Koehler	Oberweis	
Connelly	Landek	Raoul	
Cullerton, T.	Lightford	Rezin	
Cunningham	Link	Rooney	

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

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

SENATE BILL RECALLED

On motion of Senator Van Pelt, **Senate Bill No. 1265** was recalled from the order of third reading to the order of second reading.

Senator Van Pelt offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1265

AMENDMENT NO. 2 . Amend Senate Bill 1265, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, immediately below line 8, by inserting the following:

"(b-5) The Justice for Juveniles Program established in subsection (c) of this Section shall be implemented in addition to the representation by counsel requirements of Section 5-170 of this Act.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Van Pelt, **Senate Bill No. 1265** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 23; NAYS 18; Present 4.

The following voted in the affirmative:

Biss	Hunter	Manar	Sims
Bush	Hutchinson	Martinez	Stadelman
Castro	Jones, E.	McCann	Steans
Collins	Koehler	Muñoz	Van Pelt
Harmon	Lightford	Murphy	Mr. President
Harris	Link	Sandoval	

The following voted in the negative:

Althoff	Cunningham	McConchie	Rose
Anderson	Curran	Mulroe	Schimpf
Barickman	Fowler	Nybo	Weaver
Brady	Haine	Oberweis	
Connelly	McCarter	Rezin	

The following voted present:

Clayborne	Raoul
Holmes	Rooney

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

On motion of Senator Martinez, **Senate Bill No. 1628** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 38; NAYS 12; Present 1.

The following voted in the affirmative:

Anderson	Fowler	Landek	Raoul
Bennett	Haine	Lightford	Sandoval
Bertino-Tarrant	Harmon	Link	Sims
Biss	Harris	Manar	Stadelman
Bush	Hastings	Martinez	Steans
Castro	Holmes	McCann	Van Pelt
Clayborne	Hunter	Morrison	Weaver
Collins	Hutchinson	Mulroe	Mr. President
Cullerton, T.	Jones, E.	Muñoz	
Cunningham	Koehler	Murphy	

The following voted in the negative:

Barickman	McConchie	Rooney
Brady	Nybo	Rose
Connelly	Oberweis	Syverson
McCarter	Rezin	Tracy

The following voted present:

Curran

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

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

On motion of Senator McConchie, **Senate Bill No. 2017** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

Althoff	Curran	Link	Rezin
Anderson	Fowler	Manar	Rooney
Barickman	Haine	Martinez	Rose
Bennett	Harmon	McCann	Sandoval
Bertino-Tarrant	Harris	McCarter	Sims
Biss	Hastings	McConchie	Stadelman
Brady	Holmes	Morrison	Steans
Bush	Hunter	Mulroe	Syverson
Castro	Hutchinson	Muñoz	Tracy
Clayborne	Jones, E.	Murphy	Van Pelt
Collins	Koehler	Nybo	Weaver
Connelly	Landek	Oberweis	Mr. President
Cunningham	Lightford	Raoul	

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

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

On motion of Senator Koehler, **Senate Bill No. 2210** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

Althoff	Curran	Link	Rezin
Anderson	Fowler	Manar	Rooney
Barickman	Haine	Martinez	Rose
Bennett	Harmon	McCann	Sandoval
Biss	Harris	McCarter	Sims
Brady	Hastings	McConchie	Stadelman
Bush	Holmes	Morrison	Steans
Castro	Hunter	Mulroe	Tracy
Clayborne	Hutchinson	Muñoz	Van Pelt
Collins	Jones, E.	Murphy	Weaver
Connelly	Koehler	Nybo	Mr. President
Cullerton, T.	Landek	Oberweis	
Cunningham	Lightford	Raoul	

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

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

SENATE BILL RECALLED

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

Senator Biss offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2213

AMENDMENT NO. 1. Amend Senate Bill 2213 by replacing everything after the enacting clause with the following:

"Section 5. Short title. This Act may be cited as the Illinois Workers' Rights and Worker Safety Act.

Section 10. Definitions. As used in this Act:

"Federal law" means the federal Fair Labor Standards Act, the federal Occupational Safety and Health Act the Federal Coal Mine Health and Safety Act, and federal regulations issued under these federal statutes as these federal statutes existed on January 19, 2017.

"State agency" means a State agency designated by law to implement the federal law or its State analog.

Section 15. Operative provisions. Except as authorized by State law enacted after January 19, 2017, a State agency may not amend or revise the State agency's rules in a manner that is less stringent in its protection of workers' rights or worker safety than standards established under federal law as the federal law existed on January 19, 2017.

Except as otherwise provided in State law, a State agency may establish workers' rights and worker safety standards for Illinois that are more stringent than those provided in federal law as the federal law existed on January 19, 2017.

Section 20. Implementation; reporting. Each State agency shall undertake all feasible efforts using the State agency's authority under State and federal law to implement and enforce this Act. Each State agency that takes steps to enforce this Act shall submit a report to the General Assembly at least once every year describing the State agency's compliance with this Act. The report to the General Assembly shall be filed with the Clerk of the House of Representatives and the Secretary of the Senate in electronic form only, in the manner that the Clerk and the Secretary shall direct.

Section 25. Repeal. This Act is repealed 3 years from the effective date of this Act.

Section 30. The Environmental Protection Act is amended by changing Sections 9.15 and 39.5 and by adding Title XVIII as follows:

(415 ILCS 5/9.15)

Sec. 9.15. Greenhouse gases.

(a) An air pollution construction permit shall not be required due to emissions of greenhouse gases if the equipment, site, or source is not subject to regulation, as defined by 40 CFR 52.21, as now or hereafter amended, for greenhouse gases. This exemption does not relieve an owner or operator from the obligation to comply with other applicable rules or regulations.

(b) An air pollution operating permit shall not be required due to emissions of greenhouse gases if the equipment, site, or source is not subject to regulation, as defined by Section 39.5 of this Act, for greenhouse gases. This exemption does not relieve an owner or operator from the obligation to comply with other applicable rules or regulations.

(c) (Blank). ~~Notwithstanding any provision to the contrary in this Section, an air pollution construction or operating permit shall not be required due to emissions of greenhouse gases if any of the following events occur:~~

~~(1) enactment of federal legislation depriving the Administrator of the USEPA of authority to regulate greenhouse gases under the Clean Air Act;~~

~~(2) the issuance of any opinion, ruling, judgment, order, or decree by a federal court depriving the Administrator of the USEPA of authority to regulate greenhouse gases under the Clean Air Act; or~~

~~(3) action by the President of the United States or the President's authorized agent, including the Administrator of the USEPA, to repeal or withdraw the Greenhouse Gas Tailoring Rule (75 Fed. Reg. 31514, June 3, 2010).~~

~~This subsection (c) does not relieve an owner or operator from the obligation to comply with applicable rules or regulations other than those relating to greenhouse gases.~~

(d) (Blank). ~~If any event listed in subsection (c) of this Section occurs, permits issued after such event shall not impose permit terms or conditions addressing greenhouse gases during the effectiveness of any event listed in subsection (c).~~

(e) (Blank). ~~If an event listed in subsection (c) of this Section occurs, any owner or operator with a permit that includes terms or conditions addressing greenhouse gases may elect to submit an application to the Agency to address a revision or repeal of such terms or conditions. The Agency shall expeditiously process such permit application in accordance with applicable laws and regulations.~~

(Source: P.A. 97-95, eff. 7-12-11.)

(415 ILCS 5/39.5) (from Ch. 111 1/2, par. 1039.5)

Sec. 39.5. Clean Air Act Permit Program.

1. Definitions. For purposes of this Section:

"Administrative permit amendment" means a permit revision subject to subsection 13 of this Section.

"Affected source for acid deposition" means a source that includes one or more affected units under Title IV of the Clean Air Act.

"Affected States" for purposes of formal distribution of a draft CAAPP permit to other States for comments prior to issuance, means all States:

(1) Whose air quality may be affected by the source covered by the draft permit and that are contiguous to Illinois; or

(2) That are within 50 miles of the source.

"Affected unit for acid deposition" shall have the meaning given to the term "affected unit" in the regulations promulgated under Title IV of the Clean Air Act.

"Applicable Clean Air Act requirement" means all of the following as they apply to emissions units in a source (including regulations that have been promulgated or approved by USEPA pursuant to the Clean Air Act which directly impose requirements upon a source and other such federal requirements which have been adopted by the Board. These may include requirements and regulations which have future effective compliance dates. Requirements and regulations will be exempt if USEPA determines that such requirements need not be contained in a Title V permit):

(1) Any standard or other requirement provided for in the applicable state implementation plan approved or promulgated by USEPA under Title I of the Clean Air Act that implements the relevant requirements of the Clean Air Act, including any revisions to the state Implementation Plan promulgated in 40 CFR Part 52, Subparts A and O and other subparts applicable to Illinois. For purposes of this paragraph (1) of this definition, "any standard or other requirement" means only such standards or requirements directly enforceable against an individual source under the Clean Air Act.

(2)(i) Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated by USEPA under Title I of the Clean Air Act, including Part C or D of the Clean Air Act.

(ii) Any term or condition as required pursuant to Section 39.5 of any federally enforceable State operating permit issued pursuant to regulations approved or promulgated by USEPA under Title I of the Clean Air Act, including Part C or D of the Clean Air Act.

(3) Any standard or other requirement under Section 111 of the Clean Air Act, including Section 111(d).

(4) Any standard or other requirement under Section 112 of the Clean Air Act, including any requirement concerning accident prevention under Section 112(r)(7) of the Clean Air Act.

(5) Any standard or other requirement of the acid rain program under Title IV of the Clean Air Act or the regulations promulgated thereunder.

(6) Any requirements established pursuant to Section 504(b) or Section 114(a)(3) of the Clean Air Act.

(7) Any standard or other requirement governing solid waste incineration, under Section 129 of the Clean Air Act.

(8) Any standard or other requirement for consumer and commercial products, under Section 183(e) of the Clean Air Act.

(9) Any standard or other requirement for tank vessels, under Section 183(f) of the Clean Air Act.

(10) Any standard or other requirement of the program to control air pollution from Outer Continental Shelf sources, under Section 328 of the Clean Air Act.

(11) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Clean Air Act, unless USEPA has determined that such requirements need not be contained in a Title V permit.

(12) Any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the Clean Air Act, but only as it would apply to temporary sources permitted pursuant to Section 504(e) of the Clean Air Act.

"Applicable requirement" means all applicable Clean Air Act requirements and any other standard, limitation, or other requirement contained in this Act or regulations promulgated under this Act as applicable to sources of air contaminants (including requirements that have future effective compliance dates).

"CAAPP" means the Clean Air Act Permit Program, developed pursuant to Title V of the Clean Air Act.

"CAAPP application" means an application for a CAAPP permit.

"CAAPP Permit" or "permit" (unless the context suggests otherwise) means any permit issued, renewed, amended, modified or revised pursuant to Title V of the Clean Air Act.

"CAAPP source" means any source for which the owner or operator is required to obtain a CAAPP permit pursuant to subsection 2 of this Section.

"Clean Air Act" means the Clean Air Act, as now and hereafter amended, 42 U.S.C. 7401, et seq.

"Designated representative" has the meaning given to it in Section 402(26) of the Clean Air Act and the regulations promulgated thereunder, which state that the term "designated representative" means a responsible person or official authorized by the owner or operator of a unit to represent the owner or operator in all matters pertaining to the holding, transfer, or disposition of allowances allocated to a unit, and the submission of and compliance with permits, permit applications, and compliance plans for the unit.

"Draft CAAPP permit" means the version of a CAAPP permit for which public notice and an opportunity for public comment and hearing is offered by the Agency.

"Effective date of the CAAPP" means the date that USEPA approves Illinois' CAAPP.

"Emission unit" means any part or activity of a stationary source that emits or has the potential to emit any air pollutant. This term is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the Clean Air Act.

"Federally enforceable" means enforceable by USEPA.

"Final permit action" means the Agency's granting with conditions, refusal to grant, renewal of, or revision of a CAAPP permit, the Agency's determination of incompleteness of a submitted CAAPP application, or the Agency's failure to act on an application for a permit, permit renewal, or permit revision within the time specified in subsection 13, subsection 14, or paragraph (j) of subsection 5 of this Section.

"General permit" means a permit issued to cover numerous similar sources in accordance with subsection 11 of this Section.

"Major source" means a source for which emissions of one or more air pollutants meet the criteria for major status pursuant to paragraph (c) of subsection 2 of this Section.

"Maximum achievable control technology" or "MACT" means the maximum degree of reductions in emissions deemed achievable under Section 112 of the Clean Air Act.

"Owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.

"Permit modification" means a revision to a CAAPP permit that cannot be accomplished under the provisions for administrative permit amendments under subsection 13 of this Section.

"Permit revision" means a permit modification or administrative permit amendment.

"Phase II" means the period of the national acid rain program, established under Title IV of the Clean Air Act, beginning January 1, 2000, and continuing thereafter.

"Phase II acid rain permit" means the portion of a CAAPP permit issued, renewed, modified, or revised by the Agency during Phase II for an affected source for acid deposition.

"Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by USEPA. This definition does not alter or affect the use of this term for any other purposes under the Clean Air Act, or the term "capacity factor" as used in Title IV of the Clean Air Act or the regulations promulgated thereunder.

"Preconstruction Permit" or "Construction Permit" means a permit which is to be obtained prior to commencing or beginning actual construction or modification of a source or emissions unit.

"Proposed CAAPP permit" means the version of a CAAPP permit that the Agency proposes to issue and forwards to USEPA for review in compliance with applicable requirements of the Act and regulations promulgated thereunder.

"Regulated air pollutant" means the following:

(1) Nitrogen oxides (NOx) or any volatile organic compound.

(2) Any pollutant for which a national ambient air quality standard has been promulgated.

(3) Any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act.

(4) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act.

(5) Any pollutant subject to a standard promulgated under Section 112 or other requirements established under Section 112 of the Clean Air Act, including Sections 112(g), (j) and (r).

(i) Any pollutant subject to requirements under Section 112(j) of the Clean Air Act. Any pollutant listed under Section 112(b) for which the subject source would be major shall be considered to be regulated 18 months after the date on which USEPA was required to promulgate an applicable standard pursuant to Section 112(e) of the Clean Air Act, if USEPA fails to promulgate such standard.

(ii) Any pollutant for which the requirements of Section 112(g)(2) of the Clean Air Act have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.

(6) Greenhouse gases.

"Renewal" means the process by which a permit is reissued at the end of its term.

"Responsible official" means one of the following:

(1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either (i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), or (ii) the delegation of authority to such representative is approved in advance by the Agency.

(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively, or in the case of a partnership in which all of the partners are corporations, a duly authorized representative of the partnership if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either (i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), or (ii) the delegation of authority to such representative is approved in advance by the Agency.

(3) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA).

(4) For affected sources for acid deposition:

(i) The designated representative shall be the "responsible official" in so far as actions, standards, requirements, or prohibitions under Title IV of the Clean Air Act or the regulations promulgated thereunder are concerned.

(ii) The designated representative may also be the "responsible official" for any other purposes with respect to air pollution control.

"Section 502(b)(10) changes" means changes that contravene express permit terms. "Section 502(b)(10) changes" do not include changes that would violate applicable requirements or contravene federally enforceable permit terms or conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

"Solid waste incineration unit" means a distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public (including single and multiple residences, hotels, and motels). The term does not include incinerators or other units required to have a permit under Section 3005 of the Solid Waste Disposal Act. The term also does not include (A) materials recovery facilities (including primary or secondary smelters) which combust waste for the primary purpose of recovering metals, (B) qualifying small power production facilities, as defined in Section 3(17)(C) of the Federal Power Act (16 U.S.C. 769(17)(C)), or qualifying cogeneration facilities, as defined in Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)), which burn homogeneous waste (such as units which burn tires or used oil, but not including refuse-derived fuel) for the production of electric energy or in the case of qualifying cogeneration facilities which burn homogeneous waste for the production of electric energy and steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating or cooling purposes, or (C) air curtain incinerators provided that such incinerators only burn wood wastes, yard waste and clean lumber and that such air curtain incinerators comply with opacity limitations to be established by the USEPA by rule.

"Source" means any stationary source (or any group of stationary sources) that is located on one or more contiguous or adjacent properties that are under common control of the same person (or persons under common control) and that belongs to a single major industrial grouping. For the purposes of defining "source," a stationary source or group of stationary sources shall be considered part of a single major industrial grouping if all of the pollutant emitting activities at such source or group of sources located on contiguous or adjacent properties and under common control belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987, or such pollutant emitting activities at a stationary source (or group of stationary sources) located on contiguous or adjacent properties and under common control constitute a support facility. The determination as to whether any group of stationary sources is located on contiguous or adjacent properties, and/or is under common control, and/or whether the pollutant emitting activities at such group of stationary sources constitute a support facility shall be made on a case by case basis.

"Stationary source" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Clean Air Act, except those emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 216 of the Clean Air Act.

"Subject to regulation" has the meaning given to it in 40 CFR 70.2, as now or hereafter amended.

"Support facility" means any stationary source (or group of stationary sources) that conveys, stores, or otherwise assists to a significant extent in the production of a principal product at another stationary source (or group of stationary sources). A support facility shall be considered to be part of the same source as the stationary source (or group of stationary sources) that it supports regardless of the 2-digit Standard Industrial Classification code for the support facility.

"USEPA" means the Administrator of the United States Environmental Protection Agency (USEPA) or a person designated by the Administrator.

1.1. Exclusion From the CAAPP.

a. An owner or operator of a source which determines that the source could be excluded from the CAAPP may seek such exclusion prior to the date that the CAAPP application for the source is due but in no case later than 9 months after the effective date of the CAAPP through the imposition of federally enforceable conditions limiting the "potential to emit" of the source to a level below the major source threshold for that source as described in paragraph (c) of subsection 2 of this Section, within a State operating permit issued pursuant to subsection (a) of Section 39 of this Act. After such date, an exclusion from the CAAPP may be sought under paragraph (c) of subsection 3 of this Section.

b. An owner or operator of a source seeking exclusion from the CAAPP pursuant to paragraph (a) of this subsection must submit a permit application consistent with the existing State permit program which specifically requests such exclusion through the imposition of such federally enforceable conditions.

c. Upon such request, if the Agency determines that the owner or operator of a source has met the requirements for exclusion pursuant to paragraph (a) of this subsection and other applicable requirements for permit issuance under subsection (a) of Section 39 of this Act, the Agency shall issue a State operating permit for such source under subsection (a) of Section 39 of this Act, as amended, and regulations promulgated thereunder with federally enforceable conditions limiting the "potential to emit" of the source to a level below the major source threshold for that source as described in paragraph (c) of subsection 2 of this Section.

d. The Agency shall provide an owner or operator of a source which may be excluded from the CAAPP pursuant to this subsection with reasonable notice that the owner or operator may seek such exclusion.

e. The Agency shall provide such sources with the necessary permit application forms.

2. Applicability.

a. Sources subject to this Section shall include:

i. Any major source as defined in paragraph (c) of this subsection.

ii. Any source subject to a standard or other requirements promulgated under Section 111 (New Source Performance Standards) or Section 112 (Hazardous Air Pollutants) of the Clean Air Act, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under Section 112(r) of the Clean Air Act.

iii. Any affected source for acid deposition, as defined in subsection 1 of this Section.

iv. Any other source subject to this Section under the Clean Air Act or regulations promulgated thereunder, or applicable Board regulations.

b. Sources exempted from this Section shall include:

i. All sources listed in paragraph (a) of this subsection that are not major sources, affected sources for acid deposition or solid waste incineration units required to obtain a permit pursuant to Section 129(e) of the Clean Air Act, until the source is required to obtain a CAAPP permit pursuant to the Clean Air Act or regulations promulgated thereunder.

ii. Nonmajor sources subject to a standard or other requirements subsequently promulgated by USEPA under Section 111 or 112 of the Clean Air Act that <u>were</u> ~~are~~ determined by USEPA <u>before January 19, 2017</u> to be exempt at the time a new standard is promulgated.

iii. All sources and source categories that would be required to obtain a permit solely because they are subject to Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters (40 CFR Part 60).

iv. All sources and source categories that would be required to obtain a permit solely because they are subject to Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145 (40 CFR Part 61).

v. Any other source categories exempted <u>before January 19, 2017</u> by USEPA regulations pursuant to Section

502(a) of the Clean Air Act.

vi. (Blank). ~~Major sources of greenhouse gas emissions required to obtain a CAAPP permit under this Section if any of the following occurs:~~

~~(A) enactment of federal legislation depriving the Administrator of the USEPA of authority to regulate greenhouse gases under the Clean Air Act;~~

~~(B) the issuance of any opinion, ruling, judgment, order, or decree by a federal court depriving the Administrator of the USEPA of authority to regulate greenhouse gases under the Clean Air Act; or~~

~~(C) action by the President of the United States or the President's authorized agent, including the Administrator of the USEPA, to repeal or withdraw the Greenhouse Gas Tailoring Rule (75 Fed. Reg. 31514, June 3, 2010).~~

~~If any event listed in this subparagraph (vi) occurs, CAAPP permits issued after such event shall not impose permit terms or conditions addressing greenhouse gases during the effectiveness of any event listed in subparagraph (vi). If any event listed in this subparagraph (vi) occurs, any owner or operator with a CAAPP permit that includes terms or conditions addressing greenhouse gases may elect to submit an application to the Agency to address a revision or repeal of such terms or conditions. If any owner or operator submits such an application, the Agency shall expeditiously process the permit application in accordance with applicable laws and regulations. Nothing in this subparagraph (vi) shall relieve an owner or operator of a source from the requirement to obtain a CAAPP permit for its emissions of regulated air pollutants other than greenhouse gases, as required by this Section.~~

c. For purposes of this Section the term "major source" means any source that is:

i. A major source under Section 112 of the Clean Air Act, which is defined as:

A. For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to Section 112(b) of the Clean Air Act, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as USEPA may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such stations are major sources.

B. For radionuclides, "major source" shall have the meaning specified by the USEPA by rule.

ii. A major stationary source of air pollutants, as defined in Section 302 of the Clean Air Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant subject to regulation (including any major source of fugitive emissions of any such pollutant, as determined by rule by USEPA). For purposes of this subsection, "fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening. The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Section 302(j) of the Clean Air Act, unless the source belongs to one of the following categories of stationary source:

A. Coal cleaning plants (with thermal dryers).

B. Kraft pulp mills.

C. Portland cement plants.

D. Primary zinc smelters.

E. Iron and steel mills.

F. Primary aluminum ore reduction plants.

G. Primary copper smelters.

H. Municipal incinerators capable of charging more than 250 tons of refuse per day.

I. Hydrofluoric, sulfuric, or nitric acid plants.

J. Petroleum refineries.

K. Lime plants.

L. Phosphate rock processing plants.

M. Coke oven batteries.

N. Sulfur recovery plants.

O. Carbon black plants (furnace process).

P. Primary lead smelters.

Q. Fuel conversion plants.

R. Sintering plants.

S. Secondary metal production plants.

T. Chemical process plants.

U. Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input.

V. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.

W. Taconite ore processing plants.

X. Glass fiber processing plants.

Y. Charcoal production plants.

Z. Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input.

AA. All other stationary source categories, which as of August 7, 1980 are being regulated by a standard promulgated under Section 111 or 112 of the Clean Air Act.

BB. Any other stationary source category designated by USEPA by rule.

iii. A major stationary source as defined in part D of Title I of the Clean Air Act including:

A. For ozone nonattainment areas, sources with the potential to emit 100 tons or more per year of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate", 50 tons or more per year in areas classified as "serious", 25 tons or more per year in areas classified as "severe", and 10 tons or more per year in areas classified as "extreme"; except that the references in this clause to 100, 50, 25, and 10 tons per year of nitrogen oxides shall not apply with respect to any source for which USEPA has made a finding, under Section 182(f)(1) or (2) of the Clean Air Act, that requirements otherwise applicable to such source under Section 182(f) of the Clean Air Act do not apply. Such sources shall remain subject to the major source criteria of subparagraph (ii) of paragraph (c) of this subsection.

B. For ozone transport regions established pursuant to Section 184 of the Clean Air Act, sources with the potential to emit 50 tons or more per year of volatile organic compounds (VOCs).

C. For carbon monoxide nonattainment areas (1) that are classified as "serious", and (2) in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by USEPA, sources with the potential to emit 50 tons or more per year of carbon monoxide.

D. For particulate matter (PM-10) nonattainment areas classified as "serious", sources with the potential to emit 70 tons or more per year of PM-10.

3. Agency Authority To Issue CAAPP Permits and Federally Enforceable State Operating Permits.

a. The Agency shall issue CAAPP permits under this Section consistent with the Clean Air Act and regulations promulgated thereunder and this Act and regulations promulgated thereunder.

b. The Agency shall issue CAAPP permits for fixed terms of 5 years, except CAAPP permits issued for solid waste incineration units combusting municipal waste which shall be issued for fixed terms of 12 years and except CAAPP permits for affected sources for acid deposition which shall be issued for initial terms to expire on December 31, 1999, and for fixed terms of 5 years thereafter.

c. The Agency shall have the authority to issue a State operating permit for a source under subsection (a) of Section 39 of this Act, as amended, and regulations promulgated thereunder, which includes federally enforceable conditions limiting the "potential to emit" of the source to a level below the major source threshold for that source as described in paragraph (c) of subsection 2 of this Section, thereby excluding the source from the CAAPP, when requested by the applicant pursuant to paragraph (u) of subsection 5 of this Section. The public notice requirements of this Section applicable to CAAPP permits shall also apply to the initial issuance of permits under this paragraph.

d. For purposes of this Act, a permit issued by USEPA under Section 505 of the Clean Air Act, as now and hereafter amended, shall be deemed to be a permit issued by the Agency pursuant to Section 39.5 of this Act.

4. Transition.

a. An owner or operator of a CAAPP source shall not be required to renew an existing

State operating permit for any emission unit at such CAAPP source once a CAAPP application timely submitted prior to expiration of the State operating permit has been deemed complete. For purposes other than permit renewal, the obligation upon the owner or operator of a CAAPP source to obtain a State operating permit is not removed upon submittal of the complete CAAPP permit application. An owner or operator of a CAAPP source seeking to make a modification to a source prior to the issuance of its CAAPP permit shall be required to obtain a construction permit, operating permit, or both as required for such modification in accordance with the State permit program under subsection (a) of Section 39 of this Act, as amended, and regulations promulgated thereunder. The application for such construction permit, operating permit, or both shall be considered an amendment to the CAAPP application submitted for such source.

b. An owner or operator of a CAAPP source shall continue to operate in accordance with the terms and conditions of its applicable State operating permit notwithstanding the expiration of the State operating permit until the source's CAAPP permit has been issued.

c. An owner or operator of a CAAPP source shall submit its initial CAAPP application to the Agency no later than 12 months after the effective date of the CAAPP. The Agency may request submittal of initial CAAPP applications during this 12-month period according to a schedule set forth within Agency procedures, however, in no event shall the Agency require such submittal earlier than 3 months after such effective date of the CAAPP. An owner or operator may voluntarily submit its initial CAAPP application prior to the date required within this paragraph or applicable procedures, if any, subsequent to the date the Agency submits the CAAPP to USEPA for approval.

d. The Agency shall act on initial CAAPP applications in accordance with paragraph (j) of subsection 5 of this Section.

e. For purposes of this Section, the term "initial CAAPP application" shall mean the first CAAPP application submitted for a source existing as of the effective date of the CAAPP.

f. The Agency shall provide owners or operators of CAAPP sources with at least 3 months advance notice of the date on which their applications are required to be submitted. In determining which sources shall be subject to early submittal, the Agency shall include among its considerations the complexity of the permit application, and the burden that such early submittal will have on the source.

g. The CAAPP permit shall upon becoming effective supersede the State operating permit.

h. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

5. Applications and Completeness.

a. An owner or operator of a CAAPP source shall submit its complete CAAPP application consistent with the Act and applicable regulations.

b. An owner or operator of a CAAPP source shall submit a single complete CAAPP application covering all emission units at that source.

c. To be deemed complete, a CAAPP application must provide all information, as requested in Agency application forms, sufficient to evaluate the subject source and its application and to determine all applicable requirements, pursuant to the Clean Air Act, and regulations thereunder, this Act and regulations thereunder. Such Agency application forms shall be finalized and made available prior to the date on which any CAAPP application is required.

d. An owner or operator of a CAAPP source shall submit, as part of its complete CAAPP application, a compliance plan, including a schedule of compliance, describing how each emission unit will comply with all applicable requirements. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

e. Each submitted CAAPP application shall be certified for truth, accuracy, and completeness by a responsible official in accordance with applicable regulations.

f. The Agency shall provide notice to a CAAPP applicant as to whether a submitted CAAPP application is complete. Unless the Agency notifies the applicant of incompleteness, within 60 days after receipt of the CAAPP application, the application shall be deemed complete. The Agency may request additional information as needed to make the completeness determination. The Agency may to the extent practicable provide the applicant with a reasonable opportunity to correct deficiencies prior to a final determination of completeness.

g. If after the determination of completeness the Agency finds that additional information is necessary to evaluate or take final action on the CAAPP application, the Agency may request in writing such information from the source with a reasonable deadline for response.

h. If the owner or operator of a CAAPP source submits a timely and complete CAAPP

application, the source's failure to have a CAAPP permit shall not be a violation of this Section until the Agency takes final action on the submitted CAAPP application, provided, however, where the applicant fails to submit the requested information under paragraph (g) of this subsection 5 within the time frame specified by the Agency, this protection shall cease to apply.

i. Any applicant who fails to submit any relevant facts necessary to evaluate the subject source and its CAAPP application or who has submitted incorrect information in a CAAPP application shall, upon becoming aware of such failure or incorrect submittal, submit supplementary facts or correct information to the Agency. In addition, an applicant shall provide to the Agency additional information as necessary to address any requirements which become applicable to the source subsequent to the date the applicant submitted its complete CAAPP application but prior to release of the draft CAAPP permit.

j. The Agency shall issue or deny the CAAPP permit within 18 months after the date of receipt of the complete CAAPP application, with the following exceptions: (i) permits for affected sources for acid deposition shall be issued or denied within 6 months after receipt of a complete application in accordance with subsection 17 of this Section; (ii) the Agency shall act on initial CAAPP applications within 24 months after the date of receipt of the complete CAAPP application; (iii) the Agency shall act on complete applications containing early reduction demonstrations under Section 112(i)(5) of the Clean Air Act within 9 months of receipt of the complete CAAPP application.

Where the Agency does not take final action on the permit within the required time period, the permit shall not be deemed issued; rather, the failure to act shall be treated as a final permit action for purposes of judicial review pursuant to Sections 40.2 and 41 of this Act.

k. The submittal of a complete CAAPP application shall not affect the requirement that any source have a preconstruction permit under Title I of the Clean Air Act.

l. Unless a timely and complete renewal application has been submitted consistent with this subsection, a CAAPP source operating upon the expiration of its CAAPP permit shall be deemed to be operating without a CAAPP permit. Such operation is prohibited under this Act.

m. Permits being renewed shall be subject to the same procedural requirements, including those for public participation and federal review and objection, that apply to original permit issuance.

n. For purposes of permit renewal, a timely application is one that is submitted no less than 9 months prior to the date of permit expiration.

o. The terms and conditions of a CAAPP permit shall remain in effect until the issuance of a CAAPP renewal permit provided a timely and complete CAAPP application has been submitted.

p. The owner or operator of a CAAPP source seeking a permit shield pursuant to paragraph (j) of subsection 7 of this Section shall request such permit shield in the CAAPP application regarding that source.

q. The Agency shall make available to the public all documents submitted by the applicant to the Agency, including each CAAPP application, compliance plan (including the schedule of compliance), and emissions or compliance monitoring report, with the exception of information entitled to confidential treatment pursuant to Section 7 of this Act.

r. The Agency shall use the standardized forms required under Title IV of the Clean Air Act and regulations promulgated thereunder for affected sources for acid deposition.

s. An owner or operator of a CAAPP source may include within its CAAPP application a request for permission to operate during a startup, malfunction, or breakdown consistent with applicable Board regulations.

t. An owner or operator of a CAAPP source, in order to utilize the operational flexibility provided under paragraph (l) of subsection 7 of this Section, must request such use and provide the necessary information within its CAAPP application.

u. An owner or operator of a CAAPP source which seeks exclusion from the CAAPP through the imposition of federally enforceable conditions, pursuant to paragraph (c) of subsection 3 of this Section, must request such exclusion within a CAAPP application submitted consistent with this subsection on or after the date that the CAAPP application for the source is due. Prior to such date, but in no case later than 9 months after the effective date of the CAAPP, such owner or operator may request the imposition of federally enforceable conditions pursuant to paragraph (b) of subsection 1.1 of this Section.

v. CAAPP applications shall contain accurate information on allowable emissions to implement the fee provisions of subsection 18 of this Section.

w. An owner or operator of a CAAPP source shall submit within its CAAPP application emissions information regarding all regulated air pollutants emitted at that source consistent with applicable Agency procedures. Emissions information regarding insignificant activities or emission

levels, as determined by the Agency pursuant to Board regulations, may be submitted as a list within the CAAPP application. The Agency shall propose regulations to the Board defining insignificant activities or emission levels, consistent with federal regulations, if any, no later than 18 months after the effective date of this amendatory Act of 1992, consistent with Section 112(n)(1) of the Clean Air Act. The Board shall adopt final regulations defining insignificant activities or emission levels no later than 9 months after the date of the Agency's proposal.

x. The owner or operator of a new CAAPP source shall submit its complete CAAPP application consistent with this subsection within 12 months after commencing operation of such source. The owner or operator of an existing source that has been excluded from the provisions of this Section under subsection 1.1 or paragraph (c) of subsection 3 of this Section and that becomes subject to the CAAPP solely due to a change in operation at the source shall submit its complete CAAPP application consistent with this subsection at least 180 days before commencing operation in accordance with the change in operation.

y. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary to implement this subsection.

6. Prohibitions.

a. It shall be unlawful for any person to violate any terms or conditions of a permit issued under this Section, to operate any CAAPP source except in compliance with a permit issued by the Agency under this Section or to violate any other applicable requirements. All terms and conditions of a permit issued under this Section are enforceable by USEPA and citizens under the Clean Air Act, except those, if any, that are specifically designated as not being federally enforceable in the permit pursuant to paragraph (m) of subsection 7 of this Section.

b. After the applicable CAAPP permit or renewal application submittal date, as specified in subsection 5 of this Section, no person shall operate a CAAPP source without a CAAPP permit unless the complete CAAPP permit or renewal application for such source has been timely submitted to the Agency.

c. No owner or operator of a CAAPP source shall cause or threaten or allow the continued operation of an emission source during malfunction or breakdown of the emission source or related air pollution control equipment if such operation would cause a violation of the standards or limitations applicable to the source, unless the CAAPP permit granted to the source provides for such operation consistent with this Act and applicable Board regulations.

7. Permit Content.

a. All CAAPP permits shall contain emission limitations and standards and other enforceable terms and conditions, including but not limited to operational requirements, and schedules for achieving compliance at the earliest reasonable date, which are or will be required to accomplish the purposes and provisions of this Act and to assure compliance with all applicable requirements.

b. The Agency shall include among such conditions applicable monitoring, reporting, record keeping and compliance certification requirements, as authorized by paragraphs (d), (e), and (f) of this subsection, that the Agency deems necessary to assure compliance with the Clean Air Act, the regulations promulgated thereunder, this Act, and applicable Board regulations. When monitoring, reporting, record keeping, and compliance certification requirements are specified within the Clean Air Act, regulations promulgated thereunder, this Act, or applicable regulations, such requirements shall be included within the CAAPP permit. The Board shall have authority to promulgate additional regulations where necessary to accomplish the purposes of the Clean Air Act, this Act, and regulations promulgated thereunder.

c. The Agency shall assure, within such conditions, the use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable emission limitations, standards, and other requirements contained in the permit.

d. To meet the requirements of this subsection with respect to monitoring, the permit shall:

i. Incorporate and identify all applicable emissions monitoring and analysis procedures or test methods required under the Clean Air Act, regulations promulgated thereunder, this Act, and applicable Board regulations, including any procedures and methods promulgated by USEPA pursuant to Section 504(b) or Section 114 (a)(3) of the Clean Air Act.

ii. Where the applicable requirement does not require periodic testing or

instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), require periodic monitoring sufficient to yield reliable data from the relevant time period that is representative of the source's compliance with the permit, as reported pursuant to paragraph (f) of this subsection. The Agency may determine that recordkeeping requirements are sufficient to meet the requirements of this subparagraph.

iii. As necessary, specify requirements concerning the use, maintenance, and when appropriate, installation of monitoring equipment or methods.

e. To meet the requirements of this subsection with respect to record keeping, the permit shall incorporate and identify all applicable recordkeeping requirements and require, where applicable, the following:

i. Records of required monitoring information that include the following:

A. The date, place and time of sampling or measurements.

B. The date(s) analyses were performed.

C. The company or entity that performed the analyses.

D. The analytical techniques or methods used.

E. The results of such analyses.

F. The operating conditions as existing at the time of sampling or measurement.

ii. Retention of records of all monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

f. To meet the requirements of this subsection with respect to reporting, the permit shall incorporate and identify all applicable reporting requirements and require the following:

i. Submittal of reports of any required monitoring every 6 months. More frequent submittals may be requested by the Agency if such submittals are necessary to assure compliance with this Act or regulations promulgated by the Board thereunder. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with subsection 5 of this Section.

ii. Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken.

g. Each CAAPP permit issued under subsection 10 of this Section shall include a condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Clean Air Act or the regulations promulgated thereunder, consistent with subsection 17 of this Section and applicable regulations, if any.

h. All CAAPP permits shall state that, where another applicable requirement of the Clean Air Act is more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act, both provisions shall be incorporated into the permit and shall be State and federally enforceable.

i. Each CAAPP permit issued under subsection 10 of this Section shall include a severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit.

j. The following shall apply with respect to owners or operators requesting a permit shield:

i. The Agency shall include in a CAAPP permit, when requested by an applicant pursuant to paragraph (p) of subsection 5 of this Section, a provision stating that compliance with the conditions of the permit shall be deemed compliance with applicable requirements which are applicable as of the date of release of the proposed permit, provided that:

A. The applicable requirement is specifically identified within the permit; or

B. The Agency in acting on the CAAPP application or revision determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes that determination or a concise summary thereof.

ii. The permit shall identify the requirements for which the source is shielded. The shield shall not extend to applicable requirements which are promulgated after the date of release of the proposed permit unless the permit has been modified to reflect such new requirements.

iii. A CAAPP permit which does not expressly indicate the existence of a permit shield shall not provide such a shield.

iv. Nothing in this paragraph or in a CAAPP permit shall alter or affect the following:

A. The provisions of Section 303 (emergency powers) of the Clean Air Act, including USEPA's authority under that section.

B. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance.

C. The applicable requirements of the acid rain program consistent with Section 408(a) of the Clean Air Act.

D. The ability of USEPA to obtain information from a source pursuant to Section 114 (inspections, monitoring, and entry) of the Clean Air Act.

k. Each CAAPP permit shall include an emergency provision providing an affirmative defense of emergency to an action brought for noncompliance with technology-based emission limitations under a CAAPP permit if the following conditions are met through properly signed, contemporaneous operating logs, or other relevant evidence:

i. An emergency occurred and the permittee can identify the cause(s) of the emergency.

ii. The permitted facility was at the time being properly operated.

iii. The permittee submitted notice of the emergency to the Agency within 2 working days after the time when emission limitations were exceeded due to the emergency. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

iv. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission limitations, standards, or requirements in the permit.

For purposes of this subsection, "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, such as an act of God, that requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operation error.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof. This provision is in addition to any emergency or upset provision contained in any applicable requirement. This provision does not relieve a permittee of any reporting obligations under existing federal or state laws or regulations.

l. The Agency shall include in each permit issued under subsection 10 of this Section:

i. Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application. The permit terms and conditions for each such operating scenario shall meet all applicable requirements and the requirements of this Section.

A. Under this subparagraph, the source must record in a log at the permitted facility a record of the scenario under which it is operating contemporaneously with making a change from one operating scenario to another.

B. The permit shield described in paragraph (j) of subsection 7 of this Section shall extend to all terms and conditions under each such operating scenario.

ii. Where requested by an applicant, all terms and conditions allowing for trading of emissions increases and decreases between different emission units at the CAAPP source, to the extent that the applicable requirements provide for trading of such emissions increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:

A. Shall include all terms required under this subsection to determine compliance;

B. Must meet all applicable requirements;

C. Shall extend the permit shield described in paragraph (j) of subsection 7 of this Section to all terms and conditions that allow such increases and decreases in emissions.

m. The Agency shall specifically designate as not being federally enforceable under the Clean Air Act any terms and conditions included in the permit that are not specifically required under the Clean Air Act or federal regulations promulgated thereunder. Terms or conditions so designated shall be subject to all applicable State requirements, except the requirements of subsection 7 (other than this paragraph, paragraph q of subsection 7, subsections 8 through 11, and subsections 13 through 16 of this Section. The Agency shall, however, include such terms and conditions in the CAAPP permit issued to the source.

n. Each CAAPP permit issued under subsection 10 of this Section shall specify and

reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

o. Each CAAPP permit issued under subsection 10 of this Section shall include provisions stating the following:

i. Duty to comply. The permittee must comply with all terms and conditions of the CAAPP permit. Any permit noncompliance constitutes a violation of the Clean Air Act and the Act, and is grounds for any or all of the following: enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

ii. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

iii. Permit actions. The permit may be modified, revoked, reopened, and reissued, or terminated for cause in accordance with the applicable subsections of Section 39.5 of this Act. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

iv. Property rights. The permit does not convey any property rights of any sort, or any exclusive privilege.

v. Duty to provide information. The permittee shall furnish to the Agency within a reasonable time specified by the Agency any information that the Agency may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Agency copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to USEPA along with a claim of confidentiality.

vi. Duty to pay fees. The permittee must pay fees to the Agency consistent with the fee schedule approved pursuant to subsection 18 of this Section, and submit any information relevant thereto.

vii. Emissions trading. No permit revision shall be required for increases in emissions allowed under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit and that are authorized by the applicable requirement.

p. Each CAAPP permit issued under subsection 10 of this Section shall contain the following elements with respect to compliance:

i. Compliance certification, testing, monitoring, reporting, and record keeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document (including reports) required by a CAAPP permit shall contain a certification by a responsible official that meets the requirements of subsection 5 of this Section and applicable regulations.

ii. Inspection and entry requirements that necessitate that, upon presentation of credentials and other documents as may be required by law and in accordance with constitutional limitations, the permittee shall allow the Agency, or an authorized representative to perform the following:

A. Enter upon the permittee's premises where a CAAPP source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit.

B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.

C. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

D. Sample or monitor any substances or parameters at any location:

1. As authorized by the Clean Air Act, at reasonable times, for the purposes of assuring compliance with the CAAPP permit or applicable requirements; or

2. As otherwise authorized by this Act.

iii. A schedule of compliance consistent with subsection 5 of this Section and applicable regulations.

iv. Progress reports consistent with an applicable schedule of compliance pursuant to paragraph (d) of subsection 5 of this Section and applicable regulations to be submitted semiannually, or more frequently if the Agency determines that such more frequent submittals are

necessary for compliance with the Act or regulations promulgated by the Board thereunder. Such progress reports shall contain the following:

A. Required dates for achieving the activities, milestones, or compliance required by the schedule of compliance and dates when such activities, milestones or compliance were achieved.

B. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

v. Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:

A. The frequency (annually or more frequently as specified in any applicable requirement or by the Agency pursuant to written procedures) of submissions of compliance certifications.

B. A means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.

C. A requirement that the compliance certification include the following:

1. The identification of each term or condition contained in the permit that is the basis of the certification.

2. The compliance status.

3. Whether compliance was continuous or intermittent.

4. The method(s) used for determining the compliance status of the source, both currently and over the reporting period consistent with subsection 7 of this Section.

D. A requirement that all compliance certifications be submitted to the Agency.

E. Additional requirements as may be specified pursuant to Sections 114(a)(3) and 504(b) of the Clean Air Act.

F. Other provisions as the Agency may require.

q. If the owner or operator of CAAPP source can demonstrate in its CAAPP application, including an application for a significant modification, that an alternative emission limit would be equivalent to that contained in the applicable Board regulations, the Agency shall include the alternative emission limit in the CAAPP permit, which shall supersede the emission limit set forth in the applicable Board regulations, and shall include conditions that insure that the resulting emission limit is quantifiable, accountable, enforceable, and based on replicable procedures.

8. Public Notice; Affected State Review.

a. The Agency shall provide notice to the public, including an opportunity for public comment and a hearing, on each draft CAAPP permit for issuance, renewal or significant modification, subject to Section 7.1 and subsection (a) of Section 7 of this Act.

b. The Agency shall prepare a draft CAAPP permit and a statement that sets forth the legal and factual basis for the draft CAAPP permit conditions, including references to the applicable statutory or regulatory provisions. The Agency shall provide this statement to any person who requests it.

c. The Agency shall give notice of each draft CAAPP permit to the applicant and to any affected State on or before the time that the Agency has provided notice to the public, except as otherwise provided in this Act.

d. The Agency, as part of its submittal of a proposed permit to USEPA (or as soon as possible after the submittal for minor permit modification procedures allowed under subsection 14 of this Section), shall notify USEPA and any affected State in writing of any refusal of the Agency to accept all of the recommendations for the proposed permit that an affected State submitted during the public or affected State review period. The notice shall include the Agency's reasons for not accepting the recommendations. The Agency is not required to accept recommendations that are not based on applicable requirements or the requirements of this Section.

e. The Agency shall make available to the public any CAAPP permit application, compliance plan (including the schedule of compliance), CAAPP permit, and emissions or compliance monitoring report. If an owner or operator of a CAAPP source is required to submit information entitled to protection from disclosure under Section 7.1 and subsection (a) of Section 7 of this Act, the owner or operator shall submit such information separately. The requirements of Section 7.1 and subsection (a) of Section 7 of this Act shall apply to such information, which shall not be included in a CAAPP permit

unless required by law. The contents of a CAAPP permit shall not be entitled to protection under Section 7.1 and subsection (a) of Section 7 of this Act.

f. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

g. If requested by the permit applicant, the Agency shall provide the permit applicant with a copy of the draft CAAPP permit prior to any public review period. If requested by the permit applicant, the Agency shall provide the permit applicant with a copy of the final CAAPP permit prior to issuance of the CAAPP permit.

9. USEPA Notice and Objection.

a. The Agency shall provide to USEPA for its review a copy of each CAAPP application (including any application for permit modification), statement of basis as provided in paragraph (b) of subsection 8 of this Section, proposed CAAPP permit, CAAPP permit, and, if the Agency does not incorporate any affected State's recommendations on a proposed CAAPP permit, a written statement of this decision and its reasons for not accepting the recommendations, except as otherwise provided in this Act or by agreement with USEPA. To the extent practicable, the preceding information shall be provided in computer readable format compatible with USEPA's national database management system.

b. The Agency shall not issue the proposed CAAPP permit if USEPA objects in writing within 45 days after receipt of the proposed CAAPP permit and all necessary supporting information.

c. If USEPA objects in writing to the issuance of the proposed CAAPP permit within the 45-day period, the Agency shall respond in writing and may revise and resubmit the proposed CAAPP permit in response to the stated objection, to the extent supported by the record, within 90 days after the date of the objection. Prior to submitting a revised permit to USEPA, the Agency shall provide the applicant and any person who participated in the public comment process, pursuant to subsection 8 of this Section, with a 10-day period to comment on any revision which the Agency is proposing to make to the permit in response to USEPA's objection in accordance with Agency procedures.

d. Any USEPA objection under this subsection, according to the Clean Air Act, will include a statement of reasons for the objection and a description of the terms and conditions that must be in the permit, in order to adequately respond to the objections. Grounds for a USEPA objection include the failure of the Agency to: (1) submit the items and notices required under this subsection; (2) submit any other information necessary to adequately review the proposed CAAPP permit; or (3) process the permit under subsection 8 of this Section except for minor permit modifications.

e. If USEPA does not object in writing to issuance of a permit under this subsection, any person may petition USEPA within 60 days after expiration of the 45-day review period to make such objection.

f. If the permit has not yet been issued and USEPA objects to the permit as a result of a petition, the Agency shall not issue the permit until USEPA's objection has been resolved. The Agency shall provide a 10-day comment period in accordance with paragraph c of this subsection. A petition does not, however, stay the effectiveness of a permit or its requirements if the permit was issued after expiration of the 45-day review period and prior to a USEPA objection.

g. If the Agency has issued a permit after expiration of the 45-day review period and prior to receipt of a USEPA objection under this subsection in response to a petition submitted pursuant to paragraph e of this subsection, the Agency may, upon receipt of an objection from USEPA, revise and resubmit the permit to USEPA pursuant to this subsection after providing a 10-day comment period in accordance with paragraph c of this subsection. If the Agency fails to submit a revised permit in response to the objection, USEPA shall modify, terminate or revoke the permit. In any case, the source will not be in violation of the requirement to have submitted a timely and complete application.

h. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

10. Final Agency Action.

a. The Agency shall issue a CAAPP permit, permit modification, or permit renewal if all of the following conditions are met:

i. The applicant has submitted a complete and certified application for a permit, permit modification, or permit renewal consistent with subsections 5 and 14 of this Section, as applicable, and applicable regulations.

ii. The applicant has submitted with its complete application an approvable

compliance plan, including a schedule for achieving compliance, consistent with subsection 5 of this Section and applicable regulations.

iii. The applicant has timely paid the fees required pursuant to subsection 18 of this Section and applicable regulations.

iv. The Agency has received a complete CAAPP application and, if necessary, has requested and received additional information from the applicant consistent with subsection 5 of this Section and applicable regulations.

v. The Agency has complied with all applicable provisions regarding public notice and affected State review consistent with subsection 8 of this Section and applicable regulations.

vi. The Agency has provided a copy of each CAAPP application, or summary thereof, pursuant to agreement with USEPA and proposed CAAPP permit required under subsection 9 of this Section to USEPA, and USEPA has not objected to the issuance of the permit in accordance with the Clean Air Act and 40 CFR Part 70.

b. The Agency shall have the authority to deny a CAAPP permit, permit modification, or permit renewal if the applicant has not complied with the requirements of subparagraphs (i) through (iv) of paragraph (a) of this subsection or if USEPA objects to its issuance.

c. i. Prior to denial of a CAAPP permit, permit modification, or permit renewal under this Section, the Agency shall notify the applicant of the possible denial and the reasons for the denial.

ii. Within such notice, the Agency shall specify an appropriate date by which the applicant shall adequately respond to the Agency's notice. Such date shall not exceed 15 days from the date the notification is received by the applicant. The Agency may grant a reasonable extension for good cause shown.

iii. Failure by the applicant to adequately respond by the date specified in the notification or by any granted extension date shall be grounds for denial of the permit.

For purposes of obtaining judicial review under Sections 40.2 and 41 of this Act, the Agency shall provide to USEPA and each applicant, and, upon request, to affected States, any person who participated in the public comment process, and any other person who could obtain judicial review under Sections 40.2 and 41 of this Act, a copy of each CAAPP permit or notification of denial pertaining to that party.

d. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

11. General Permits.

a. The Agency may issue a general permit covering numerous similar sources, except for affected sources for acid deposition unless otherwise provided in regulations promulgated under Title IV of the Clean Air Act.

b. The Agency shall identify, in any general permit, criteria by which sources may qualify for the general permit.

c. CAAPP sources that would qualify for a general permit must apply for coverage under the terms of the general permit or must apply for a CAAPP permit consistent with subsection 5 of this Section and applicable regulations.

d. The Agency shall comply with the public comment and hearing provisions of this Section as well as the USEPA and affected State review procedures prior to issuance of a general permit.

e. When granting a subsequent request by a qualifying CAAPP source for coverage under the terms of a general permit, the Agency shall not be required to repeat the public notice and comment procedures. The granting of such request shall not be considered a final permit action for purposes of judicial review.

f. The Agency may not issue a general permit to cover any discrete emission unit at a CAAPP source if another CAAPP permit covers emission units at the source.

g. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

12. Operational Flexibility.

a. An owner or operator of a CAAPP source may make changes at the CAAPP source without requiring a prior permit revision, consistent with subparagraphs (i) through (iii) of paragraph (a) of this subsection, so long as the changes are not modifications under any provision of Title I of the Clean Air Act and they do not exceed the emissions allowable under the permit (whether expressed therein as a

rate of emissions or in terms of total emissions), provided that the owner or operator of the CAAPP source provides USEPA and the Agency with written notification as required below in advance of the proposed changes, which shall be a minimum of 7 days, unless otherwise provided by the Agency in applicable regulations regarding emergencies. The owner or operator of a CAAPP source and the Agency shall each attach such notice to their copy of the relevant permit.

i. An owner or operator of a CAAPP source may make Section 502 (b) (10) changes without a permit revision, if the changes are not modifications under any provision of Title I of the Clean Air Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions).

A. For each such change, the written notification required above shall include a brief description of the change within the source, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

B. The permit shield described in paragraph (j) of subsection 7 of this Section shall not apply to any change made pursuant to this subparagraph.

ii. An owner or operator of a CAAPP source may trade increases and decreases in emissions in the CAAPP source, where the applicable implementation plan provides for such emission trades without requiring a permit revision. This provision is available in those cases where the permit does not already provide for such emissions trading.

A. Under this subparagraph (ii) of paragraph (a) of this subsection, the written notification required above shall include such information as may be required by the provision in the applicable implementation plan authorizing the emissions trade, including at a minimum, when the proposed changes will occur, a description of each such change, any change in emissions, the permit requirements with which the source will comply using the emissions trading provisions of the applicable implementation plan, and the pollutants emitted subject to the emissions trade. The notice shall also refer to the provisions in the applicable implementation plan with which the source will comply and provide for the emissions trade.

B. The permit shield described in paragraph (j) of subsection 7 of this Section shall not apply to any change made pursuant to subparagraph (ii) of paragraph (a) of this subsection. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to the requirements of the applicable implementation plan authorizing the emissions trade.

iii. If requested within a CAAPP application, the Agency shall issue a CAAPP permit which contains terms and conditions, including all terms required under subsection 7 of this Section to determine compliance, allowing for the trading of emissions increases and decreases at the CAAPP source solely for the purpose of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable requirements. The owner or operator of a CAAPP source shall include in its CAAPP application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The permit shall also require compliance with all applicable requirements.

A. Under this subparagraph (iii) of paragraph (a), the written notification required above shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

B. The permit shield described in paragraph (j) of subsection 7 of this Section shall extend to terms and conditions that allow such increases and decreases in emissions.

b. An owner or operator of a CAAPP source may make changes that are not addressed or prohibited by the permit, other than those which are subject to any requirements under Title IV of the Clean Air Act or are modifications under any provisions of Title I of the Clean Air Act, without a permit revision, in accordance with the following requirements:

(i) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition;

(ii) Sources must provide contemporaneous written notice to the Agency and USEPA of each such change, except for changes that qualify as insignificant under provisions adopted by the Agency or the Board. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change;

(iii) The change shall not qualify for the shield described in paragraph (j) of subsection 7 of this Section; and

(iv) The permittee shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable Clean Air Act requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

c. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary to implement this subsection.

13. Administrative Permit Amendments.

a. The Agency shall take final action on a request for an administrative permit amendment within 60 days after receipt of the request. Neither notice nor an opportunity for public and affected State comment shall be required for the Agency to incorporate such revisions, provided it designates the permit revisions as having been made pursuant to this subsection.

b. The Agency shall submit a copy of the revised permit to USEPA.

c. For purposes of this Section the term "administrative permit amendment" shall be defined as a permit revision that can accomplish one or more of the changes described below:

i. Corrects typographical errors;

ii. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;

iii. Requires more frequent monitoring or reporting by the permittee;

iv. Allows for a change in ownership or operational control of a source where the Agency determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Agency;

v. Incorporates into the CAAPP permit the requirements from preconstruction review permits authorized under a USEPA-approved program, provided the program meets procedural and compliance requirements substantially equivalent to those contained in this Section;

vi. (Blank); or

vii. Any other type of change which USEPA has determined as part of the approved CAAPP permit program to be similar to those included in this subsection.

d. The Agency shall, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield in paragraph (j) of subsection 7 of this Section for administrative permit amendments made pursuant to subparagraph (v) of paragraph (c) of this subsection which meet the relevant requirements for significant permit modifications.

e. Permit revisions and modifications, including administrative amendments and automatic amendments (pursuant to Sections 408(b) and 403(d) of the Clean Air Act or regulations promulgated thereunder), for purposes of the acid rain portion of the permit shall be governed by the regulations promulgated under Title IV of the Clean Air Act. Owners or operators of affected sources for acid deposition shall have the flexibility to amend their compliance plans as provided in the regulations promulgated under Title IV of the Clean Air Act.

f. The CAAPP source may implement the changes addressed in the request for an administrative permit amendment immediately upon submittal of the request.

g. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

14. Permit Modifications.

a. Minor permit modification procedures.

i. The Agency shall review a permit modification using the "minor permit" modification procedures only for those permit modifications that:

A. Do not violate any applicable requirement;

B. Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;

C. Do not require a case-by-case determination of an emission limitation or other standard, or a source-specific determination of ambient impacts, or a visibility or increment analysis;

D. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying requirement and which avoids an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

1. A federally enforceable emissions cap assumed to avoid classification as

a modification under any provision of Title I of the Clean Air Act; and

2. An alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the Clean Air Act;

E. Are not modifications under any provision of Title I of the Clean Air Act; and

F. Are not required to be processed as a significant modification.

ii. Notwithstanding subparagraph (i) of paragraph (a) and subparagraph (ii) of paragraph (b) of this subsection, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by USEPA.

iii. An applicant requesting the use of minor permit modification procedures shall meet the requirements of subsection 5 of this Section and shall include the following in its application:

A. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

B. The source's suggested draft permit;

C. Certification by a responsible official, consistent with paragraph (e) of subsection 5 of this Section and applicable regulations, that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

D. Completed forms for the Agency to use to notify USEPA and affected States as required under subsections 8 and 9 of this Section.

iv. Within 5 working days after receipt of a complete permit modification application, the Agency shall notify USEPA and affected States of the requested permit modification in accordance with subsections 8 and 9 of this Section. The Agency promptly shall send any notice required under paragraph (d) of subsection 8 of this Section to USEPA.

v. The Agency may not issue a final permit modification until after the 45-day review period for USEPA or until USEPA has notified the Agency that USEPA will not object to the issuance of the permit modification, whichever comes first, although the Agency can approve the permit modification prior to that time. Within 90 days after the Agency's receipt of an application under the minor permit modification procedures or 15 days after the end of USEPA's 45-day review period under subsection 9 of this Section, whichever is later, the Agency shall:

A. Issue the permit modification as proposed;

B. Deny the permit modification application;

C. Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures; or

D. Revise the draft permit modification and transmit to USEPA the new proposed permit modification as required by subsection 9 of this Section.

vi. Any CAAPP source may make the change proposed in its minor permit modification application immediately after it files such application. After the CAAPP source makes the change allowed by the preceding sentence, and until the Agency takes any of the actions specified in items (A) through (C) of subparagraph (v) of paragraph (a) of this subsection, the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. If the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions which it seeks to modify may be enforced against it.

vii. The permit shield under paragraph (j) of subsection 7 of this Section may not extend to minor permit modifications.

viii. If a construction permit is required, pursuant to subsection (a) of Section 39 of this Act and regulations thereunder, for a change for which the minor permit modification procedures are applicable, the source may request that the processing of the construction permit application be consolidated with the processing of the application for the minor permit modification. In such cases, the provisions of this Section, including those within subsections 5, 8, and 9, shall apply and the Agency shall act on such applications pursuant to subparagraph (v) of paragraph (a) of subsection 14 of this Section. The source may make the proposed change immediately after filing its application for the minor permit modification. Nothing in this subparagraph shall otherwise affect the requirements and procedures applicable to construction permits.

b. Group Processing of Minor Permit Modifications.

i. Where requested by an applicant within its application, the Agency shall process groups of a source's applications for certain modifications eligible for minor permit modification processing in accordance with the provisions of this paragraph (b).

ii. Permit modifications may be processed in accordance with the procedures for group processing, for those modifications:

A. Which meet the criteria for minor permit modification procedures under subparagraph (i) of paragraph (a) of subsection 14 of this Section; and

B. That collectively are below 10 percent of the emissions allowed by the permit for the emissions unit for which change is requested, 20 percent of the applicable definition of major source set forth in subsection 2 of this Section, or 5 tons per year, whichever is least.

iii. An applicant requesting the use of group processing procedures shall meet the requirements of subsection 5 of this Section and shall include the following in its application:

A. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

B. The source's suggested draft permit.

C. Certification by a responsible official consistent with paragraph (e) of subsection 5 of this Section, that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used.

D. A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under item (B) of subparagraph (ii) of paragraph (b) of this subsection.

E. Certification, consistent with paragraph (e) of subsection 5 of this Section, that the source has notified USEPA of the proposed modification. Such notification need only contain a brief description of the requested modification.

F. Completed forms for the Agency to use to notify USEPA and affected states as required under subsections 8 and 9 of this Section.

iv. On a quarterly basis or within 5 business days after receipt of an application demonstrating that the aggregate of a source's pending applications equals or exceeds the threshold level set forth within item (B) of subparagraph (ii) of paragraph (b) of this subsection, whichever is earlier, the Agency shall promptly notify USEPA and affected States of the requested permit modifications in accordance with subsections 8 and 9 of this Section. The Agency shall send any notice required under paragraph (d) of subsection 8 of this Section to USEPA.

v. The provisions of subparagraph (v) of paragraph (a) of this subsection shall apply to modifications eligible for group processing, except that the Agency shall take one of the actions specified in items (A) through (D) of subparagraph (v) of paragraph (a) of this subsection within 180 days after receipt of the application or 15 days after the end of USEPA's 45-day review period under subsection 9 of this Section, whichever is later.

vi. The provisions of subparagraph (vi) of paragraph (a) of this subsection shall apply to modifications for group processing.

vii. The provisions of paragraph (j) of subsection 7 of this Section shall not apply to modifications eligible for group processing.

c. Significant Permit Modifications.

i. Significant modification procedures shall be used for applications requesting significant permit modifications and for those applications that do not qualify as either minor permit modifications or as administrative permit amendments.

ii. Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping requirements shall be considered significant. A modification shall also be considered significant if in the judgment of the Agency action on an application for modification would require decisions to be made on technically complex issues. Nothing herein shall be construed to preclude the permittee from making changes consistent with this Section that would render existing permit compliance terms and conditions irrelevant.

iii. Significant permit modifications must meet all the requirements of this Section, including those for applications (including completeness review), public participation, review by affected States, and review by USEPA applicable to initial permit issuance and permit renewal. The Agency shall take final action on significant permit modifications within 9 months after receipt of a complete application.

d. The Agency shall have the authority to adopt procedural rules, in accordance with the

Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

15. Reopenings for Cause by the Agency.

a. Each issued CAAPP permit shall include provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. Such revisions shall be made as expeditiously as practicable. A CAAPP permit shall be reopened and revised under any of the following circumstances, in accordance with procedures adopted by the Agency:

i. Additional requirements under the Clean Air Act become applicable to a major CAAPP source for which 3 or more years remain on the original term of the permit. Such a reopening shall be completed not later than 18 months after the promulgation of the applicable requirement. No such revision is required if the effective date of the requirement is later than the date on which the permit is due to expire.

ii. Additional requirements (including excess emissions requirements) become applicable to an affected source for acid deposition under the acid rain program. Excess emissions offset plans shall be deemed to be incorporated into the permit upon approval by USEPA.

iii. The Agency or USEPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards, limitations, or other terms or conditions of the permit.

iv. The Agency or USEPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

b. In the event that the Agency determines that there are grounds for revoking a CAAPP permit, for cause, consistent with paragraph a of this subsection, it shall file a petition before the Board setting forth the basis for such revocation. In any such proceeding, the Agency shall have the burden of establishing that the permit should be revoked under the standards set forth in this Act and the Clean Air Act. Any such proceeding shall be conducted pursuant to the Board's procedures for adjudicatory hearings and the Board shall render its decision within 120 days of the filing of the petition. The Agency shall take final action to revoke and reissue a CAAPP permit consistent with the Board's order.

c. Proceedings regarding a reopened CAAPP permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists.

d. Reopenings under paragraph (a) of this subsection shall not be initiated before a notice of such intent is provided to the CAAPP source by the Agency at least 30 days in advance of the date that the permit is to be reopened, except that the Agency may provide a shorter time period in the case of an emergency.

e. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

16. Reopenings for Cause by USEPA.

a. When USEPA finds that cause exists to terminate, modify, or revoke and reissue a CAAPP permit pursuant to subsection 15 of this Section, and thereafter notifies the Agency and the permittee of such finding in writing, the Agency shall forward to USEPA and the permittee a proposed determination of termination, modification, or revocation and reissuance as appropriate, in accordance with paragraph (b) of this subsection. The Agency's proposed determination shall be in accordance with the record, the Clean Air Act, regulations promulgated thereunder, this Act and regulations promulgated thereunder. Such proposed determination shall not affect the permit or constitute a final permit action for purposes of this Act or the Administrative Review Law. The Agency shall forward to USEPA such proposed determination within 90 days after receipt of the notification from USEPA. If additional time is necessary to submit the proposed determination, the Agency shall request a 90-day extension from USEPA and shall submit the proposed determination within 180 days after receipt of notification from USEPA.

b. i. Prior to the Agency's submittal to USEPA of a proposed determination to terminate or revoke and reissue the permit, the Agency shall file a petition before the Board setting forth USEPA's objection, the permit record, the Agency's proposed determination, and the justification for its proposed determination. The Board shall conduct a hearing pursuant to the rules prescribed by Section 32 of this Act, and the burden of proof shall be on the Agency.

ii. After due consideration of the written and oral statements, the testimony and

arguments that shall be submitted at hearing, the Board shall issue and enter an interim order for the proposed determination, which shall set forth all changes, if any, required in the Agency's proposed determination. The interim order shall comply with the requirements for final orders as set forth in Section 33 of this Act. Issuance of an interim order by the Board under this paragraph, however, shall not affect the permit status and does not constitute a final action for purposes of this Act or the Administrative Review Law.

iii. The Board shall cause a copy of its interim order to be served upon all parties to the proceeding as well as upon USEPA. The Agency shall submit the proposed determination to USEPA in accordance with the Board's Interim Order within 180 days after receipt of the notification from USEPA.

c. USEPA shall review the proposed determination to terminate, modify, or revoke and reissue the permit within 90 days after receipt.

i. When USEPA reviews the proposed determination to terminate or revoke and reissue and does not object, the Board shall, within 7 days after receipt of USEPA's final approval, enter the interim order as a final order. The final order may be appealed as provided by Title XI of this Act. The Agency shall take final action in accordance with the Board's final order.

ii. When USEPA reviews such proposed determination to terminate or revoke and reissue and objects, the Agency shall submit USEPA's objection and the Agency's comments and recommendation on the objection to the Board and permittee. The Board shall review its interim order in response to USEPA's objection and the Agency's comments and recommendation and issue a final order in accordance with Sections 32 and 33 of this Act. The Agency shall, within 90 days after receipt of such objection, respond to USEPA's objection in accordance with the Board's final order.

iii. When USEPA reviews such proposed determination to modify and objects, the Agency shall, within 90 days after receipt of the objection, resolve the objection and modify the permit in accordance with USEPA's objection, based upon the record, the Clean Air Act, regulations promulgated thereunder, this Act, and regulations promulgated thereunder.

d. If the Agency fails to submit the proposed determination pursuant to paragraph a of this subsection or fails to resolve any USEPA objection pursuant to paragraph c of this subsection, USEPA will terminate, modify, or revoke and reissue the permit.

e. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

17. Title IV; Acid Rain Provisions.

a. The Agency shall act on initial CAAPP applications for affected sources for acid deposition in accordance with this Section and Title V of the Clean Air Act and regulations promulgated thereunder, except as modified by Title IV of the Clean Air Act and regulations promulgated thereunder. The Agency shall issue initial CAAPP permits to the affected sources for acid deposition which shall become effective no earlier than January 1, 1995, and which shall terminate on December 31, 1999, in accordance with this Section. Subsequent CAAPP permits issued to affected sources for acid deposition shall be issued for a fixed term of 5 years. Title IV of the Clean Air Act and regulations promulgated thereunder, including but not limited to 40 C.F.R. Part 72, as now or hereafter amended, are applicable to and enforceable under this Act.

b. A designated representative of an affected source for acid deposition shall submit a timely and complete Phase II acid rain permit application and compliance plan to the Agency, not later than January 1, 1996, that meets the requirements of Titles IV and V of the Clean Air Act and regulations. The Agency shall act on the Phase II acid rain permit application and compliance plan in accordance with this Section and Title V of the Clean Air Act and regulations promulgated thereunder, except as modified by Title IV of the Clean Air Act and regulations promulgated thereunder. The Agency shall issue the Phase II acid rain permit to an affected source for acid deposition no later than December 31, 1997, which shall become effective on January 1, 2000, in accordance with this Section, except as modified by Title IV and regulations promulgated thereunder; provided that the designated representative of the source submitted a timely and complete Phase II permit application and compliance plan to the Agency that meets the requirements of Title IV and V of the Clean Air Act and regulations.

c. Each Phase II acid rain permit issued in accordance with this subsection shall have a fixed term of 5 years. Except as provided in paragraph b above, the Agency shall issue or deny a Phase II acid rain permit within 18 months of receiving a complete Phase II permit application and compliance plan.

d. A designated representative of a new unit, as defined in Section 402 of the Clean Air

Act, shall submit a timely and complete Phase II acid rain permit application and compliance plan that meets the requirements of Titles IV and V of the Clean Air Act and its regulations. The Agency shall act on the new unit's Phase II acid rain permit application and compliance plan in accordance with this Section and Title V of the Clean Air Act and its regulations, except as modified by Title IV of the Clean Air Act and its regulations. The Agency shall reopen the new unit's CAAPP permit for cause to incorporate the approved Phase II acid rain permit in accordance with this Section. The Phase II acid rain permit for the new unit shall become effective no later than the date required under Title IV of the Clean Air Act and its regulations.

e. A designated representative of an affected source for acid deposition shall submit a timely and complete Title IV NOx permit application to the Agency, not later than January 1, 1998, that meets the requirements of Titles IV and V of the Clean Air Act and its regulations. The Agency shall reopen the Phase II acid rain permit for cause and incorporate the approved NOx provisions into the Phase II acid rain permit not later than January 1, 1999, in accordance with this Section, except as modified by Title IV of the Clean Air Act and regulations promulgated thereunder. Such reopening shall not affect the term of the Phase II acid rain permit.

f. The designated representative of the affected source for acid deposition shall renew the initial CAAPP permit and Phase II acid rain permit in accordance with this Section and Title V of the Clean Air Act and regulations promulgated thereunder, except as modified by Title IV of the Clean Air Act and regulations promulgated thereunder.

g. In the case of an affected source for acid deposition for which a complete Phase II acid rain permit application and compliance plan are timely received under this subsection, the complete permit application and compliance plan, including amendments thereto, shall be binding on the owner, operator and designated representative, all affected units for acid deposition at the affected source, and any other unit, as defined in Section 402 of the Clean Air Act, governed by the Phase II acid rain permit application and shall be enforceable as an acid rain permit for purposes of Titles IV and V of the Clean Air Act, from the date of submission of the acid rain permit application until a Phase II acid rain permit is issued or denied by the Agency.

h. The Agency shall not include or implement any measure which would interfere with or modify the requirements of Title IV of the Clean Air Act or regulations promulgated thereunder.

i. Nothing in this Section shall be construed as affecting allowances or USEPA's decision regarding an excess emissions offset plan, as set forth in Title IV of the Clean Air Act or regulations promulgated thereunder.

i. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit revision under any other applicable requirement.

ii. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

iii. Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Clean Air Act.

j. To the extent that the federal regulations promulgated under Title IV, including but not limited to 40 C.F.R. Part 72, as now or hereafter amended, are inconsistent with the federal regulations promulgated under Title V, the federal regulations promulgated under Title IV shall take precedence.

k. The USEPA may intervene as a matter of right in any permit appeal involving a Phase II acid rain permit provision or denial of a Phase II acid rain permit.

l. It is unlawful for any owner or operator to violate any terms or conditions of a Phase II acid rain permit issued under this subsection, to operate any affected source for acid deposition except in compliance with a Phase II acid rain permit issued by the Agency under this subsection, or to violate any other applicable requirements.

m. The designated representative of an affected source for acid deposition shall submit to the Agency the data and information submitted quarterly to USEPA, pursuant to 40 CFR 75.64, concurrently with the submission to USEPA. The submission shall be in the same electronic format as specified by USEPA.

n. The Agency shall act on any petition for exemption of a new unit or retired unit, as those terms are defined in Section 402 of the Clean Air Act, from the requirements of the acid rain program in accordance with Title IV of the Clean Air Act and its regulations.

o. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary to implement this subsection.

18. Fee Provisions.

a. A source subject to this Section or excluded under subsection 1.1 or paragraph (c) of subsection 3 of this Section, shall pay a fee as provided in this paragraph (a) of subsection 18. However, a source that has been excluded from the provisions of this Section under subsection 1.1 or under paragraph (c) of subsection 3 of this Section because the source emits less than 25 tons per year of any combination of regulated air pollutants, except greenhouse gases, shall pay fees in accordance with paragraph (1) of subsection (b) of Section 9.6.

i. The fee for a source allowed to emit less than 100 tons per year of any combination of regulated air pollutants, except greenhouse gases, shall be $1,800 per year, and that fee shall increase, beginning January 1, 2012, to $2,150 per year.

ii. The fee for a source allowed to emit 100 tons or more per year of any combination of regulated air pollutants, except greenhouse gases and those regulated air pollutants excluded in paragraph (f) of this subsection 18, shall be as follows:

A. The Agency shall assess a fee of $18 per ton, per year for the allowable emissions of regulated air pollutants subject to this subparagraph (ii) of paragraph (a) of subsection 18, and that fee shall increase, beginning January 1, 2012, to $21.50 per ton, per year. These fees shall be used by the Agency and the Board to fund the activities required by Title V of the Clean Air Act including such activities as may be carried out by other State or local agencies pursuant to paragraph (d) of this subsection. The amount of such fee shall be based on the information supplied by the applicant in its complete CAAPP permit application or in the CAAPP permit if the permit has been granted and shall be determined by the amount of emissions that the source is allowed to emit annually, provided however, that the maximum fee for a CAAPP permit under this subparagraph (ii) of paragraph (a) of subsection 18 is $250,000, and increases, beginning January 1, 2012, to $294,000. Beginning January 1, 2012, the maximum fee under this subparagraph (ii) of paragraph (a) of subsection 18 for a source that has been excluded under subsection 1.1 of this Section or under paragraph (c) of subsection 3 of this Section is $4,112. The Agency shall provide as part of the permit application form required under subsection 5 of this Section a separate fee calculation form which will allow the applicant to identify the allowable emissions and calculate the fee. In no event shall the Agency raise the amount of allowable emissions requested by the applicant unless such increases are required to demonstrate compliance with terms of a CAAPP permit.

Notwithstanding the above, any applicant may seek a change in its permit which would result in increases in allowable emissions due to an increase in the hours of operation or production rates of an emission unit or units and such a change shall be consistent with the construction permit requirements of the existing State permit program, under subsection (a) of Section 39 of this Act and applicable provisions of this Section. Where a construction permit is required, the Agency shall expeditiously grant such construction permit and shall, if necessary, modify the CAAPP permit based on the same application.

B. The applicant or permittee may pay the fee annually or semiannually for those fees greater than $5,000. However, any applicant paying a fee equal to or greater than $100,000 shall pay the full amount on July 1, for the subsequent fiscal year, or pay 50% of the fee on July 1 and the remaining 50% by the next January 1. The Agency may change any annual billing date upon reasonable notice, but shall prorate the new bill so that the permittee or applicant does not pay more than its required fees for the fee period for which payment is made.

b. (Blank).

c. (Blank).

d. There is hereby created in the State Treasury a special fund to be known as the Clean Air Act Permit Fund (formerly known as the CAA Permit Fund). All Funds collected by the Agency pursuant to this subsection shall be deposited into the Fund. The General Assembly shall appropriate monies from this Fund to the Agency and to the Board to carry out their obligations under this Section. The General Assembly may also authorize monies to be granted by the Agency from this Fund to other State and local agencies which perform duties related to the CAAPP. Interest generated on the monies deposited in this Fund shall be returned to the Fund.

e. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary to implement this subsection.

f. For purposes of this subsection, the term "regulated air pollutant" shall have the meaning given to it under subsection 1 of this Section but shall exclude the following:

i. carbon monoxide;

ii. any Class I or II substance which is a regulated air pollutant solely because it is listed pursuant to Section 602 of the Clean Air Act; and

iii. any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Clean Air Act based on the emissions allowed in the permit effective in that calendar year, at the time the applicable bill is generated.

19. Air Toxics Provisions.

a. In the event that the USEPA fails to promulgate in a timely manner a standard pursuant to Section 112(d) of the Clean Air Act, the Agency shall have the authority to issue permits, pursuant to Section 112(j) of the Clean Air Act and regulations promulgated thereunder, which contain emission limitations which are equivalent to the emission limitations that would apply to a source if an emission standard had been promulgated in a timely manner by USEPA pursuant to Section 112(d). Provided, however, that the owner or operator of a source shall have the opportunity to submit to the Agency a proposed emission limitation which it determines to be equivalent to the emission limitations that would apply to such source if an emission standard had been promulgated in a timely manner by USEPA. If the Agency refuses to include the emission limitation proposed by the owner or operator in a CAAPP permit, the owner or operator may petition the Board to establish whether the emission limitation proposal submitted by the owner or operator provides for emission limitations which are equivalent to the emission limitations that would apply to the source if the emission standard had been promulgated by USEPA in a timely manner. The Board shall determine whether the emission limitation proposed by the owner or operator or an alternative emission limitation proposed by the Agency provides for the level of control required under Section 112 of the Clean Air Act, or shall otherwise establish an appropriate emission limitation, pursuant to Section 112 of the Clean Air Act.

b. Any Board proceeding brought under paragraph (a) or (e) of this subsection shall be conducted according to the Board's procedures for adjudicatory hearings and the Board shall render its decision within 120 days of the filing of the petition. Any such decision shall be subject to review pursuant to Section 41 of this Act. Where USEPA promulgates an applicable emission standard prior to the issuance of the CAAPP permit, the Agency shall include in the permit the promulgated standard, provided that the source shall have the compliance period provided under Section 112(i) of the Clean Air Act. Where USEPA promulgates an applicable standard subsequent to the issuance of the CAAPP permit, the Agency shall revise such permit upon the next renewal to reflect the promulgated standard, providing a reasonable time for the applicable source to comply with the standard, but no longer than 8 years after the date on which the source is first required to comply with the emissions limitation established under this subsection.

c. The Agency shall have the authority to implement and enforce complete or partial emission standards promulgated by USEPA pursuant to Section 112(d), and standards promulgated by USEPA pursuant to Sections 112(f), 112(h), 112(m), and 112(n), and may accept delegation of authority from USEPA to implement and enforce Section 112(l) and requirements for the prevention and detection of accidental releases pursuant to Section 112(r) of the Clean Air Act.

d. The Agency shall have the authority to issue permits pursuant to Section 112(i)(5) of the Clean Air Act.

e. The Agency has the authority to implement Section 112(g) of the Clean Air Act consistent with the Clean Air Act and federal regulations promulgated thereunder. If the Agency refuses to include the emission limitations proposed in an application submitted by an owner or operator for a case-by-case maximum achievable control technology (MACT) determination, the owner or operator may petition the Board to determine whether the emission limitation proposed by the owner or operator or an alternative emission limitation proposed by the Agency provides for a level of control required by Section 112 of the Clean Air Act, or to otherwise establish an appropriate emission limitation under Section 112 of the Clean Air Act.

20. Small Business.

a. For purposes of this subsection:

"Program" is the Small Business Stationary Source Technical and Environmental Compliance Assistance Program created within this State pursuant to Section 507 of the Clean Air Act and guidance promulgated thereunder, to provide technical assistance and compliance information to small business stationary sources;

"Small Business Assistance Program" is a component of the Program responsible for providing sufficient communications with small businesses through the collection and dissemination of information to small business stationary sources; and

"Small Business Stationary Source" means a stationary source that:

1. is owned or operated by a person that employs 100 or fewer individuals;

2. is a small business concern as defined in the "Small Business Act";

3. is not a major source as that term is defined in subsection 2 of this Section;

4. does not emit 50 tons or more per year of any regulated air pollutant, except greenhouse gases; and

5. emits less than 75 tons per year of all regulated pollutants, except greenhouse gases.

b. The Agency shall adopt and submit to USEPA, after reasonable notice and opportunity for public comment, as a revision to the Illinois state implementation plan, plans for establishing the Program.

c. The Agency shall have the authority to enter into such contracts and agreements as the Agency deems necessary to carry out the purposes of this subsection.

d. The Agency may establish such procedures as it may deem necessary for the purposes of implementing and executing its responsibilities under this subsection.

e. There shall be appointed a Small Business Ombudsman (hereinafter in this subsection referred to as "Ombudsman") to monitor the Small Business Assistance Program. The Ombudsman shall be a nonpartisan designated official, with the ability to independently assess whether the goals of the Program are being met.

f. The State Ombudsman Office shall be located in an existing Ombudsman office within the State or in any State Department.

g. There is hereby created a State Compliance Advisory Panel (hereinafter in this subsection referred to as "Panel") for determining the overall effectiveness of the Small Business Assistance Program within this State.

h. The selection of Panel members shall be by the following method:

1. The Governor shall select two members who are not owners or representatives of owners of small business stationary sources to represent the general public;

2. The Director of the Agency shall select one member to represent the Agency; and

3. The State Legislature shall select four members who are owners or representatives of owners of small business stationary sources. Both the majority and minority leadership in both Houses of the Legislature shall appoint one member of the panel.

i. Panel members should serve without compensation but will receive full reimbursement for expenses including travel and per diem as authorized within this State.

j. The Panel shall select its own Chair by a majority vote. The Chair may meet and consult with the Ombudsman and the head of the Small Business Assistance Program in planning the activities for the Panel.

21. Temporary Sources.

a. The Agency may issue a single permit authorizing emissions from similar operations by the same source owner or operator at multiple temporary locations, except for sources which are affected sources for acid deposition under Title IV of the Clean Air Act.

b. The applicant must demonstrate that the operation is temporary and will involve at least one change of location during the term of the permit.

c. Any such permit shall meet all applicable requirements of this Section and applicable regulations, and include conditions assuring compliance with all applicable requirements at all authorized locations and requirements that the owner or operator notify the Agency at least 10 days in advance of each change in location.

22. Solid Waste Incineration Units.

a. A CAAPP permit for a solid waste incineration unit combusting municipal waste subject to standards promulgated under Section 129(e) of the Clean Air Act shall be issued for a period of 12 years and shall be reviewed every 5 years, unless the Agency requires more frequent review through Agency procedures.

b. During the review in paragraph (a) of this subsection, the Agency shall fully review

the previously submitted CAAPP permit application and corresponding reports subsequently submitted to determine whether the source is in compliance with all applicable requirements.

c. If the Agency determines that the source is not in compliance with all applicable requirements it shall revise the CAAPP permit as appropriate.

d. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

(Source: P.A. 99-380, eff. 8-17-15; 99-933, eff. 1-27-17; 100-103, eff. 8-11-17.)

(415 ILCS 5/Tit. XVIII heading new)

TITLE XVIII: PROTECTION OF ENVIRONMENT, NATURAL RESOURCES, AND PUBLIC HEALTH

(415 ILCS 5/59 new)

Sec. 59. Findings. The General Assembly finds and declares that:

(1) For over 4 decades, Illinois and its residents have relied on federal laws, including the federal Clean Air Act, the Federal Water Pollution Control Act (Clean Water Act), the federal Safe Drinking Water Act, and the federal Endangered Species Act, along with their implementing regulations and remedies, to protect our State's public health, environment, and natural resources.

(2) These federal laws establish standards that serve as the baseline level of public health and environmental protection, while expressly authorizing states like Illinois to adopt more protective measures.

(3) Beginning in 2017, a new presidential administration and a United States Congress are controlled by one party that has signaled a series of direct challenges to these federal laws and the protections they provide, as well as to the underlying science that makes these protections necessary, and to the rights of the states to protect their own environment, natural resources, and public health as they see fit.

(4) It is therefore necessary for the Illinois General Assembly to enact legislation that will ensure continued protections for the environment, natural resources, and public health in the State even if the federal laws specified in subsection (a) are undermined, amended, or repealed.

(415 ILCS 5/59.1 new)

Sec. 59.1. Intent. It is the intent of this Title to:

(1) Retain protections afforded under the federal laws specified in Section 59.2 and regulations implementing those federal laws in existence on or before January 19, 2017, regardless of actions taken at the federal level.

(2) Protect public health and welfare from any actual or potential adverse effect that reasonably may be anticipated to occur from pollution, including the effects of climate change.

(3) Preserve, protect, and enhance the environment and natural resources in Illinois, including, but not limited to, the State and national parks, national wilderness areas, national monuments, national waterways, including Lake Michigan and the Mississippi River, and other areas with special national or regional natural, recreational, scenic, or historic value.

(4) Ensure that economic growth will occur in a manner consistent with the protection of public health and the environment and preservation of existing natural resources.

(5) Ensure that any decision made by a public agency that may adversely impact public health, the environment, or natural resources is made only after careful evaluation of all the consequences of that decision and after adequate procedural opportunities for informed public participation in the decision-making process.

(415 ILCS 5/59.2 new)

Sec. 59.2. Definitions. As used in this Title:

"Baseline federal law standards" means federal laws and federal regulations issued under the federal laws as those federal laws and regulations existed on January 19, 2017.

"Federal laws" means any of the following:

(1) The federal Clean Air Act.

(2) The Federal Water Pollution Control Act.

(3) The federal Safe Drinking Water Act.

(4) The federal Endangered Species Act.

"State agency" means a State agency designated by law to implement the federal law or its State analog.

(415 ILCS 5/59.3 new)

Sec. 59.3. Operative provisions.

(a) A State or local agency shall not amend or revise its rules to be less stringent than the baseline federal law standards.

(b) A State or local agency may adopt rules for Illinois that are more stringent than the baseline federal law standards.

(415 ILCS 5/60 new)

Sec. 60. Air.

(a) The General Assembly finds all of the following:

(1) Title II of the Environmental Protection Act is the State analog to the federal Clean Air Act.

(2) State agencies formulate and adopt the state implementation plans (SIPs) for Illinois under the federal Clean Air Act, and issue permits governing the emission of certain substances, including greenhouse gases, into the air.

(b) Except as otherwise authorized by State law, all of the following apply:

(1) State agencies shall maintain and enforce all air quality requirements and standards that are at least as stringent as required by the baseline federal law standards, in addition to those required under State law.

(2) If State agencies have not established a standard or requirement for an air pollutant for which a standard or requirement exists in the baseline federal law standards and the federal standard or requirement is amended, then the State agencies shall adopt a standard or requirement that is at least as stringent as the baseline federal law standards.

(3) State agencies shall adopt state implementation plans for Illinois that meet requirements that are at least as stringent as those required by the applicable baseline federal law standards, in addition to those required by State law.

(4) If the federal transportation conformity program becomes less stringent than the applicable baseline federal law standards, then State agencies shall adopt and implement equivalent requirements that are at least as stringent as those required by the applicable baseline federal law standards, in addition to those required by State law.

(415 ILCS 5/61 new)

Sec. 61. Water.

(a) The General Assembly finds all of the following:

(1) Title III of the Environmental Protection Act is the State analog to the Federal Water Pollution Control Act, otherwise known as the federal Clean Water Act.

(2) Title IV and Title IV-A of the Environmental Protection Act are the State analog to the federal Safe Drinking Water Act.

(3) State agencies administer and implement the federal Clean Water Act and the Environmental Protection Act to preserve, protect, enhance, and restore water quality by setting statewide policy, formulating and adopting water quality control plans, setting standards, issuing permits and waste discharge requirements, determining compliance with those permits and waste discharge requirements, and taking appropriate enforcement actions.

(4) State agencies regulate public drinking water systems under the federal Safe Drinking Water Act and the Environmental Protection Act to ensure the delivery of safe drinking water to Illinoisans.

(b) Except as otherwise authorized by State law, the following apply:

(1) State agencies shall maintain and enforce all water supply and water quality standards and permitting requirements that are at least as stringent as required by the applicable baseline federal law standards, in addition to those required by State law.

(2) State agencies shall maintain and enforce all drinking water standards that are at least as stringent as required by the applicable baseline federal law standards, in addition to those required by State law, including the level of lead in drinking water.

(3) If State agencies have not established a water supply or water quality standard or requirement for which a standard or requirement exists in the baseline federal law standards and the federal requirement or standard is amended, then State agencies as appropriate shall adopt a standard or requirement that is at least as stringent as the baseline federal law standards.

(4) If State agencies have not established a drinking water standard or requirement for which a standard or requirement exists in the baseline federal law standards and the federal standard or requirement is amended, then State agencies, as appropriate, shall adopt a standard or requirement that is at least as stringent as the baseline federal law standards.

(5) Waste discharge requirements and permits that are issued on and after January 19, 2017, shall be at least as protective of the environment and comply with all applicable water quality standards, effluent limitations, and restrictions as required by the applicable baseline federal law standards, in addition to those required by State law.

(6) Drinking water supply permits that are issued on and after January 19, 2017, shall be at least as protective of public health and comply with all applicable drinking water standards as required by the applicable baseline federal law standards, in addition to those required by State law.

(7) A water quality management plan adopted on or after January 19, 2017, shall be at least as protective of the environment pursuant to, and in compliance with, all applicable water quality standards, effluent limitations, and restrictions as required by the applicable baseline federal law standards, in addition to those required by State law.

(8) When a waste discharge requirement or water quality management plan is renewed or amended, any water quality standards, effluent limitations, restrictions, and conditions shall be at least as protective of the environment pursuant to, and in compliance with, all applicable water quality standards, effluent limitations, and restrictions as required by the applicable baseline federal law standards, in addition to those required by State law.

(415 ILCS 5/62 new)

Sec. 62. Endangered and threatened species.

(a) The General Assembly finds all of the following:

(1) The Illinois Endangered Species Protection Act is the State analog to the federal Endangered Species Act.

(2) The Illinois Endangered Species Protection Act prohibits the taking of any species that the Department of Natural Resources determines to be endangered or threatened, unless the Department of Natural Resources allows for take incidental to otherwise lawful activity under Section 4 of the Illinois Endangered Species Protection Act.

(b) Except as otherwise authorized by State law, both of the following apply:

(1) All native species not already listed under the Illinois Endangered Species Protection Act that are listed as endangered or threatened under the federal Endangered Species Act on January 19, 2017, shall be listed as an endangered or threatened species, as appropriate, under the Illinois Endangered Species Protection Act. The Department of Natural Resources may review and modify the listing of species in accordance with this Section.

(2) Any new or revised consistency determination or incidental take permit issued to a permittee on or after January 19, 2017, shall only authorize incidental take if it requires conditions at least as stringent as required by the relevant baseline federal law standards, including, but not limited to, any federal incidental take statement, incidental take permit, or biological opinion in effect and applicable to a permittee or project as the baseline federal law standard existed on January 19, 2017. This subsection does not modify the requirements of Section 5.5 of the Illinois Endangered Species Protection Act.

(415 ILCS 5/63 new)

Sec. 63. Implementation; reporting. Each State agency shall undertake all feasible efforts using the State agency's authority under State and federal law to implement and enforce this Title. Each State agency that takes steps to enforce this Title shall submit a report to the General Assembly at least once every year describing the State agency' compliance with this Title. The report to the General Assembly shall be filed with the Clerk of the House of Representatives and the Secretary of the Senate in electronic form only, in the manner that the Clerk and the Secretary shall direct.

(415 ILCS 5/64 new)

Sec. 64. Repeal. This Title is repealed 3 years after the effective date of this amendatory Act of the 100th General Assembly.

Section 35. Labor; environmental standards; baseline federal law standard. For the purposes of this Act, including the new provisions and amendatory provisions, all requirements that a labor or environmental standard be identical in substance or consistent with a baseline federal law standard shall mean that a standard is identical in substance or consistent with that baseline federal law standard as of January 19, 2017.

Section 97. Severability. The provisions of this Act are severable. If any provision of this Act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Biss offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2213

AMENDMENT NO. 2. Amend Senate Bill 2213, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 100, by replacing line 17 with the following:

"(1) Title II and Title X of the Environmental Protection Act contain the"; and

on page 102, by replacing line 3 with the following:

"(1) Title III and Title X of the Environmental Protection Act are"; and

on page 102, by replacing line 6 with the following:

"(2) Title IV, Title IV-A, and Title X of the Environmental".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Biss, **Senate Bill No. 2213**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

Pending roll call, on motion of Senator Biss, further consideration of **Senate Bill No. 2213** was postponed.

SENATE BILL RECALLED

On motion of Senator Koehler, **Senate Bill No. 2232** was recalled from the order of third reading to the order of second reading.

Senator Koehler offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2232

AMENDMENT NO. 2. Amend Senate Bill 2232 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Emergency Management Agency Act is amended by changing Section 7 as follows:

(20 ILCS 3305/7) (from Ch. 127, par. 1057)

Sec. 7. Emergency Powers of the Governor. ~~(a)~~ In the event of a disaster, as defined in Section 4, the Governor may, by proclamation declare that a disaster exists. Upon such proclamation, the Governor shall have and may exercise for a period not to exceed 30 days the following emergency powers; provided, however, that the lapse of the emergency powers shall not, as regards any act or acts occurring or committed within the 30-day ~~30 days~~ period, deprive any person, firm, corporation, political subdivision, or body politic of any right or rights to compensation or reimbursement which he, she, it, or they may have under the provisions of this Act:

(1) To suspend the provisions of any regulatory statute prescribing procedures for conduct of State business, or the orders, rules and regulations of any State agency and managed care contracts, if strict compliance with the provisions of any statute, order, rule, managed care contract, or regulation would in any way prevent, hinder or delay necessary action, including emergency purchases, by the Illinois Emergency Management Agency, in coping with the disaster.

(2) To utilize all available resources of the State government as reasonably necessary to cope with the disaster and of each political subdivision of the State.

(3) To transfer the direction, personnel or functions of State departments and agencies or units thereof for the purpose of performing or facilitating disaster response and recovery programs.

(4) On behalf of this State to take possession of, and to acquire full title or a lesser specified interest in, any personal property as may be necessary to accomplish the objectives set forth in Section 2 of this Act, including: airplanes, automobiles, trucks, trailers, buses, and other vehicles; coal, oils, gasoline, and other fuels and means of propulsion; explosives, materials, equipment, and supplies; animals and livestock; feed and seed; food and provisions for humans and animals; clothing

and bedding; and medicines and medical and surgical supplies; and to take possession of and for a limited period occupy and use any real estate necessary to accomplish those objectives; but only upon the undertaking by the State to pay just compensation therefor as in this Act provided, and then only under the following provisions:

a. The Governor, or the person or persons as the Governor may authorize so to do, may forthwith take possession of property for and on behalf of the State; provided, however, that the Governor or persons shall simultaneously with the taking, deliver to the owner or his or her agent, if the identity of the owner or agency is known or readily ascertainable, a signed statement in writing, that shall include the name and address of the owner, the date and place of the taking, description of the property sufficient to identify it, a statement of interest in the property that is being so taken, and, if possible, a statement in writing, signed by the owner, setting forth the sum that he or she is willing to accept as just compensation for the property or use. Whether or not the owner or agent is known or readily ascertainable, a true copy of the statement shall promptly be filed by the Governor or the person with the Director, who shall keep the docket of the statements. In cases where the sum that the owner is willing to accept as just compensation is less than $1,000, copies of the statements shall also be filed by the Director with, and shall be passed upon by an Emergency Management Claims Commission, consisting of 3 disinterested citizens who shall be appointed by the Governor, by and with the advice and consent of the Senate, within 20 days after the Governor's declaration of a disaster, and if the sum fixed by them as just compensation be less than $1,000 and is accepted in writing by the owner, then the State Treasurer out of funds appropriated for these purposes, shall, upon certification thereof by the Emergency Management Claims Commission, cause the sum so certified forthwith to be paid to the owner. The Emergency Management Claims Commission is hereby given the power to issue appropriate subpoenas and to administer oaths to witnesses and shall keep appropriate minutes and other records of its actions upon and the disposition made of all claims.

b. When the compensation to be paid for the taking or use of property or interest therein is not or cannot be determined and paid under item a of this paragraph (4) ~~(a) above~~, a petition in the name of The People of the State of Illinois shall be promptly filed by the Director, which filing may be enforced by mandamus, in the circuit court of the county where the property or any part thereof was located when initially taken or used under the provisions of this Act praying that the amount of compensation to be paid to the person or persons interested therein be fixed and determined. The petition shall include a description of the property that has been taken, shall state the physical condition of the property when taken, shall name as defendants all interested parties, shall set forth the sum of money estimated to be just compensation for the property or interest therein taken or used, and shall be signed by the Director. The litigation shall be handled by the Attorney General for and on behalf of the State.

c. Just compensation for the taking or use of property or interest therein shall be promptly ascertained in proceedings and established by judgment against the State, that shall include, as part of the just compensation so awarded, interest at the rate of 6% per annum on the fair market value of the property or interest therein from the date of the taking or use to the date of the judgment; and the court may order the payment of delinquent taxes and special assessments out of the amount so awarded as just compensation and may make any other orders with respect to encumbrances, rents, insurance, and other charges, if any, as shall be just and equitable.

(5) When required by the exigencies of the disaster, to sell, lend, rent, give, or distribute all or any part of property so or otherwise acquired to the inhabitants of this State, or to political subdivisions of this State, or, under the interstate mutual aid agreements or compacts as are entered into under the provisions of subparagraph (5) of paragraph (c) of Section 6 to other states, and to account for and transmit to the State Treasurer all funds, if any, received therefor.

(6) To recommend the evacuation of all or part of the population from any stricken or threatened area within the State if the Governor deems this action necessary and to order the mandatory emergency evacuation of a long term care facility and facilities selected for the supportive living facilities program authorized by Section 5-5.01a of the Illinois Public Aid Code when it is determined, in consultation with the Director of Public Health, that evacuation is the best solution to eliminating the potential for harm. A long term care facility notified of a mandatory emergency evacuation order shall provide a list of resources needed to the Governor or his or her designee to safely implement the order.

(7) To prescribe routes, modes of transportation, and destinations in connection with evacuation.

(8) To control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein.

(9) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages,

firearms, explosives, and combustibles.

(10) To make provision for the availability and use of temporary emergency housing.

(11) A proclamation of a disaster shall activate the State Emergency Operations Plan, and political subdivision emergency operations plans applicable to the political subdivision or area in question and be authority for the deployment and use of any forces that the plan or plans apply and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled or arranged to be made available under this Act or any other provision of law relating to disasters.

(12) Control, restrict, and regulate by rationing, freezing, use of quotas, prohibitions on shipments, price fixing, allocation or other means, the use, sale or distribution of food, feed, fuel, clothing and other commodities, materials, goods, or services; and perform and exercise any other functions, powers, and duties as may be necessary to promote and secure the safety and protection of the civilian population.

(13) During the continuance of any disaster the Governor is commander-in-chief of the organized and unorganized militia and of all other forces available for emergency duty. To the greatest extent practicable, the Governor shall delegate or assign command authority to do so by orders issued at the time of the disaster.

(14) Prohibit increases in the prices of goods and services during a disaster.

(Source: P.A. 92-73, eff. 1-1-02; revised 9-28-17.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Koehler, **Senate Bill No. 2232** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 49; NAYS None.

The following voted in the affirmative:

Althoff	Curran	Link	Rezin
Anderson	Fowler	Manar	Rose
Bennett	Haine	Martinez	Sandoval
Bertino-Tarrant	Harmon	McCann	Sims
Biss	Harris	McCarter	Stadelman
Brady	Hastings	McConchie	Steans
Bush	Holmes	Morrison	Syverson
Castro	Hunter	Mulroe	Tracy
Clayborne	Hutchinson	Muñoz	Van Pelt
Collins	Jones, E.	Murphy	Weaver
Connelly	Koehler	Nybo	
Cullerton, T.	Landek	Oberweis	
Cunningham	Lightford	Raoul	

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

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

SENATE BILL RECALLED

On motion of Senator Muñoz, **Senate Bill No. 2252** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was postponed in the Committee on State Government.

Senator Muñoz offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2252

AMENDMENT NO. 2. Amend Senate Bill 2252 on page 3, line 6, after the period, by inserting "In this paragraph, "law enforcement officer" means any person employed by a State, county, municipality, special district, college, unit of government, or any other entity authorized by law to employ peace officers or exercise police authority and who is primarily responsible for the prevention or detection of crime and the enforcement of the laws of this State.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Muñoz, **Senate Bill No. 2252** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Lightford	Raoul
Anderson	Curran	Link	Rezin
Barickman	Fowler	Manar	Rooney
Bennett	Haine	Martinez	Sandoval
Bertino-Tarrant	Harmon	McCann	Sims
Biss	Harris	McCarter	Stadelman
Brady	Hastings	McConchie	Steans
Bush	Holmes	Morrison	Syverson
Castro	Hunter	Mulroe	Tracy
Clayborne	Hutchinson	Muñoz	Van Pelt
Collins	Jones, E.	Murphy	Weaver
Connelly	Koehler	Nybo	
Cullerton, T.	Landek	Oberweis	

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

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

On motion of Senator Koehler, **Senate Bill No. 2262**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

Pending roll call, on motion of Senator Koehler, further consideration of **Senate Bill No. 2262** was postponed.

On motion of Senator McCann, **Senate Bill No. 2267** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Lightford	Raoul
Anderson	Curran	Link	Rezin
Barickman	Fowler	Manar	Rooney
Bennett	Haine	Martinez	Rose
Bertino-Tarrant	Harmon	McCann	Sandoval
Biss	Harris	McCarter	Sims
Brady	Hastings	McConchie	Stadelman
Bush	Holmes	Morrison	Steans
Castro	Hunter	Mulroe	Syverson
Clayborne	Hutchinson	Muñoz	Tracy
Collins	Jones, E.	Murphy	Van Pelt
Connelly	Koehler	Nybo	Weaver
Cullerton, T.	Landek	Oberweis	

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

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

SENATE BILL RECALLED

On motion of Senator Holmes, **Senate Bill No. 2328** was recalled from the order of third reading to the order of second reading.

Senator Holmes offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2328

AMENDMENT NO. _2__. Amend Senate Bill 2328, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Local Government Professional Services Selection Act is amended by changing Section 8 as follows:

(50 ILCS 510/8) (from Ch. 85, par. 6408)

Sec. 8. Waiver of competition. A political subdivision may waive the requirements of Sections 4, 5, and 6 if it determines, by resolution, that an emergency situation exists and a firm must be selected in an expeditious manner, or the cost of architectural, engineering, and land surveying services for the project is expected to be less than $40,000 ~~$25,000~~. This amount shall be increased annually by a percentage equal to the annual unadjusted percentage increase, if any, as determined by the consumer price index-u.

For purposes of this Section, "consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84=100. (Source: P.A. 87-1034.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Holmes, **Senate Bill No. 2328** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 49; NAYS None.

The following voted in the affirmative:

Althoff	Fowler	Manar	Rooney
Anderson	Haine	Martinez	Rose
Barickman	Harmon	McCann	Sandoval
Bennett	Harris	McCarter	Sims
Brady	Hastings	McConchie	Stadelman
Bush	Holmes	Morrison	Steans
Castro	Hunter	Mulroe	Syverson
Clayborne	Hutchinson	Muñoz	Tracy
Collins	Jones, E.	Murphy	Van Pelt
Connelly	Koehler	Nybo	Weaver
Cullerton, T.	Landek	Oberweis	
Cunningham	Lightford	Raoul	
Curran	Link	Rezin	

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

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

SENATE BILL RECALLED

On motion of Senator Lightford, **Senate Bill No. 2345** was recalled from the order of third reading to the order of second reading.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2345

AMENDMENT NO. 1. Amend Senate Bill 2345 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 10-17a as follows:

(105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

(Text of Section before amendment by P.A. 100-448)

Sec. 10-17a. State, school district, and school report cards.

(1) By October 31, 2013 and October 31 of each subsequent school year, the State Board of Education, through the State Superintendent of Education, shall prepare a State report card, school district report cards, and school report cards, and shall by the most economic means provide to each school district in this State, including special charter districts and districts subject to the provisions of Article 34, the report cards for the school district and each of its schools.

(2) In addition to any information required by federal law, the State Superintendent shall determine the indicators and presentation of the school report card, which must include, at a minimum, the most current data collected and maintained by the State Board of Education related to the following:

(A) school characteristics and student demographics, including average class size, average teaching experience, student racial/ethnic breakdown, and the percentage of students classified as low-income; the percentage of students classified as English learners; the percentage of students who have individualized education plans or 504 plans that provide for special education services; the number and percentage of all students who have been assessed for placement in a gifted education or advanced academic program and, of those students: (i) the racial and ethnic breakdown, (ii) the percentage who are classified as low-income, and (iii) the number and percentage of students who received direct instruction from a teacher who holds a gifted education endorsement and, of those students, the

percentage who are classified as low-income; the percentage of students scoring at the "exceeds expectations" level on the assessments required under Section 2-3.64a-5 of this Code; the percentage of students who annually transferred in or out of the school district; the per-pupil operating expenditure of the school district; and the per-pupil State average operating expenditure for the district type (elementary, high school, or unit);

(B) curriculum information, including, where applicable, Advanced Placement, International Baccalaureate or equivalent courses, dual enrollment courses, foreign language classes, school personnel resources (including Career Technical Education teachers), before and after school programs, extracurricular activities, subjects in which elective classes are offered, health and wellness initiatives (including the average number of days of Physical Education per week per student), approved programs of study, awards received, community partnerships, and special programs such as programming for the gifted and talented, students with disabilities, and work-study students;

(C) student outcomes, including, where applicable, the percentage of students deemed proficient on assessments of State standards, the percentage of students in the eighth grade who pass Algebra, the percentage of students enrolled in post-secondary institutions (including colleges, universities, community colleges, trade/vocational schools, and training programs leading to career certification within 2 semesters of high school graduation), the percentage of students graduating from high school who are college and career ready, and the percentage of graduates enrolled in community colleges, colleges, and universities who are in one or more courses that the community college, college, or university identifies as a developmental course;

(D) student progress, including, where applicable, the percentage of students in the ninth grade who have earned 5 credits or more without failing more than one core class, a measure of students entering kindergarten ready to learn, a measure of growth, and the percentage of students who enter high school on track for college and career readiness;

(E) the school environment, including, where applicable, the percentage of students with less than 10 absences in a school year, the percentage of teachers with less than 10 absences in a school year for reasons other than professional development, leaves taken pursuant to the federal Family Medical Leave Act of 1993, long-term disability, or parental leaves, the 3-year average of the percentage of teachers returning to the school from the previous year, the number of different principals at the school in the last 6 years, the number of teachers who hold a gifted education endorsement, the process and criteria used by the district to determine whether a student is eligible for participation in a gifted education program or advanced academic program and the manner in which parents and guardians are made aware of the process and criteria, 2 or more indicators from any school climate survey selected or approved by the State and administered pursuant to Section 2-3.153 of this Code, with the same or similar indicators included on school report cards for all surveys selected or approved by the State pursuant to Section 2-3.153 of this Code, and the combined percentage of teachers rated as proficient or excellent in their most recent evaluation;

(F) a school district's and its individual schools' balanced accountability measure, in accordance with Section 2-3.25a of this Code;

(G) the total and per pupil normal cost amount the State contributed to the Teachers' Retirement System of the State of Illinois in the prior fiscal year for the school's employees, which shall be reported to the State Board of Education by the Teachers' Retirement System of the State of Illinois; ~~and~~

(H) for a school district organized under Article 34 of this Code only, State contributions to the Public School Teachers' Pension and Retirement Fund of Chicago and State contributions for health care for employees of that school district; ~~.~~

(I) ~~(G)~~ a school district's Final Percent of Adequacy, as defined in paragraph (4) of subsection (f) of Section 18-8.15 of this Code;

(J) ~~(H)~~ a school district's Local Capacity Target, as defined in paragraph (2) of subsection (c) of Section 18-8.15 of this Code, displayed as a percentage amount; ~~and~~

(K) ~~(I)~~ a school district's Real Receipts, as defined in paragraph (1) of subsection (d) of Section 18-8.15 of this Code, divided by a school district's Adequacy Target, as defined in paragraph (1) of subsection (b) of Section 18-8.15 of this Code, displayed as a percentage amount; and ~~.~~

(L) whether or not the school has participated in the Illinois Youth Survey. In this paragraph (L), "Illinois Youth Survey" means a self-report survey, administered in school settings every 2 years, designed to gather information about health and social indicators, including substance abuse patterns and the attitudes of students in grades 8, 10, and 12.

The school report card shall also provide information that allows for comparing the current outcome, progress, and environment data to the State average, to the school data from the past 5 years, and to the

outcomes, progress, and environment of similar schools based on the type of school and enrollment of low-income students, special education students, and English learners.

As used in this subsection ~~paragraph~~ (2):

"Advanced academic program" means a course of study to which students are assigned based on advanced cognitive ability or advanced academic achievement compared to local age peers and in which the curriculum is substantially differentiated from the general curriculum to provide appropriate challenge and pace.

"Gifted education" means educational services, including differentiated curricula and instructional methods, designed to meet the needs of gifted children as defined in Article 14A of this Code.

(3) At the discretion of the State Superintendent, the school district report card shall include a subset of the information identified in paragraphs (A) through (E) of subsection (2) of this Section, as well as information relating to the operating expense per pupil and other finances of the school district, and the State report card shall include a subset of the information identified in paragraphs (A) through (E) of subsection (2) of this Section.

(4) Notwithstanding anything to the contrary in this Section, in consultation with key education stakeholders, the State Superintendent shall at any time have the discretion to amend or update any and all metrics on the school, district, or State report card.

(5) Annually, no more than 30 calendar days after receipt of the school district and school report cards from the State Superintendent of Education, each school district, including special charter districts and districts subject to the provisions of Article 34, shall present such report cards at a regular school board meeting subject to applicable notice requirements, post the report cards on the school district's Internet web site, if the district maintains an Internet web site, make the report cards available to a newspaper of general circulation serving the district, and, upon request, send the report cards home to a parent (unless the district does not maintain an Internet web site, in which case the report card shall be sent home to parents without request). If the district posts the report card on its Internet web site, the district shall send a written notice home to parents stating (i) that the report card is available on the web site, (ii) the address of the web site, (iii) that a printed copy of the report card will be sent to parents upon request, and (iv) the telephone number that parents may call to request a printed copy of the report card.

(6) Nothing contained in Public Act 98-648 ~~this amendatory Act of the 98th General Assembly~~ repeals, supersedes, invalidates, or nullifies final decisions in lawsuits pending on July 1, 2014 (the effective date of Public Act 98-648) ~~this amendatory Act of the 98th General Assembly~~ in Illinois courts involving the interpretation of Public Act 97-8.

(Source: P.A. 99-30, eff. 7-10-15; 99-193, eff. 7-30-15; 99-642, eff. 7-28-16; 100-227, eff. 8-18-17; 100-364, eff. 1-1-18; 100-465, eff. 8-31-17; revised 9-25-17.)

(Text of Section after amendment by P.A. 100-448)

Sec. 10-17a. State, school district, and school report cards.

(1) By October 31, 2013 and October 31 of each subsequent school year, the State Board of Education, through the State Superintendent of Education, shall prepare a State report card, school district report cards, and school report cards, and shall by the most economic means provide to each school district in this State, including special charter districts and districts subject to the provisions of Article 34, the report cards for the school district and each of its schools.

(2) In addition to any information required by federal law, the State Superintendent shall determine the indicators and presentation of the school report card, which must include, at a minimum, the most current data collected and maintained by the State Board of Education related to the following:

(A) school characteristics and student demographics, including average class size, average teaching experience, student racial/ethnic breakdown, and the percentage of students classified as low-income; the percentage of students classified as English learners; the percentage of students who have individualized education plans or 504 plans that provide for special education services; the number and percentage of all students who have been assessed for placement in a gifted education or advanced academic program and, of those students: (i) the racial and ethnic breakdown, (ii) the percentage who are classified as low-income, and (iii) the number and percentage of students who received direct instruction from a teacher who holds a gifted education endorsement and, of those students, the percentage who are classified as low-income; the percentage of students scoring at the "exceeds expectations" level on the assessments required under Section 2-3.64a-5 of this Code; the percentage of students who annually transferred in or out of the school district; average daily attendance; the per-pupil operating expenditure of the school district; and the per-pupil State average operating expenditure for the district type (elementary, high school, or unit);

(B) curriculum information, including, where applicable, Advanced Placement,

International Baccalaureate or equivalent courses, dual enrollment courses, foreign language classes, school personnel resources (including Career Technical Education teachers), before and after school programs, extracurricular activities, subjects in which elective classes are offered, health and wellness initiatives (including the average number of days of Physical Education per week per student), approved programs of study, awards received, community partnerships, and special programs such as programming for the gifted and talented, students with disabilities, and work-study students;

(C) student outcomes, including, where applicable, the percentage of students deemed proficient on assessments of State standards, the percentage of students in the eighth grade who pass Algebra, the percentage of students enrolled in post-secondary institutions (including colleges, universities, community colleges, trade/vocational schools, and training programs leading to career certification within 2 semesters of high school graduation), the percentage of students graduating from high school who are college and career ready, and the percentage of graduates enrolled in community colleges, colleges, and universities who are in one or more courses that the community college, college, or university identifies as a developmental course;

(D) student progress, including, where applicable, the percentage of students in the ninth grade who have earned 5 credits or more without failing more than one core class, a measure of students entering kindergarten ready to learn, a measure of growth, and the percentage of students who enter high school on track for college and career readiness;

(E) the school environment, including, where applicable, the percentage of students with less than 10 absences in a school year, the percentage of teachers with less than 10 absences in a school year for reasons other than professional development, leaves taken pursuant to the federal Family Medical Leave Act of 1993, long-term disability, or parental leaves, the 3-year average of the percentage of teachers returning to the school from the previous year, the number of different principals at the school in the last 6 years, the number of teachers who hold a gifted education endorsement, the process and criteria used by the district to determine whether a student is eligible for participation in a gifted education program or advanced academic program and the manner in which parents and guardians are made aware of the process and criteria, 2 or more indicators from any school climate survey selected or approved by the State and administered pursuant to Section 2-3.153 of this Code, with the same or similar indicators included on school report cards for all surveys selected or approved by the State pursuant to Section 2-3.153 of this Code, and the combined percentage of teachers rated as proficient or excellent in their most recent evaluation;

(F) a school district's and its individual schools' balanced accountability measure, in accordance with Section 2-3.25a of this Code;

(G) the total and per pupil normal cost amount the State contributed to the Teachers' Retirement System of the State of Illinois in the prior fiscal year for the school's employees, which shall be reported to the State Board of Education by the Teachers' Retirement System of the State of Illinois; ~~and~~

(H) for a school district organized under Article 34 of this Code only, State contributions to the Public School Teachers' Pension and Retirement Fund of Chicago and State contributions for health care for employees of that school district; ~~.~~

(I) ~~(G)~~ a school district's Final Percent of Adequacy, as defined in paragraph (4) of subsection (f) of Section 18-8.15 of this Code;

(J) ~~(H)~~ a school district's Local Capacity Target, as defined in paragraph (2) of subsection (c) of Section 18-8.15 of this Code, displayed as a percentage amount; ~~and~~

(K) ~~(I)~~ a school district's Real Receipts, as defined in paragraph (1) of subsection (d) of Section 18-8.15 of this Code, divided by a school district's Adequacy Target, as defined in paragraph (1) of subsection (b) of Section 18-8.15 of this Code, displayed as a percentage amount; and ~~.~~

(L) whether or not the school has participated in the Illinois Youth Survey. In this paragraph (L), "Illinois Youth Survey" means a self-report survey, administered in school settings every 2 years, designed to gather information about health and social indicators, including substance abuse patterns and the attitudes of students in grades 8, 10, and 12.

The school report card shall also provide information that allows for comparing the current outcome, progress, and environment data to the State average, to the school data from the past 5 years, and to the outcomes, progress, and environment of similar schools based on the type of school and enrollment of low-income students, special education students, and English learners.

As used in this subsection ~~paragraph~~ (2):

"Advanced academic program" means a course of study to which students are assigned based on advanced cognitive ability or advanced academic achievement compared to local age peers and in which

the curriculum is substantially differentiated from the general curriculum to provide appropriate challenge and pace.

"Gifted education" means educational services, including differentiated curricula and instructional methods, designed to meet the needs of gifted children as defined in Article 14A of this Code.

For the purposes of paragraph (A) of this subsection (2), "average daily attendance" means the average of the actual number of attendance days during the previous school year for any enrolled student who is subject to compulsory attendance by Section 26-1 of this Code at each school and charter school.

(3) At the discretion of the State Superintendent, the school district report card shall include a subset of the information identified in paragraphs (A) through (E) of subsection (2) of this Section, as well as information relating to the operating expense per pupil and other finances of the school district, and the State report card shall include a subset of the information identified in paragraphs (A) through (E) of subsection (2) of this Section. The school district report card shall include the average daily attendance, as that term is defined in subsection (2) of this Section, of students who have individualized education programs and students who have 504 plans that provide for special education services within the school district.

(4) Notwithstanding anything to the contrary in this Section, in consultation with key education stakeholders, the State Superintendent shall at any time have the discretion to amend or update any and all metrics on the school, district, or State report card.

(5) Annually, no more than 30 calendar days after receipt of the school district and school report cards from the State Superintendent of Education, each school district, including special charter districts and districts subject to the provisions of Article 34, shall present such report cards at a regular school board meeting subject to applicable notice requirements, post the report cards on the school district's Internet web site, if the district maintains an Internet web site, make the report cards available to a newspaper of general circulation serving the district, and, upon request, send the report cards home to a parent (unless the district does not maintain an Internet web site, in which case the report card shall be sent home to parents without request). If the district posts the report card on its Internet web site, the district shall send a written notice home to parents stating (i) that the report card is available on the web site, (ii) the address of the web site, (iii) that a printed copy of the report card will be sent to parents upon request, and (iv) the telephone number that parents may call to request a printed copy of the report card.

(6) Nothing contained in Public Act 98-648 ~~this amendatory Act of the 98th General Assembly~~ repeals, supersedes, invalidates, or nullifies final decisions in lawsuits pending on July 1, 2014 (the effective date of Public Act 98-648) ~~this amendatory Act of the 98th General Assembly~~ in Illinois courts involving the interpretation of Public Act 97-8.

(Source: P.A. 99-30, eff. 7-10-15; 99-193, eff. 7-30-15; 99-642, eff. 7-28-16; 100-227, eff. 8-18-17; 100-364, eff. 1-1-18; 100-448, eff. 7-1-19; 100-465, eff. 8-31-17; revised 9-25-17.)

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.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Lightford, **Senate Bill No. 2345** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Lightford	Raoul

Anderson	Curran	Link	Rezin
Barickman	Fowler	Manar	Rooney
Bennett	Haine	Martinez	Sandoval
Bertino-Tarrant	Harmon	McCann	Sims
Biss	Harris	McCarter	Stadelman
Brady	Hastings	McConchie	Steans
Bush	Holmes	Morrison	Syverson
Castro	Hunter	Mulroe	Tracy
Clayborne	Hutchinson	Muñoz	Van Pelt
Collins	Jones, E.	Murphy	Weaver
Connelly	Koehler	Nybo	
Cullerton, T.	Landek	Oberweis	

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

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

On motion of Senator Raoul, **Senate Bill No. 2343** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 38; NAYS 10; Present 1.

The following voted in the affirmative:

Bennett	Haine	Lightford	Raoul
Bertino-Tarrant	Harmon	Link	Rezin
Biss	Harris	Manar	Rooney
Bush	Hastings	Martinez	Sandoval
Castro	Holmes	McConchie	Sims
Clayborne	Hunter	Morrison	Stadelman
Collins	Hutchinson	Mulroe	Steans
Cullerton, T.	Jones, E.	Muñoz	Van Pelt
Cunningham	Koehler	Murphy	
Curran	Landek	Nybo	

The following voted in the negative:

Anderson	Fowler	Rose	Weaver
Barickman	McCann	Syverson	
Brady	McCarter	Tracy	

The following voted present:

Oberweis

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

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

SENATE BILL RECALLED

On motion of Senator Mulroe, **Senate Bill No. 2344** was recalled from the order of third reading to the order of second reading.

Senator Mulroe offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2344

AMENDMENT NO. 1. Amend Senate Bill 2344 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 10-22.31 as follows:

(105 ILCS 5/10-22.31) (from Ch. 122, par. 10-22.31)

Sec. 10-22.31. Special education.

(a) To enter into joint agreements with other school boards to provide the needed special educational facilities and to employ a director and other professional workers as defined in Section 14-1.10 and to establish facilities as defined in Section 14-1.08 for the types of children described in Sections 14-1.02 and 14-1.03a. The director (who may be employed under a contract as provided in subsection (c) of this Section) and other professional workers may be employed by one district, which shall be reimbursed on a mutually agreed basis by other districts that are parties to the joint agreement. Such agreements may provide that one district may supply professional workers for a joint program conducted in another district. Such agreement shall provide that any full-time professional worker who is employed by a joint agreement program and spends over 50% of his or her time in one school district shall not be required to work a different teaching schedule than the other professional worker in that district. Such agreement shall include, but not be limited to, provisions for administration, staff, programs, financing, housing, transportation, an advisory body, and the method or methods to be employed for disposing of property upon the withdrawal of a school district or dissolution of the joint agreement and shall specify procedures for the withdrawal of districts from the joint agreement as long as these procedures are consistent with this Section. Such agreement may be amended at any time as provided in the joint agreement or, if the joint agreement does not so provide, then such agreement may be amended at any time upon the adoption of concurring resolutions by the school boards of all member districts, provided that no later than 6 months after August 28, 2009 (the effective date of Public Act 96-783), all existing agreements shall be amended to be consistent with Public Act 96-783. Such an amendment may include the removal of a school district from or the addition of a school district to the joint agreement without a petition as otherwise required in this Section if all member districts adopt concurring resolutions to that effect. A fully executed copy of any such agreement or amendment entered into on or after January 1, 1989 shall be filed with the State Board of Education. Petitions for withdrawal shall be made to the regional board or boards of school trustees exercising oversight or governance over any of the districts in the joint agreement. Upon receipt of a petition for withdrawal, the regional board of school trustees shall publish notice of and conduct a hearing or, in instances in which more than one regional board of school trustees exercises oversight or governance over any of the districts in the joint agreement, a joint hearing, in accordance with rules adopted by the State Board of Education. In instances in which a single regional board of school trustees holds the hearing, approval of the petition must be by a two-thirds majority vote of the school trustees. In instances in which a joint hearing of 2 or more regional boards of school trustees is required, approval of the petition must be by a two-thirds majority of all those school trustees present and voting. Notwithstanding the provisions of Article 6 of this Code, in instances in which the competent regional board or boards of school trustees has been abolished, petitions for withdrawal shall be made to the school boards of those districts that fall under the oversight or governance of the abolished regional board of school trustees in accordance with rules adopted by the State Board of Education. If any petition is approved pursuant to this subsection (a), the withdrawal takes effect as provided in Section 7-9 of this Act. The changes to this Section made by Public Act 96-769 apply to all changes to special education joint agreement membership initiated after July 1, 2009.

(b) To either (1) designate an administrative district to act as fiscal and legal agent for the districts that are parties to the joint agreement, or (2) designate a governing board composed of one member of the school board of each cooperating district and designated by such boards to act in accordance with the joint agreement. No such governing board may levy taxes and no such governing board may incur any indebtedness except within an annual budget for the joint agreement approved by the governing board and by the boards of at least a majority of the cooperating school districts or a number of districts greater than a majority if required by the joint agreement. The governing board may appoint an executive board of at least 7 members to administer the joint agreement in accordance with its terms. However, if 7 or more school districts are parties to a joint agreement that does not have an administrative district: (i) at least a majority of the members appointed by the governing board to the executive board shall be members of the school boards of the cooperating districts; or (ii) if the governing board wishes to appoint members who are not school board members, they shall be superintendents from the cooperating districts.

(c) To employ a full-time director of special education of the joint agreement program under a one-year or multi-year contract. No such contract can be offered or accepted for less than one year. Such contract may be discontinued at any time by mutual agreement of the contracting parties, or may be extended for an additional one-year or multi-year period at the end of any year.

The contract year is July 1 through the following June 30th, unless the contract specifically provides otherwise. Notice of intent not to renew a contract when given by a controlling board or administrative district must be in writing stating the specific reason therefor. Notice of intent not to renew the contract must be given by the controlling board or the administrative district at least 90 days before the contract expires. Failure to do so will automatically extend the contract for one additional year.

By accepting the terms of the contract, the director of a special education joint agreement waives all rights granted under Sections 24-11 through 24-16 for the duration of his or her employment as a director of a special education joint agreement.

(d) To designate a district that is a party to the joint agreement as the issuer of bonds or notes for the purposes and in the manner provided in this Section. It is not necessary for such district to also be the administrative district for the joint agreement, nor is it necessary for the same district to be designated as the issuer of all series of bonds or notes issued hereunder. Any district so designated may, from time to time, borrow money and, in evidence of its obligation to repay the borrowing, issue its negotiable bonds or notes for the purpose of acquiring, constructing, altering, repairing, enlarging and equipping any building or portion thereof, together with any land or interest therein, necessary to provide special educational facilities and services as defined in Section 14-1.08. Title in and to any such facilities shall be held in accordance with the joint agreement.

Any such bonds or notes shall be authorized by a resolution of the board of education of the issuing district. The resolution may contain such covenants as may be deemed necessary or advisable by the district to assure the payment of the bonds or notes. The resolution shall be effective immediately upon its adoption.

Prior to the issuance of such bonds or notes, each school district that is a party to the joint agreement shall agree, whether by amendment to the joint agreement or by resolution of the board of education, to be jointly and severally liable for the payment of the bonds and notes. The bonds or notes shall be payable solely and only from the payments made pursuant to such agreement.

Neither the bonds or notes nor the obligation to pay the bonds or notes under any joint agreement shall constitute an indebtedness of any district, including the issuing district, within the meaning of any constitutional or statutory limitation.

As long as any bonds or notes are outstanding and unpaid, the agreement by a district to pay the bonds and notes shall be irrevocable notwithstanding the district's withdrawal from membership in the joint special education program.

(e) If a district whose employees are on strike was, prior to the strike, sending students with disabilities to special educational facilities and services in another district or cooperative, the district affected by the strike shall continue to send such students during the strike and shall be eligible to receive appropriate State reimbursement.

(f) With respect to those joint agreements that have a governing board composed of one member of the school board of each cooperating district and designated by those boards to act in accordance with the joint agreement, the governing board shall have, in addition to its other powers under this Section, the authority to issue bonds or notes for the purposes and in the manner provided in this subsection. The governing board of the joint agreement may from time to time borrow money and, in evidence of its obligation to repay the borrowing, issue its negotiable bonds or notes for the purpose of acquiring, constructing, altering, repairing, enlarging and equipping any building or portion thereof, together with any land or interest therein, necessary to provide special educational facilities and services as defined in Section 14-1.08 and including also facilities for activities of administration and educational support personnel employees. Title in and to any such facilities shall be held in accordance with the joint agreement.

Any such bonds or notes shall be authorized by a resolution of the governing board. The resolution may contain such covenants as may be deemed necessary or advisable by the governing board to assure the payment of the bonds or notes and interest accruing thereon. The resolution shall be effective immediately upon its adoption.

Each school district that is a party to the joint agreement shall be automatically liable, by virtue of its membership in the joint agreement, for its proportionate share of the principal amount of the bonds and notes plus interest accruing thereon, as provided in the resolution. Subject to the joint and several liability hereinafter provided for, the resolution may provide for different payment schedules for different districts except that the aggregate amount of scheduled payments for each district shall be equal to its proportionate

share of the debt service in the bonds or notes based upon the fraction that its equalized assessed valuation bears to the total equalized assessed valuation of all the district members of the joint agreement as adjusted in the manner hereinafter provided. In computing that fraction the most recent available equalized assessed valuation at the time of the issuance of the bonds and notes shall be used, and the equalized assessed valuation of any district maintaining grades K to 12 shall be doubled in both the numerator and denominator of the fraction used for all of the districts that are members of the joint agreement. In case of default in payment by any member, each school district that is a party to the joint agreement shall automatically be jointly and severally liable for the amount of any deficiency. The bonds or notes and interest thereon shall be payable solely and only from the funds made available pursuant to the procedures set forth in this subsection. No project authorized under this subsection may require an annual contribution for bond payments from any member district in excess of 0.15% of the value of taxable property as equalized or assessed by the Department of Revenue in the case of districts maintaining grades K-8 or 9-12 and 0.30% of the value of taxable property as equalized or assessed by the Department of Revenue in the case of districts maintaining grades K-12. This limitation on taxing authority is expressly applicable to taxing authority provided under Section 17-9 and other applicable Sections of this Act. Nothing contained in this subsection shall be construed as an exception to the property tax limitations contained in Section 17-2, 17-2.2a, 17-5, or any other applicable Section of this Act.

Neither the bonds or notes nor the obligation to pay the bonds or notes under any joint agreement shall constitute an indebtedness of any district within the meaning of any constitutional or statutory limitation.

As long as any bonds or notes are outstanding and unpaid, the obligation of a district to pay its proportionate share of the principal of and interest on the bonds and notes as required in this Section shall be a general obligation of the district payable from any and all sources of revenue designated for that purpose by the board of education of the district and shall be irrevocable notwithstanding the district's withdrawal from membership in the joint special education program.

(g) A member district wishing to withdraw from a joint agreement may obtain from its school board a written resolution approving the withdrawal. The withdrawing district must then present a written petition for withdrawal from the joint agreement to the other member districts within such timelines designated by the joint agreement. A member district wishing to withdraw from a joint agreement under this subsection (g) must present to its school board and the other member districts evidence that withdrawing from the joint agreement is in the best needs of a child. Upon approval by school board written resolution of all of the remaining member districts, the petitioning member district shall be withdrawn from the joint agreement effective the following July 1 and shall notify the State Board of Education of the approved withdrawal in writing. If the petition for withdrawal is not approved and the petitioning member district is a part of a Class II county school unit outside of a city of 500,000 or more inhabitants, the petitioning member district may appeal the disapproval decision to the trustees of schools of the township that has jurisdiction and authority over the withdrawing district. If a withdrawing district is not under the jurisdiction and authority of the trustees of schools of a township, a hearing panel shall be established by the chief administrative officer of the intermediate service center having jurisdiction over the withdrawing district. The hearing panel shall be made up of 3 persons who have a demonstrated interest and background in education. Each hearing panel member must reside within an educational service region of 2,000,000 or more inhabitants but not within the withdrawing district and may not be a current school board member or employee of the withdrawing district or hold any county office. None of the hearing panel members may reside within the same school district. The hearing panel shall serve without remuneration; however, the necessary expenses, including travel, attendant upon any meeting or hearing in relation to these proceedings must be paid. If the trustees of schools of the township having jurisdiction and authority over the withdrawing district or the hearing panel established by the chief administrative officer of the intermediate service center having jurisdiction over the withdrawing district approves the petition for withdrawal, then the petitioning member district shall be withdrawn from the joint agreement effective the following July 1 and shall notify the State Board of Education of the approved withdrawal in writing.

(g-5) If a member district withdraws from a joint agreement under subsection (g) of this Section and the district was, prior to the withdrawal, sending students with disabilities to special educational facilities and services in another district under the joint agreement, the student may continue to use the facilities and services of the other district, regardless of the district in which the student resides, and the district in which the student resides shall pay the cost of those services.

(h) The changes to this Section made by Public Act 96-783 apply to withdrawals from or dissolutions of special education joint agreements initiated after August 28, 2009 (the effective date of Public Act 96-783).

(i) Notwithstanding subsections (a), (g), and (h) of this Section or any other provision of this Code to the contrary, an elementary school district that maintains grades up to and including grade 8, that had a

2014-2015 best 3 months' average daily attendance of 5,209.57, and that had a 2014 equalized assessed valuation of at least $451,500,000, but not more than $452,000,000, may withdraw from its special education joint agreement program consisting of 6 school districts upon submission and approval of the comprehensive plan, in compliance with the applicable requirements of Section 14-4.01 of this Code, in addition to the approval by the school board of the elementary school district and notification to and the filing of an intent to withdraw statement with the governing board of the joint agreement program. Such notification and statement shall specify the effective date of the withdrawal, which in no case shall be less than 60 days after the date of the filing of the notification and statement. Upon receipt of the notification and statement, the governing board of the joint agreement program shall distribute a copy to each member district of the joint agreement and shall initiate any appropriate allocation of assets and liabilities among the remaining member districts to take effect upon the date of the withdrawal. The withdrawal shall take effect upon the date specified in the notification and statement.
(Source: P.A. 99-729, eff. 8-5-16; 100-66, eff. 8-11-17.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Mulroe, **Senate Bill No. 2344** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 39; NAYS 8; Present 2.

The following voted in the affirmative:

Althoff	Haine	Lightford	Oberweis
Bennett	Harmon	Link	Raoul
Bertino-Tarrant	Harris	Manar	Rezin
Biss	Hastings	Martinez	Sandoval
Bush	Holmes	McCann	Sims
Castro	Hunter	Morrison	Stadelman
Clayborne	Hutchinson	Mulroe	Steans
Collins	Jones, E.	Muñoz	Van Pelt
Cullerton, T.	Koehler	Murphy	Weaver
Cunningham	Landek	Nybo	

The following voted in the negative:

Barickman	Curran	Rose
Brady	McCarter	Syverson
Connelly	McConchie	

The following voted present:

Fowler
Rooney

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

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

SENATE BILL RECALLED

On motion of Senator Harmon, **Senate Bill No. 2362** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2362

AMENDMENT NO. 1. Amend Senate Bill 2362 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by changing Section 40-25 as follows:

(30 ILCS 500/40-25)

Sec. 40-25. Length of leases.

(a) Maximum term. Except as otherwise provided under subsection (a-5), leases ~~Leases~~ shall be for a term not to exceed 10 years inclusive, beginning January, 1, 2010, of proposed contract renewals and shall include a termination option in favor of the State after 5 years. The length of energy conservation program contracts or energy savings contracts or leases shall be in accordance with the provisions of Section 25-45.

(a-5) Any lease for real property to be used by the University of Illinois at Chicago for clinical services, ambulatory surgical services, and retail space may exceed 10 years in length, but may not exceed 30 years in length, provided: (1) the lease requires the lessor to make capital improvements in excess of $100,000; and (2) the Board of Trustees of the University of Illinois determines a term of more than 10 years is necessary and is in the best interest of the public institution of higher education.

(b) Renewal. Leases may include a renewal option. An option to renew may be exercised only when a State purchasing officer determines in writing that renewal is in the best interest of the State and notice of the exercise of the option is published in the appropriate volume of the Procurement Bulletin at least 60 calendar days prior to the exercise of the option.

(c) Subject to appropriation. All leases shall recite that they are subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to make payments under the terms of the lease.

(d) Holdover. Beginning January 1, 2010, no lease may continue on a month-to-month or other holdover basis for a total of more than 6 months. Beginning July 1, 2010, the Comptroller shall withhold payment of leases beyond this holdover period.

(Source: P.A. 100-23, eff. 7-6-17.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Harmon, **Senate Bill No. 2362** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 47; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Curran	Lightford	Raoul
Anderson	Fowler	Link	Rooney
Bertino-Tarrant	Haine	Manar	Rose
Biss	Harmon	Martinez	Sandoval
Brady	Harris	McCann	Sims

Bush	Hastings	McConchie	Stadelman
Castro	Holmes	Morrison	Steans
Clayborne	Hunter	Mulroe	Syverson
Collins	Hutchinson	Muñoz	Tracy
Connelly	Jones, E.	Murphy	Van Pelt
Cullerton, T.	Koehler	Nybo	Weaver
Cunningham	Landek	Oberweis	

The following voted present:

Rezin

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

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

On motion of Senator Steans, **Senate Bill No. 2424** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

Althoff	Curran	Link	Rezin
Anderson	Fowler	Manar	Rooney
Barickman	Haine	Martinez	Rose
Bennett	Harmon	McCann	Sandoval
Bertino-Tarrant	Harris	McCarter	Sims
Brady	Hastings	McConchie	Stadelman
Bush	Holmes	Morrison	Steans
Castro	Hunter	Mulroe	Syverson
Clayborne	Hutchinson	Muñoz	Tracy
Collins	Jones, E.	Murphy	Van Pelt
Connelly	Koehler	Nybo	Weaver
Cullerton, T.	Landek	Oberweis	
Cunningham	Lightford	Raoul	

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

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

SENATE BILL RECALLED

On motion of Senator Clayborne, **Senate Bill No. 2589** was recalled from the order of third reading to the order of second reading.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2589

AMENDMENT NO. _2_. Amend Senate Bill 2589, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Central Illinois Economic Development Authority Act is amended by changing Sections 10 and 35 and by adding Section 37 as follows:

(70 ILCS 504/10)

Sec. 10. Definitions. In this Act:

"Authority" means the Central Illinois Economic Development Authority.

"Governmental agency" means any federal, State, or local governmental body and any agency or instrumentality thereof, corporate or otherwise.

"Person" means any natural person, firm, partnership, corporation, both domestic and foreign, company, association or joint stock association and includes any trustee, receiver, assignee or personal representative thereof.

"Revenue bond" means any bond issued by the Authority, the principal and interest of which is payable solely from revenues or income derived from any project or activity of the Authority.

"Board" means the Board of Directors of the Central Illinois Economic Development Authority.

"Governor" means the Governor of the State of Illinois.

"City" means any city, village, incorporated town, or township within the geographical territory of the Authority.

"Industrial project" means the following:

(1) a capital project, including one or more buildings and other structures, improvements, machinery and equipment whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any manufacturing, industrial, research, transportation or commercial enterprise including but not limited to use as a factory, mill, processing plant, assembly plant, packaging plant, fabricating plant, ethanol plant, office building, industrial distribution center, warehouse, repair, overhaul or service facility, freight terminal, research facility, test facility, railroad facility, port facility, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, and including also the sites thereof and other rights in land therefore whether improved or unimproved, site preparation and landscaping and all appurtenances and facilities incidental thereto such as utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, dockage, wharfage, railroad roadbed, track, trestle, depot, terminal, switching and signaling equipment or related equipment and other improvements necessary or convenient thereto; or

(2) any land, buildings, machinery or equipment comprising an addition to or renovation, rehabilitation or improvement of any existing capital project.

"Housing project" or "residential project" includes a specific work or improvement undertaken to provide dwelling accommodations, including the acquisition, construction or rehabilitation of lands, buildings and community facilities and in connection therewith to provide nonhousing facilities which are an integral part of a planned large-scale project or new community.

"Commercial project" means any project, including, but not limited to, one or more buildings and other structures, improvements, machinery, and equipment, whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any retail or wholesale concern, distributorship, or agency.

"Project" means an industrial, housing, residential, commercial, or service project, or any combination thereof, provided that all uses fall within one of the categories described above. Any project automatically includes all site improvements and new construction involving sidewalks, sewers, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, parks, open spaces, wildlife sanctuaries, streets, highways, and runways.

"Lease agreement" means an agreement in which a project acquired by the Authority by purchase, gift, or lease is leased to any person or corporation that will use, or cause the project to be used, as a project, upon terms providing for lease rental payments at least sufficient to pay, when due, all principal of and interest and premium, if any, on any bonds, notes, or other evidences of indebtedness of the Authority, issued with respect to the project, providing for the maintenance, insurance, and operation of the project on terms satisfactory to the Authority and providing for disposition of the project upon termination of the lease term, including purchase options or abandonment of the premises, with other terms as may be deemed desirable by the Authority.

"Loan agreement" means any agreement in which the Authority agrees to loan the proceeds of its bonds, notes, or other evidences of indebtedness, issued with respect to a project, to any person or corporation which will use or cause the project to be used as a project, upon terms providing for loan repayment installments at least sufficient to pay, when due, all principal of and interest and premium, if any, on any bonds, notes, or other evidences of indebtedness of the Authority issued with respect to the project, providing for maintenance, insurance, and operation of the project on terms satisfactory to the Authority and providing for other terms deemed advisable by the Authority.

"Financial aid" means the expenditure of Authority funds or funds provided by the Authority for the development, construction, acquisition or improvement of a project, through the issuance of revenue bonds, notes, or other evidences of indebtedness.

"Costs incurred in connection with the development, construction, acquisition or improvement of a project" means the following:

(1) the cost of purchase and construction of all lands and improvements in connection therewith and equipment and other property, rights, easements, and franchises acquired which are deemed necessary for the construction;

(2) financing charges;

(3) interest costs with respect to bonds, notes, and other evidences of indebtedness of the Authority prior to and during construction and for a period of 6 months thereafter;

(4) engineering and legal expenses; and

(5) the costs of plans, specifications, surveys, and estimates of costs and other expenses necessary or incident to determining the feasibility or practicability of any project, together with such other expenses as may be necessary or incident to the financing, insuring, acquisition, and construction of a specific project and the placing of the same in operation.

"Local government project" means a project or other undertaking that is authorized or required by law to be acquired, constructed, reconstructed, equipped, improved, rehabilitated, replaced, maintained, or otherwise undertaken in any manner by a local governmental unit.

"Local government security" means a bond, note, or other evidence of indebtedness that a local governmental unit is legally authorized to issue for the purpose of financing a public purpose project or to issue for any other lawful public purpose under any provision of the Illinois Constitution or laws of this State, whether the obligation is payable from taxes or revenues, rates, charges, assessments, appropriations, grants, or any other lawful source or combination thereof, and specifically includes, without limitation, obligations under any lease or lease purchase agreement lawfully entered into by the local governmental unit for the acquisition or use of facilities or equipment.

"Local governmental unit" means a unit of local government, as defined in Section 1 of Article VII of the Illinois Constitution, and any local public entity as that term is defined in the Local Governmental and Governmental Employees Tort Immunity Act and such unit of local government or local public entity is located within the geographical territory of the Authority.

(Source: P.A. 98-750, eff. 1-1-15.)

(70 ILCS 504/35)

Sec. 35. Bonds.

(a) The Authority, with the written approval of the Governor, shall have the continuing power to issue bonds, notes, or other evidences of indebtedness in an aggregate amount outstanding not to exceed $250,000,000 for the following purposes: (i) development, construction, acquisition, or improvement of projects, including those established by business entities locating or expanding property within the territorial jurisdiction of the Authority; (ii) entering into venture capital agreements with businesses locating or expanding within the territorial jurisdiction of the Authority; ~~and~~ (iii) acquisition and improvement of any property necessary and useful in connection therewith ; and (iv) any local government projects. With respect to any local government project, the Authority is authorized to purchase from time to time pursuant to negotiated sale or to otherwise acquire from time to time any local government security upon terms and conditions as the Authority may prescribe in connection with the local government security. For the purpose of evidencing the obligations of the Authority to repay any money borrowed, the Authority may, pursuant to resolution, from time to time, issue and dispose of its interest-bearing revenue bonds, notes, or other evidences of indebtedness and may also from time to time issue and dispose of such bonds, notes, or other evidences of indebtedness to refund, at maturity, at a redemption date or in advance of either, any bonds, notes, or other evidences of indebtedness pursuant to redemption provisions or at any time before maturity. All such bonds, notes, or other evidences of indebtedness shall be payable solely and only from the revenues or income to be derived from loans made with respect to projects, from the leasing or sale of the projects, or from any other funds available to the Authority for such purposes. The bonds, notes, or other evidences of indebtedness may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may bear interest at such rate or rates not exceeding the maximum rate permitted by the Bond Authorization Act, may be in such form, may carry such registration privileges, may be executed in such manner, may be payable at such place or places, may be made subject to redemption in such manner and upon such terms, with or without premium, as is stated on the face thereof, may be authenticated in such manner and may contain such terms and covenants as may be provided by an applicable resolution.

(b) The holder or holders of any bonds, notes, or other evidences of indebtedness issued by the Authority may bring suits at law or proceedings in equity to compel the performance and observance by any corporation or person or by the Authority or any of its agents or employees of any contract or covenant made with the holders of the bonds, notes, or other evidences of indebtedness, to compel such corporation, person, the Authority, and any of its agents or employees to perform any duties required to be performed for the benefit of the holders of the bonds, notes, or other evidences of indebtedness by the provision of the resolution authorizing their issuance and to enjoin the corporation, person, the Authority, and any of its agents or employees from taking any action in conflict with any contract or covenant.

(c) If the Authority fails to pay the principal of or interest on any of the bonds or premium, if any, as the bond becomes due, a civil action to compel payment may be instituted in the appropriate circuit court by the holder or holders of the bonds on which the default of payment exists or by an indenture trustee acting on behalf of the holders. Delivery of a summons and a copy of the complaint to the chairman of the Board shall constitute sufficient service to give the circuit court jurisdiction over the subject matter of the suit and jurisdiction over the Authority and its officers named as defendants for the purpose of compelling such payment. Any case, controversy, or cause of action concerning the validity of this Act relates to the revenue of the State of Illinois.

(d) Notwithstanding the form and tenor of any bond, note, or other evidence of indebtedness and in the absence of any express recital on its face that it is non-negotiable, all such bonds, notes, and other evidences of indebtedness shall be negotiable instruments. Pending the preparation and execution of any bonds, notes, or other evidences of indebtedness, temporary bonds, notes, or evidences of indebtedness may be issued as provided by ordinance.

(e) To secure the payment of any or all of such bonds, notes, or other evidences of indebtedness, the revenues to be received by the Authority from a lease agreement or loan agreement shall be pledged, and, for the purpose of setting forth the covenants and undertakings of the Authority in connection with the issuance of the bonds, notes, or other evidences of indebtedness and the issuance of any additional bonds, notes or other evidences of indebtedness payable from such revenues, income, or other funds to be derived from projects, the Authority may execute and deliver a mortgage or trust agreement. A remedy for any breach or default of the terms of any mortgage or trust agreement by the Authority may be by mandamus proceeding in the appropriate circuit court to compel performance and compliance under the terms of the mortgage or trust agreement, but the trust agreement may prescribe by whom or on whose behalf the action may be instituted.

(f) Bonds or notes shall be secured as provided in the authorizing ordinance which may include, notwithstanding any other provision of this Act, in addition to any other security, a specific pledge, assignment of and lien on, or security interest in any or all revenues or money of the Authority, from whatever source, which may, by law, be used for debt service purposes and a specific pledge, or assignment of and lien on, or security interest in any funds or accounts established or provided for by ordinance of the Authority authorizing the issuance of the bonds or notes.

(g) The State of Illinois pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the rights and powers vested in the Authority by this Act so as to impair the terms of any contract made by the Authority with the holders of bonds or notes or in any way impair the rights and remedies of those holders until the bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the holders, are fully met and discharged. In addition, the State pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the basis on which State funds are to be paid to the Authority as provided in this Act, or the use of such funds, so as to impair the terms of any such contract. The Authority is authorized to include these pledges and agreements of the State in any contract with the holders of bonds or notes issued pursuant to this Section.

(h) (Blank).

(Source: P.A. 98-750, eff. 1-1-15.)

(70 ILCS 504/37 new)

Sec. 37. Local government securities. Any local governmental unit which is authorized to issue, sell, and deliver its local government securities under any provision of the Illinois Constitution or laws of this State may issue, sell, and deliver such local government securities to the Authority as provided by this Act, provided that and notwithstanding any other provision of law to the contrary, any such local governmental unit may issue and sell any such local government security at any interest rate, which rate or rates may be established by an index or formula which may be implemented by persons appointed or retained therefor, payable at such time or times and at such price or prices to which the local governmental unit and the Authority may agree. Any local governmental unit may pay any amount charged by the

Authority. Any local governmental unit may pay out of the proceeds of its local government securities or out of any other moneys or funds available to it for such purposes any costs, fees, interest deemed necessary, premiums or revenues incurred or required for financing or refinancing this program, including, without limitation, any fees charged by the Authority and its share, as determined by the Authority, of any costs, fees, interest deemed necessary, premiums or revenues incurred or required pursuant to this Act. All local government securities purchased by the Authority pursuant to this Act shall upon delivery to the Authority be accompanied by an approving opinion of bond counsel as to the validity of such securities. The Authority shall have discretion to purchase or otherwise acquire those local government securities as it shall deem to be in the best interest of its financing program for all local governmental units taken as a whole.

Section 10. The Eastern Illinois Economic Development Authority Act is amended by changing Sections 10, 15, 20, 35, and 45 and by adding Section 37 as follows:

(70 ILCS 506/10)

Sec. 10. Definitions. In this Act:

"Authority" means the Eastern Illinois Economic Development Authority.

"Governmental agency" means any federal, State, or local governmental body and any agency or instrumentality thereof, corporate or otherwise.

"Person" means any natural person, firm, partnership, corporation, both domestic and foreign, company, association or joint stock association and includes any trustee, receiver, assignee or personal representative thereof.

"Revenue bond" means any bond issued by the Authority, the principal and interest of which is payable solely from revenues or income derived from any project or activity of the Authority.

"Board" means the Board of Directors of the Eastern Illinois Economic Development Authority.

"Governor" means the Governor of the State of Illinois.

"City" means any city, village, incorporated town, or township within the geographical territory of the Authority.

"Industrial project" means the following:

(1) a capital project, including one or more buildings and other structures, improvements, machinery and equipment whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any manufacturing, industrial, research, transportation or commercial enterprise including but not limited to use as a factory, mill, processing plant, assembly plant, packaging plant, fabricating plant, ethanol plant, office building, industrial distribution center, warehouse, repair, overhaul or service facility, freight terminal, research facility, test facility, railroad facility, port facility, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, and including also the sites thereof and other rights in land therefore whether improved or unimproved, site preparation and landscaping and all appurtenances and facilities incidental thereto such as utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, dockage, wharfage, railroad roadbed, track, trestle, depot, terminal, switching and signaling equipment or related equipment and other improvements necessary or convenient thereto; or

(2) any land, buildings, machinery or equipment comprising an addition to or renovation, rehabilitation or improvement of any existing capital project.

"Housing project" or "residential project" includes a specific work or improvement undertaken to provide dwelling accommodations, including the acquisition, construction, or rehabilitation of lands, buildings, and community facilities, and to provide non-housing facilities which are an integral part of a planned large-scale project or new community.

"Commercial project" means any project, including, but not limited to, one or more buildings and other structures, improvements, machinery, and equipment, whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any retail or wholesale concern, distributorship, or agency.

"Project" means an industrial, housing, residential, commercial, or service project, or any combination thereof, provided that all uses fall within one of the categories described above. Any project automatically includes all site improvements and new construction involving sidewalks, sewers, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, parks, open spaces, wildlife sanctuaries, streets, highways, and runways.

"Lease agreement" means an agreement in which a project acquired by the Authority by purchase, gift, or lease is leased to any person or corporation that will use, or cause the project to be used, as a project, upon terms providing for lease rental payments at least sufficient to pay, when due, all principal of and

interest and premium, if any, on any bonds, notes, or other evidences of indebtedness of the Authority, issued with respect to the project, providing for the maintenance, insurance, and operation of the project on terms satisfactory to the Authority and providing for disposition of the project upon termination of the lease term, including purchase options or abandonment of the premises, with other terms as may be deemed desirable by the Authority.

"Loan agreement" means any agreement in which the Authority agrees to loan the proceeds of its bonds, notes, or other evidences of indebtedness, issued with respect to a project, to any person or corporation which will use or cause the project to be used as a project, upon terms providing for loan repayment installments at least sufficient to pay, when due, all principal of and interest and premium, if any, on any bonds, notes, or other evidences of indebtedness of the Authority issued with respect to the project, providing for maintenance, insurance, and operation of the project on terms satisfactory to the Authority and providing for other terms deemed advisable by the Authority.

"Financial aid" means the expenditure of Authority funds or funds provided by the Authority for the development, construction, acquisition or improvement of a project, through the issuance of revenue bonds, notes, or other evidences of indebtedness.

"Costs incurred in connection with the development, construction, acquisition or improvement of a project" means the following:

(1) the cost of purchase and construction of all lands and improvements in connection therewith and equipment and other property, rights, easements, and franchises acquired which are deemed necessary for the construction;

(2) financing charges;

(3) interest costs with respect to bonds, notes, and other evidences of indebtedness of the Authority prior to and during construction and for a period of 6 months thereafter;

(4) engineering and legal expenses; and

(5) the costs of plans, specifications, surveys, and estimates of costs and other expenses necessary or incident to determining the feasibility or practicability of any project, together with such other expenses as may be necessary or incident to the financing, insuring, acquisition, and construction of a specific project and the placing of the same in operation.

"Local government project" means a project or other undertaking that is authorized or required by law to be acquired, constructed, reconstructed, equipped, improved, rehabilitated, replaced, maintained, or otherwise undertaken in any manner by a local governmental unit.

"Local government security" means a bond, note, or other evidence of indebtedness that a local governmental unit is legally authorized to issue for the purpose of financing a public purpose project or to issue for any other lawful public purpose under any provision of the Illinois Constitution or laws of this State, whether the obligation is payable from taxes or revenues, rates, charges, assessments, appropriations, grants, or any other lawful source or combination thereof, and specifically includes, without limitation, obligations under any lease or lease purchase agreement lawfully entered into by the local governmental unit for the acquisition or use of facilities or equipment.

"Local governmental unit" means a unit of local government, as defined in Section 1 of Article VII of the Illinois Constitution, and any local public entity as that term is defined in the Local Governmental and Governmental Employees Tort Immunity Act and such unit of local government or local public entity is located within the geographical territory of the Authority.

(Source: P.A. 98-750, eff. 1-1-15.)

(70 ILCS 506/15)

Sec. 15. Creation.

(a) There is created a political subdivision, body politic, and municipal corporation named the Eastern Illinois Economic Development Authority. The territorial jurisdiction of the Authority is that geographic area within the boundaries of the following counties: Ford, Iroquois, Piatt, Champaign, Vermilion, Douglas, Moultrie, Shelby, Coles, Livingston, McLean, and Edgar and any navigable waters and air space located therein.

(b) The governing and administrative powers of the Authority shall be vested in a body consisting of 16 ~~14~~ members as follows:

(1) Ex officio members. The Director of Commerce and Economic Opportunity, or a designee of that Department, shall serve as an ex officio member.

(2) Public members. Three members shall be appointed by the Governor with the advice and consent of the Senate. The county board chairperson of the following counties shall each appoint one member: Ford, Iroquois, Piatt, Champaign, Vermilion, Douglas, Moultrie, Shelby, Coles, Livingston, McLean, and Edgar. All public members shall reside within the territorial jurisdiction of the Authority. The public members shall be persons of recognized ability and experience in one or more of the

following areas: economic development, finance, banking, industrial development, state or local government, commercial agriculture, small business management, real estate development, community development, venture finance, organized labor, or civic or community organization.

(c) A majority of the members appointed under item (2) of subsection (b) of this Section shall constitute a quorum.

(d) The chairperson of the Authority shall be elected annually by the Board and must be a public member that resides within the territorial jurisdiction of the Authority.

(e) The terms of all initial members of the Authority shall begin 30 days after the effective date of this Act. Of the 3 original public members appointed by the Governor, 1 shall serve until the third Monday in January, 2006; 1 shall serve until the third Monday in January, 2007; 1 shall serve until the third Monday in January, 2008. The initial terms of the original public members appointed by the county board chairpersons shall be determined by lot, according to the following schedule: (i) 2 shall serve until the third Monday in January, 2006, (ii) 2 shall serve until the third Monday in January, 2007, (iii) 2 shall serve until the third Monday in January, 2008, (iv) 2 shall serve until the third Monday in January, 2009, and (v) 2 shall serve until the third Monday in January, 2010. All successors to these original public members shall be appointed by the original appointing authority and all appointments made by the Governor shall be made with the advice and consent of the Senate, pursuant to subsection (b), and shall hold office for a term of 6 years commencing the third Monday in January of the year in which their term commences, except in the case of an appointment to fill a vacancy. Vacancies occurring among the public members shall be filled for the remainder of the term. In case of vacancy in a Governor-appointed membership when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate when a person shall be nominated to fill the office and, upon confirmation by the Senate, he or she shall hold office during the remainder of the term and until a successor is appointed and qualified. Members of the Authority are not entitled to compensation for their services as members but are entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

(f) The Governor or a county board chairperson, as the case may be, may remove any public member of the Authority in case of incompetence, neglect of duty, or malfeasance in office. The chairperson of a county board may remove any public member appointed by that chairperson in the case of incompetence, neglect of duty, or malfeasance in office.

(g) The Board shall appoint an Executive Director who shall have a background in finance, including familiarity with the legal and procedural requirements of issuing bonds, real estate, or economic development and administration. The Executive Director shall hold office at the discretion of the Board. The Executive Director shall be the chief administrative and operational officer of the Authority, shall direct and supervise its administrative affairs and general management, perform such other duties as may be prescribed from time to time by the members, and receive compensation fixed by the Authority. ~~The Department of Commerce and Economic Opportunity shall pay the compensation of the Executive Director from appropriations received for that purpose.~~ The Executive Director shall attend all meetings of the Authority. However, no action of the Authority shall be invalid on account of the absence of the Executive Director from a meeting. The Authority may engage the services of the Illinois Finance Authority, attorneys, appraisers, engineers, accountants, credit analysts, and other consultants if the Eastern Illinois Economic Development Authority deems it advisable.

(Source: P.A. 94-203, eff. 7-13-05; 95-854, eff. 8-18-08.)

(70 ILCS 506/20)

Sec. 20. Duty. All official acts of the Authority shall require the approval of at least 9 ~~8~~ members. It shall be the duty of the Authority to promote development within the geographic confines of Ford, Iroquois, Piatt, Champaign, Vermilion, Douglas, Moultrie, Shelby, Coles, Livingston, McLean, and Edgar counties. The Authority shall use the powers conferred upon it to assist in the development, construction, and acquisition of industrial, commercial, housing, or residential projects within its territorial jurisdiction.

(Source: P.A. 94-203, eff. 7-13-05; 95-854, eff. 8-18-08.)

(70 ILCS 506/35)

Sec. 35. Bonds.

(a) The Authority, with the written approval of the Governor, shall have the continuing power to issue bonds, notes, or other evidences of indebtedness in an aggregate amount outstanding not to exceed $500,000,000 for the following purposes: (i) development, construction, acquisition, or improvement of projects, including those established by business entities locating or expanding property within the territorial jurisdiction of the Authority; (ii) entering into venture capital agreements with businesses locating or expanding within the territorial jurisdiction of the Authority; (iii) acquisition and improvement of any property necessary and useful in connection therewith; ~~and~~ (iv) for the purposes of the Employee

Ownership Assistance Act ; and (v) any local government projects. With respect to any local government project, the Authority is authorized to purchase from time to time pursuant to negotiated sale or to otherwise acquire from time to time any local government security upon terms and conditions as the Authority may prescribe in connection with the local government security. For the purpose of evidencing the obligations of the Authority to repay any money borrowed, the Authority may, pursuant to resolution, from time to time, issue and dispose of its interest-bearing revenue bonds, notes, or other evidences of indebtedness and may also from time to time issue and dispose of such bonds, notes, or other evidences of indebtedness to refund, at maturity, at a redemption date or in advance of either, any bonds, notes, or other evidences of indebtedness pursuant to redemption provisions or at any time before maturity. All such bonds, notes, or other evidences of indebtedness shall be payable solely and only from the revenues or income to be derived from loans made with respect to projects, from the leasing or sale of the projects, or from any other funds available to the Authority for such purposes. The bonds, notes, or other evidences of indebtedness may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may bear interest at such rate or rates not exceeding the maximum rate permitted by the Bond Authorization Act, may be in such form, may carry such registration privileges, may be executed in such manner, may be payable at such place or places, may be made subject to redemption in such manner and upon such terms, with or without premium, as is stated on the face thereof, may be authenticated in such manner and may contain such terms and covenants as may be provided by an applicable resolution.

(b) The holder or holders of any bonds, notes, or other evidences of indebtedness issued by the Authority may bring suits at law or proceedings in equity to compel the performance and observance by any corporation or person or by the Authority or any of its agents or employees of any contract or covenant made with the holders of the bonds, notes, or other evidences of indebtedness, to compel such corporation, person, the Authority, and any of its agents or employees to perform any duties required to be performed for the benefit of the holders of the bonds, notes, or other evidences of indebtedness by the provision of the resolution authorizing their issuance and to enjoin the corporation, person, the Authority, and any of its agents or employees from taking any action in conflict with any contract or covenant.

(c) If the Authority fails to pay the principal of or interest on any of the bonds or premium, if any, as the bond becomes due, a civil action to compel payment may be instituted in the appropriate circuit court by the holder or holders of the bonds on which the default of payment exists or by an indenture trustee acting on behalf of the holders. Delivery of a summons and a copy of the complaint to the chairman of the Board shall constitute sufficient service to give the circuit court jurisdiction over the subject matter of the suit and jurisdiction over the Authority and its officers named as defendants for the purpose of compelling such payment. Any case, controversy, or cause of action concerning the validity of this Act relates to the revenue of the State of Illinois.

(d) Notwithstanding the form and tenor of any bond, note, or other evidence of indebtedness and in the absence of any express recital on its face that it is non-negotiable, all such bonds, notes, and other evidences of indebtedness shall be negotiable instruments. Pending the preparation and execution of any bonds, notes, or other evidences of indebtedness, temporary bonds, notes, or evidences of indebtedness may be issued as provided by ordinance.

(e) To secure the payment of any or all of such bonds, notes, or other evidences of indebtedness, the revenues to be received by the Authority from a lease agreement or loan agreement shall be pledged, and, for the purpose of setting forth the covenants and undertakings of the Authority in connection with the issuance of the bonds, notes, or other evidences of indebtedness and the issuance of any additional bonds, notes or other evidences of indebtedness payable from such revenues, income, or other funds to be derived from projects, the Authority may execute and deliver a mortgage or trust agreement. A remedy for any breach or default of the terms of any mortgage or trust agreement by the Authority may be by mandamus proceeding in the appropriate circuit court to compel performance and compliance under the terms of the mortgage or trust agreement, but the trust agreement may prescribe by whom or on whose behalf the action may be instituted.

(f) Bonds or notes shall be secured as provided in the authorizing ordinance which may include, notwithstanding any other provision of this Act, in addition to any other security, a specific pledge, assignment of and lien on, or security interest in any or all revenues or money of the Authority, from whatever source, which may, by law, be used for debt service purposes and a specific pledge, or assignment of and lien on, or security interest in any funds or accounts established or provided for by ordinance of the Authority authorizing the issuance of the bonds or notes.

(g) The State of Illinois pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the rights and powers vested in the Authority by this Act so as to impair the terms of any contract made by the Authority with the holders of bonds or notes or in any way impair the rights and remedies of those holders until the bonds and notes,

together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the holders, are fully met and discharged. In addition, the State pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the basis on which State funds are to be paid to the Authority as provided in this Act, or the use of such funds, so as to impair the terms of any such contract. The Authority is authorized to include these pledges and agreements of the State in any contract with the holders of bonds or notes issued pursuant to this Section.

(h) (Blank).

(Source: P.A. 100-573, eff. 12-29-17.)

(70 ILCS 506/37 new)

Sec. 37. Local government securities. Any local governmental unit which is authorized to issue, sell, and deliver its local government securities under any provision of the Illinois Constitution or laws of this State may issue, sell, and deliver such local government securities to the Authority as provided by this Act, provided that and notwithstanding any other provision of law to the contrary, any such local governmental unit may issue and sell any such local government security at any interest rate, which rate or rates may be established by an index or formula which may be implemented by persons appointed or retained therefor, payable at such time or times and at such price or prices to which the local governmental unit and the Authority may agree. Any local governmental unit may pay any amount charged by the Authority. Any local governmental unit may pay out of the proceeds of its local government securities or out of any other moneys or funds available to it for such purposes any costs, fees, interest deemed necessary, premiums or revenues incurred or required for financing or refinancing this program, including, without limitation, any fees charged by the Authority and its share, as determined by the Authority, of any costs, fees, interest deemed necessary, premiums or revenues incurred or required pursuant to this Act. All local government securities purchased by the Authority pursuant to this Act shall upon delivery to the Authority be accompanied by an approving opinion of bond counsel as to the validity of such securities. The Authority shall have discretion to purchase or otherwise acquire those local government securities as it shall deem to be in the best interest of its financing program for all local governmental units taken as a whole.

(70 ILCS 506/45)

Sec. 45. Acquisition.

(a) The Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

(b) The Authority shall have power to acquire by purchase, lease, gift, or otherwise any property or rights therein from any person or persons, the State of Illinois, any municipal corporation, any local unit of government, the government of the United States and any agency or instrumentality of the United States, any body politic, or any county useful for its purposes, whether improved for the purposes of any prospective project or unimproved. The Authority may also accept any donation of funds for its purposes from any of these sources.

(c) The Authority shall have power to develop, construct, and improve, either under its own direction or through collaboration with any approved applicant, or to acquire, through purchase or otherwise, any project, using for this purpose the proceeds derived from its sale of revenue bonds, notes, or other evidences of indebtedness or governmental loans or grants and shall have the power to hold title to those projects in the name of the Authority.

(d) The Authority shall have the power to enter into intergovernmental agreements with the State of Illinois, the counties of Ford, Iroquois, Piatt, Champaign, Vermilion, Douglas, Moultrie, Shelby, Coles, Livingston, McLean, or Edgar, the Illinois Development Finance Authority, the Illinois Housing Development Authority, the Illinois Education Facilities Authority, the Illinois Farm Development Authority, the Rural Bond Bank, the United States government and any agency or instrumentality of the United States, any unit of local government located within the territory of the Authority, or any other unit of government to the extent allowed by Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act.

(e) The Authority shall have the power to share employees with other units of government, including agencies of the United States, agencies of the State of Illinois, and agencies or personnel of any unit of local government.

(f) The Authority shall have the power to exercise powers and issue bonds as if it were a municipality so authorized in Divisions 12.1, 74, 74.1, 74.3, and 74.5 of Article 11 of the Illinois Municipal Code.

(Source: P.A. 94-203, eff. 7-13-05.)

Section 15. The Quad Cities Regional Economic Development Authority Act, approved September 22, 1987, is amended by changing Sections 3, 4, 7, 9, and 14 and by adding Section 9.5 as follows:

(70 ILCS 510/3) (from Ch. 85, par. 6203)

Sec. 3. The following terms, whenever used or referred to in this Act, shall have the following meanings, except in such instances where the context may clearly indicate otherwise:

(a) "Authority" means the Quad Cities Regional Economic Development Authority created by this Act.

(b) "Governmental agency" means any federal, State or local governmental body, and any agency or instrumentality thereof, corporate or otherwise.

(c) "Person" means any natural person, firm, partnership, corporation, both domestic and foreign, company, association or joint stock association and includes any trustee, receiver, assignee or personal representative thereof.

(d) "Revenue bond" means any bond issued by the Authority the principal and interest of which is payable solely from revenues or income derived from any project or activity of the Authority.

(e) "Board" means the Quad Cities Regional Economic Development Authority Board of Directors.

(f) "Governor" means the Governor of the State of Illinois.

(g) "City" means any city, village, incorporated town or township within the geographical territory of the Authority.

(h) "Industrial project" means (1) a capital project, including one or more buildings and other structures, improvements, machinery and equipment whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any manufacturing, industrial, research, transportation or commercial enterprise including but not limited to use as a factory, mill, processing plant, assembly plant, packaging plant, fabricating plant, office building, industrial distribution center, warehouse, repair, overhaul or service facility, freight terminal, research facility, test facility, railroad facility, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, and including also the sites thereof and other rights in land therefor whether improved or unimproved, site preparation and landscaping and all appurtenances and facilities incidental thereto such as utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, dockage, wharfage, railroad roadbed, track, trestle, depot, terminal, switching and signaling equipment or related equipment and other improvements necessary or convenient thereto; or (2) any land, buildings, machinery or equipment comprising an addition to or renovation, rehabilitation or improvement of any existing capital project.

(i) "Housing project" or "residential project" includes a specific work or improvement undertaken to provide dwelling accommodations, including the acquisition, construction or rehabilitation of lands, buildings and community facilities and in connection therewith to provide nonhousing facilities which are an integral part of a planned large-scale project or new community.

(j) "Commercial project" means any project, including but not limited to one or more buildings and other structures, improvements, machinery and equipment whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any retail or wholesale concern, distributorship or agency, any cultural facilities of a for-profit or not-for-profit type including but not limited to educational, theatrical, recreational and entertainment, sports facilities, racetracks, stadiums, convention centers, exhibition halls, arenas, opera houses and theaters, waterfront improvements, swimming pools, boat storage, moorage, docking facilities, restaurants, velodromes, coliseums, sports training facilities, parking facilities, terminals, hotels and motels, gymnasiums, medical facilities and port facilities.

(k) "Project" means an industrial, housing, residential, commercial or service project or any combination thereof provided that all uses shall fall within one of the categories described above. Any project, of any nature whatsoever, shall automatically include all site improvements and new construction involving sidewalks, sewers, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, parks, open spaces, wildlife sanctuaries, streets, highways and runways.

(l) "Lease agreement" shall mean an agreement whereby a project acquired by the Authority by purchase, gift or lease is leased to any person or corporation which will use or cause the project to be used as a project as heretofore defined upon terms providing for lease rental payments at least sufficient to pay when due all principal of and interest and premium, if any, on any bonds, notes or other evidences of indebtedness of the Authority issued with respect to such project, providing for the maintenance, insurance and operation of the project on terms satisfactory to the Authority and providing for disposition of the project upon termination of the lease term, including purchase options or abandonment of the premises, with such other terms as may be deemed desirable by the Authority.

(m) "Loan agreement" means any agreement pursuant to which the Authority agrees to loan the proceeds of its bonds, notes or other evidences of indebtedness issued with respect to a project to any person or

corporation which will use or cause the project to be used as a project as heretofore defined upon terms providing for loan repayment installments at least sufficient to pay when due all principal of and interest and premium, if any, on any bonds, notes or other evidences of indebtedness of the Authority issued with respect to the project, providing for maintenance, insurance and operation of the project on terms satisfactory to the Authority and providing for other matters as may be deemed advisable by the Authority.

(n) "Financial aid" means the expenditure of Authority funds or funds provided by the Authority through the issuance of its revenue bonds, notes or other evidences of indebtedness for the development, construction, acquisition or improvement of a project.

(o) "Costs incurred in connection with the development, construction, acquisition or improvement of a project" means the following: the cost of purchase and construction of all lands and improvements in connection therewith and equipment and other property, rights, easements and franchises acquired which are deemed necessary for such construction; financing charges; interest costs with respect to bonds, notes and other evidences of indebtedness of the Authority prior to and during construction and for a period of 6 months thereafter; engineering and legal expenses; the costs of plans, specifications, surveys and estimates of costs and other expenses necessary or incident to determining the feasibility or practicability of any project, together with such other expenses as may be necessary or incident to the financing, insuring, acquisition and construction of a specific project and the placing of the same in operation.

(p) "Terminal" means a public place, station or depot for receiving and delivering passengers, baggage, mail, freight or express matter and any combination thereof in connection with the transportation of persons and property on water or land or in the air.

(q) "Terminal facilities" means all land, buildings, structures, improvements, equipment and appliances useful in the operation of public warehouse, storage and transportation facilities and industrial, manufacturing or commercial activities for the accommodation of or in connection with commerce by water or land or in the air or useful as an aid, or constituting an advantage or convenience to, the safe landing, taking off and navigation of aircraft or the safe and efficient operation or maintenance of a public airport.

(r) "Port facilities" means all public structures, except terminal facilities as defined herein, that are in, over, under or adjacent to navigable waters and are necessary for or incident to the furtherance of water commerce and includes the widening and deepening of slips, harbors and navigable waters.

(s) "Airport" means any locality, either land or water, which is used or designed for the landing and taking off of aircraft or for the location of runways, landing fields, aerodromes, hangars, buildings, structures, airport roadways and other facilities.

(t) "Local government project" means a project or other undertaking that is authorized or required by law to be acquired, constructed, reconstructed, equipped, improved, rehabilitated, replaced, maintained, or otherwise undertaken in any manner by a local governmental unit.

(u) "Local government security" means a bond, note, or other evidence of indebtedness that a local governmental unit is legally authorized to issue for the purpose of financing a public purpose project or to issue for any other lawful public purpose under any provision of the Illinois Constitution or laws of this State, whether the obligation is payable from taxes or revenues, rates, charges, assessments, appropriations, grants, or any other lawful source or combination thereof, and specifically includes, without limitation, obligations under any lease or lease purchase agreement lawfully entered into by the local governmental unit for the acquisition or use of facilities or equipment.

(v) "Local governmental unit" means a unit of local government, as defined in Section 1 of Article VII of the Illinois Constitution, and any local public entity as that term is defined in the Local Governmental and Governmental Employees Tort Immunity Act and such unit of local government or local public entity is located within the geographical territory of the Authority.

(Source: P.A. 85-713.)

(70 ILCS 510/4) (from Ch. 85, par. 6204)

Sec. 4. (a) There is hereby created a political subdivision, body politic and municipal corporation named the Quad Cities Regional Economic Development Authority. The territorial jurisdiction of the Authority is that geographic area within the boundaries of Jo Daviess, Carroll, Whiteside, Stephenson, Lee, Rock Island, Henry, Knox, Winnebago, Stark, Ogle, and Mercer counties in the State of Illinois and any navigable waters and air space located therein.

(b) The governing and administrative powers of the Authority shall be vested in a body consisting of 19 ~~16~~ members including, as an ex officio member, the Director of Commerce and Economic Opportunity, or his or her designee. The other members of the Authority shall be designated "public members", 6 of whom shall be appointed by the Governor with the advice and consent of the Senate. Of the 6 members appointed by the Governor, one shall be from a city within the Authority's territory with a population of 25,000 or more and the remainder shall be appointed at large. Of the 6 members appointed by the

Governor, 2 members shall have business or finance experience. One member shall be appointed by each of the county board chairmen of Rock Island, Henry, Knox, and Mercer Counties with the advice and consent of the respective county board. Within 60 days after the effective date of this amendatory Act of the 97th General Assembly, one additional public member shall be appointed by each of the county board chairpersons of Jo Daviess, Carroll, Whiteside, Stephenson, and Lee counties with the advice and consent of the respective county board. Of the public members added by this amendatory Act of the 97th General Assembly, one shall serve for a one-year term, 2 shall serve for 2-year terms, and 2 shall serve for 3-year terms, to be determined by lot. No later than 60 days after the effective date of this amendatory Act of the 100th General Assembly, one additional public member shall be appointed by each of the county board chairpersons of Winnebago, Stark, and Ogle counties with the advice and consent of the respective county board. Of the public members added by this amendatory Act of the 100th General Assembly, one shall serve for a one-year term, one shall serve for a 2-year term, and one shall serve for a 3-year term, to be determined by lot. Their successors shall serve for 3-year terms. All public members shall reside within the territorial jurisdiction of this Act. Ten ~~Nine~~ members shall constitute a quorum. The public members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. The Chairman of the Authority shall be a public member elected by the affirmative vote of not fewer than 6 members of the Authority, except that any chairperson elected on or after the effective date of this amendatory Act of the 100the General Assembly ~~on or after the effective date of this amendatory Act of the 97th General Assembly~~ shall be elected by the affirmative vote of not fewer than 10 ~~9~~ members. The term of the Chairman shall be one year.

(c) The terms of the initial members of the Authority shall begin 30 days after the effective date of this Act, except (i) the terms of those members added by this amendatory Act of 1989 shall begin 30 days after the effective date of this amendatory Act of 1989 and (ii) the terms of those members added by this amendatory Act of the 92nd General Assembly shall begin 30 days after the effective date of this amendatory Act of the 92nd General Assembly. Of the 10 public members appointed pursuant to this Act, 2 (one of whom shall be appointed by the Governor) shall serve until the third Monday in January, 1989, 2 (one of whom shall be appointed by the Governor) shall serve until the third Monday in January, 1990, 2 (one of whom shall be appointed by the Governor) shall serve until the third Monday in January, 1991, 2 (both of whom shall be appointed by the Governor) shall serve until the third Monday in January, 1992, and 2 (one of whom shall be appointed by the Governor and one of whom shall be appointed by the county board chairman of Knox County) shall serve until the third Monday in January, 2004. The initial terms of the members appointed by the county board chairmen (other than the county board chairman of Knox County) shall be determined by lot. All successors shall be appointed by the original appointing authority and hold office for a term of 3 years commencing the third Monday in January of the year in which their term commences, except in case of an appointment to fill a vacancy. Vacancies occurring among the public members shall be filled for the remainder of the term. In case of vacancy in a Governor-appointed membership when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate when a person shall be nominated to fill such office, and any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until a successor shall be appointed and qualified. Members of the Authority shall not be entitled to compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

(d) The Governor may remove any public member of the Authority appointed by the Governor in case of incompetency, neglect of duty, or malfeasance in office. The Chairman of a county board may remove any public member of the Authority appointed by such Chairman in the case of incompetency, neglect of duty, or malfeasance in office.

(e) The Board shall appoint an Executive Director who shall have a background in finance, including familiarity with the legal and procedural requirements of issuing bonds, real estate or economic development and administration. The Executive Director shall hold office at the discretion of the Board. The Executive Director shall be the chief administrative and operational officer of the Authority, shall direct and supervise its administrative affairs and general management, shall perform such other duties as may be prescribed from time to time by the members and shall receive compensation fixed by the Authority. The Authority may engage the services of such other agents and employees, including attorneys, appraisers, engineers, accountants, credit analysts and other consultants, as it may deem advisable and may prescribe their duties and fix their compensation.

(f) The Board shall create a task force to study and make recommendations to the Board on the economic development of the territory within the jurisdiction of this Act. The number of members constituting the

task force shall be set by the Board and may vary from time to time. The Board may set a specific date by which the task force is to submit its final report and recommendations to the Board.
(Source: P.A. 97-278, eff. 8-8-11; 98-463, eff. 8-16-13.)

(70 ILCS 510/7) (from Ch. 85, par. 6207)

Sec. 7. All official acts of the Authority shall require the approval of at least 10 ~~4~~ members.
(Source: P.A. 85-713.)

(70 ILCS 510/9) (from Ch. 85, par. 6209)

Sec. 9. Bonds and notes.

(a)(1) The Authority may, with the written approval of the Governor, at any time and from time to time, issue bonds and notes for any corporate purpose, including the establishment of reserves, ~~and~~ the payment of interest , and any local government projects. In this Act the term "bonds" includes notes of any kind, interim certificates, refunding bonds or any other evidence of obligation.

(2) The bonds of any issue shall be payable solely from the property or receipts of the Authority, including, without limitation:

(I) fees, charges or other revenues payable to the Authority;

(II) payments by financial institutions, insurance companies, or others pursuant to letters or lines of credit, policies of insurance, or purchase agreements;

(III) investment earnings from funds or accounts maintained pursuant to a bond resolution or trust agreement; and

(IV) proceeds of refunding bonds.

(3) Bonds shall be authorized by a resolution of the Authority and may be secured by a trust agreement by and between the Authority and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the State. Bonds shall:

(I) be issued at, above or below par value, for cash or other valuable consideration, and mature at time or times, whether as serial bonds or as term bonds or both, not exceeding 40 years from their respective date of issue; however, the length of the term of the bond should bear a reasonable relationship to the value life of the item financed;

(II) bear interest at the fixed or variable rate or rates determined by the method provided in the resolution or trust agreement;

(III) be payable at a time or times, in the denominations and form, either coupon or registered or both, and carry the registration and privileges as to conversion and for the replacement of mutilated, lost or destroyed bonds as the resolution or trust agreement may provide;

(IV) be payable in lawful money of the United States at a designated place;

(V) be subject to the terms of purchase, payment, redemption, refunding or refinancing that the resolution or trust agreement provides;

(VI) be executed by the manual or facsimile signatures of the officers of the Authority designated by the Authority, which signatures shall be valid at delivery even for one who has ceased to hold office; and

(VII) be sold in the manner and upon the terms determined by the Authority.

(b) Any resolution or trust agreement may contain provisions which shall be a part of the contract with the holders of the bonds as to:

(1) pledging, assigning or directing the use, investment or disposition of receipts of the Authority or proceeds or benefits of any contract and conveying or otherwise securing any property or property rights;

(2) the setting aside of loan funding deposits, debt service reserves, capitalized interest accounts, cost of issuance accounts and sinking funds, and the regulations, investment and disposition thereof;

(3) limitations on the purpose to which or the investments in which the proceeds of sale of any issue of bonds may be applied and restrictions to investment of revenues or bond proceeds in government obligations for which principal and interest are unconditionally guaranteed by the United States of America;

(4) limitations on the issue of additional bonds, the terms upon which additional bonds may be issued and secured, the terms upon which additional bonds may rank on a parity with, or be subordinate or superior to, other bonds;

(5) the refunding or refinancing of outstanding bonds;

(6) the procedure, if any, by which the terms of any contract with bondholders may be altered or amended and the amount of bonds and holders of which must consent thereto, and the manner in which consent shall be given;

(7) defining the acts or omissions which shall constitute a default in the duties of the

Authority to holders of bonds and providing the rights or remedies of such holders in the event of a default which may include provisions restricting individual right of action by bondholders;

(8) providing for guarantees, pledges of property, letters of credit, or other security, or insurance for the benefit of bondholders; and

(9) any other matter relating to the bonds which the Authority determines appropriate.

(c) No member of the Authority nor any person executing the bonds shall be liable personally on the bonds or subject to any personal liability by reason of the issuance of the bonds.

(d) The Authority may enter into agreements with agents, banks, insurers or others for the purpose of enhancing the marketability of or as security for its bonds.

(e)(1) A pledge by the Authority of revenues as security for an issue of bonds shall be valid and binding from the time when the pledge is made.

(2) The revenues pledged shall immediately be subject to the lien of the pledge without any physical delivery or further act, and the lien of any pledge shall be valid and binding against any person having any claim of any kind in tort, contract or otherwise against the Authority, irrespective of whether the person has notice.

(3) No resolution, trust agreement or financing statement, continuation statement, or other instrument adopted or entered into by the Authority need be filed or recorded in any public record other than the records of the authority in order to perfect the lien against third persons, regardless of any contrary provision of law.

(f) The Authority may issue bonds to refund any of its bonds then outstanding, including the payment of any redemption premium and any interest accrued or to accrue to the earliest or any subsequent date of redemption, purchase or maturity of the bonds. Refunding bonds may be issued for the public purposes of realizing savings in the effective costs of debt service, directly or through a debt restructuring, for alleviating impending or actual default and may be issued in one or more series in an amount in excess of that of the bonds to be refunded.

(g) Bonds or notes of the Authority may be sold by the Authority through the process of competitive bid or negotiated sale.

(h) At no time shall the total outstanding bonds and notes of the Authority exceed $250 million.

(i) The bonds and notes of the Authority shall not be debts of the State.

(j) In no event may proceeds of bonds or notes issued by the Authority be used to finance any structure which is not constructed pursuant to an agreement between the Authority and a party, which provides for the delivery by the party of a completed structure constructed pursuant to a fixed price contract, and which provides for the delivery of such structure at such fixed price to be insured or guaranteed by a third party determined by the Authority to be capable of completing construction of such a structure.

(k) With respect to any local government project, the Authority is authorized to purchase from time to time pursuant to negotiated sale or to otherwise acquire from time to time any local government security upon terms and conditions as the Authority may prescribe in connection with the local government security.

(Source: P.A. 96-196, eff. 1-1-10.)

(70 ILCS 510/9.5 new)

Sec. 9.5. Local government securities. Any local governmental unit which is authorized to issue, sell, and deliver its local government securities under any provision of the Illinois Constitution or laws of this State may issue, sell, and deliver such local government securities to the Authority as provided by this Act, provided that and notwithstanding any other provision of law to the contrary, any such local governmental unit may issue and sell any such local government security at any interest rate, which rate or rates may be established by an index or formula which may be implemented by persons appointed or retained therefor, payable at such time or times and at such price or prices to which the local governmental unit and the Authority may agree. Any local governmental unit may pay any amount charged by the Authority. Any local governmental unit may pay out of the proceeds of its local government securities or out of any other moneys or funds available to it for such purposes any costs, fees, interest deemed necessary, premiums or revenues incurred or required for financing or refinancing this program, including, without limitation, any fees charged by the Authority and its share, as determined by the Authority, of any costs, fees, interest deemed necessary, premiums or revenues incurred or required pursuant to this Act. All local government securities purchased by the Authority pursuant to this Act shall upon delivery to the Authority be accompanied by an approving opinion of bond counsel as to the validity of such securities. The Authority shall have discretion to purchase or otherwise acquire those local government securities as it shall deem to be in the best interest of its financing program for all local governmental units taken as a whole.

(70 ILCS 510/14) (from Ch. 85, par. 6214)

Sec. 14. Additional powers and duties.

(a) The Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

(b) The Authority shall have the power to enter into intergovernmental agreements with the State of Illinois, the counties of Jo Daviess, Carroll, Whiteside, Stephenson, Lee, Rock Island, Henry, Knox, Winnebago, Stark, Ogle, or Mercer, the State of Iowa or any authority established by the State of Iowa, the Illinois Finance Authority, the Illinois Housing Development Authority, the United States government and any agency or instrumentality of the United States, any unit of local government located within the territory of the Authority or any other unit of government to the extent allowed by Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act.

(c) The Authority shall have the power to share employees with other units of government, including agencies of the United States, agencies of the State of Illinois and agencies or personnel of any unit of local government.

(d) The Authority shall have the power to exercise powers and issue bonds as if it were a municipality so authorized in Divisions 12.1, 74, 74.1, 74.3 and 74.5 of Article 11 of the Illinois Municipal Code.
(Source: P.A. 93-205, eff. 1-1-04.)

Section 20. The Southeastern Illinois Economic Development Authority Act is amended by changing Sections 15, 20, 35, and 45 and by adding Section 37 as follows:

(70 ILCS 518/15)

Sec. 15. Definitions. In this Act:

"Authority" means the Southeastern Illinois Economic Development Authority.

"Governmental agency" means any federal, State, or local governmental body and any agency or instrumentality thereof, corporate or otherwise.

"Person" means any natural person, firm, partnership, corporation, both domestic and foreign, company, association or joint stock association and includes any trustee, receiver, assignee or personal representative thereof.

"Revenue bond" means any bond issued by the Authority, the principal and interest of which is payable solely from revenues or income derived from any project or activity of the Authority.

"Board" means the Board of Directors of the Southeastern Illinois Economic Development Authority.

"Governor" means the Governor of the State of Illinois.

"City" means any city, village, incorporated town, or township within the geographical territory of the Authority.

"Industrial project" means the following:

(1) a capital project, including one or more buildings and other structures, improvements, machinery and equipment whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any manufacturing, industrial, research, transportation or commercial enterprise including but not limited to use as a factory, mill, processing plant, assembly plant, packaging plant, fabricating plant, ethanol plant, office building, industrial distribution center, warehouse, repair, overhaul or service facility, freight terminal, research facility, test facility, power generation facility, mining operation, railroad facility, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, tourism-related facilities, including hotels, theaters, water parks, and amusement parks, and including also the sites thereof and other rights in land therefore whether improved or unimproved, site preparation and landscaping and all appurtenances and facilities incidental thereto such as utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, dockage, wharfage, railroad roadbed, track, trestle, depot, terminal, switching and signaling equipment or related equipment and other improvements necessary or convenient thereto; or

(2) any land, buildings, machinery or equipment comprising an addition to or renovation, rehabilitation or improvement of any existing capital project.

"Housing project" or "residential project" includes a specific work or improvement undertaken to provide dwelling accommodations, including the acquisition, construction or rehabilitation of lands, buildings and community facilities and in connection therewith to provide nonhousing facilities which are an integral part of a planned large-scale project or new community.

"Commercial project" means any project, including, but not limited to, one or more buildings and other structures, improvements, machinery, and equipment, whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any retail or wholesale concern, distributorship, or agency, or health facility or retirement facility.

"Project" means an industrial, housing, residential, commercial, or service project, or any combination thereof, provided that all uses fall within one of the categories described above. Any project automatically includes all site improvements and new construction involving sidewalks, sewers, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, parks, open spaces, wildlife sanctuaries, streets, highways, and runways.

"Lease agreement" means an agreement in which a project acquired by the Authority by purchase, gift, or lease is leased to any person or corporation that will use, or cause the project to be used, as a project, upon terms providing for lease rental payments at least sufficient to pay, when due, all principal of and interest and premium, if any, on any bonds, notes, or other evidences of indebtedness of the Authority, issued with respect to the project, providing for the maintenance, insurance, and operation of the project on terms satisfactory to the Authority and providing for disposition of the project upon termination of the lease term, including purchase options or abandonment of the premises, with other terms as may be deemed desirable by the Authority.

"Loan agreement" means any agreement in which the Authority agrees to loan the proceeds of its bonds, notes, or other evidences of indebtedness, issued with respect to a project, to any person or corporation which will use or cause the project to be used as a project, upon terms providing for loan repayment installments at least sufficient to pay, when due, all principal of and interest and premium, if any, on any bonds, notes, or other evidences of indebtedness of the Authority issued with respect to the project, providing for maintenance, insurance, and operation of the project on terms satisfactory to the Authority and providing for other terms deemed advisable by the Authority.

"Financial aid" means the expenditure of Authority funds or funds provided by the Authority for the development, construction, acquisition or improvement of a project, through the issuance of revenue bonds, notes, or other evidences of indebtedness.

"Costs incurred in connection with the development, construction, acquisition or improvement of a project" means the following:

(1) the cost of purchase and construction of all lands and improvements in connection therewith and equipment and other property, rights, easements, and franchises acquired which are deemed necessary for the construction;

(2) financing charges;

(3) interest costs with respect to bonds, notes, and other evidences of indebtedness of the Authority prior to and during construction and for a period of 6 months thereafter;

(4) engineering and legal expenses; and

(5) the costs of plans, specifications, surveys, and estimates of costs and other expenses necessary or incident to determining the feasibility or practicability of any project, together with such other expenses as may be necessary or incident to the financing, insuring, acquisition, and construction of a specific project and the placing of the same in operation.

"Local government project" means a project or other undertaking that is authorized or required by law to be acquired, constructed, reconstructed, equipped, improved, rehabilitated, replaced, maintained, or otherwise undertaken in any manner by a local governmental unit.

"Local government security" means a bond, note, or other evidence of indebtedness that a local governmental unit is legally authorized to issue for the purpose of financing a public purpose project or to issue for any other lawful public purpose under any provision of the Illinois Constitution or laws of this State, whether the obligation is payable from taxes or revenues, rates, charges, assessments, appropriations, grants, or any other lawful source or combination thereof, and specifically includes, without limitation, obligations under any lease or lease purchase agreement lawfully entered into by the local governmental unit for the acquisition or use of facilities or equipment.

"Local governmental unit" means a unit of local government, as defined in Section 1 of Article VII of the Illinois Constitution, and any local public entity as that term is defined in the Local Governmental and Governmental Employees Tort Immunity Act and such unit of local government or local public entity is located within the geographical territory of the Authority.

(Source: P.A. 98-750, eff. 1-1-15.)

(70 ILCS 518/20)

Sec. 20. Creation.

(a) There is created a political subdivision, body politic, and municipal corporation named the Southeastern Illinois Economic Development Authority. The territorial jurisdiction of the Authority is that geographic area within the boundaries of the following counties: Fayette, Cumberland, Clark, Effingham, Jasper, Crawford, Marion, Clay, Richland, Lawrence, Jefferson, Wayne, Edwards, Wabash, Hamilton,

Washington, and White, ~~; Irvington Township in Washington County;~~ and any navigable waters and air space located therein.

(b) The governing and administrative powers of the Authority shall be vested in a body consisting of 27 members as follows:

(1) Public members. Nine members shall be appointed by the Governor with the advice and consent of the Senate. The county board chairmen of the following counties shall each appoint one member: Clark, Clay, Crawford, Cumberland, Edwards, Effingham, Fayette, Hamilton, Jasper, Jefferson, Lawrence, Marion, Richland, Wabash, Washington, Wayne, and White.

(2) One member shall be appointed by the Director of Commerce and Economic Opportunity.

All public members shall reside within the territorial jurisdiction of the Authority. The public members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, state or local government, commercial agriculture, small business management, real estate development, community development, venture finance, organized labor, or civic or community organization.

(c) Fourteen members shall constitute a quorum.

(d) The chairman of the Authority shall be elected annually by the Board.

(e) The terms of the initial members of the Authority shall begin 30 days after the effective date of this Act. Of the 10 original members appointed by the Governor and the Director of Commerce and Economic Opportunity pursuant to subsection (b), one shall serve until the third Monday in January, 2005; one shall serve until the third Monday in January, 2006; 2 shall serve until the third Monday in January, 2007; 2 shall serve until the third Monday in January, 2008; 2 shall serve until the third Monday in January, 2009; and 2 shall serve until the third Monday in January, 2010. The terms of the initial public members of the Authority appointed by the county board chairmen shall begin 30 days after the effective date of this amendatory Act of the 97th General Assembly. The terms of the initial public members appointed by the county board chairmen shall be determined by lot, according to the following schedule: (i) 4 shall serve until the third Monday in January, 2013, (ii) 4 shall serve until the third Monday in January, 2014, (iii) 3 shall serve until the third Monday in January, 2015, (iv) 3 shall serve until the third Monday in January, 2016, and (v) 3 shall serve until the third Monday in January, 2017. All successors to these initial members shall be appointed by the original appointing authority pursuant to subsection (b), and shall hold office for a term of 3 years commencing the third Monday in January of the year in which their term commences, except in the case of an appointment to fill a vacancy. Vacancies occurring among the members shall be filled for the remainder of the term. In case of a vacancy in a Governor-appointed membership when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate when a person shall be nominated to fill the office and, upon confirmation by the Senate, he or she shall hold office during the remainder of the term and until a successor is appointed and qualified. Members of the Authority are not entitled to compensation for their services as members but are entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members. Members of the Board may participate in Board meetings by teleconference or video conference.

(f) The Governor may remove any public member of the Authority appointed by the Governor, and the Director of Commerce and Economic Opportunity may remove any member appointed by the Director, in case of incompetence, neglect of duty, or malfeasance in office. The chairman of a county board, with the approval of a majority vote of the county board, may remove any public member appointed by that chairman in the case of incompetence, neglect of duty, or malfeasance in office.

(g) The Board shall appoint an Executive Director who shall have a background in finance, including familiarity with the legal and procedural requirements of issuing bonds, real estate, or economic development and administration. The Executive Director shall hold office at the discretion of the Board. The Executive Director shall be the chief administrative and operational officer of the Authority, shall direct and supervise its administrative affairs and general management, perform such other duties as may be prescribed from time to time by the members, and receive compensation fixed by the Authority. The Executive Director shall attend all meetings of the Authority. However, no action of the Authority shall be invalid on account of the absence of the Executive Director from a meeting. The Authority may engage the services of the Illinois Finance Authority, attorneys, appraisers, engineers, accountants, credit analysts, and other consultants, if the Southeastern Illinois Economic Development Authority deems it advisable.
(Source: P.A. 97-717, eff. 6-29-12.)

(70 ILCS 518/35)

Sec. 35. Bonds.

(a) The Authority, with the written approval of the Governor, shall have the continuing power to issue bonds, notes, or other evidences of indebtedness in an aggregate amount outstanding not to exceed

$250,000,000 for the following purposes: (i) development, construction, acquisition, or improvement of projects, including those established by business entities locating or expanding property within the territorial jurisdiction of the Authority; (ii) entering into venture capital agreements with businesses locating or expanding within the territorial jurisdiction of the Authority; (iii) acquisition and improvement of any property necessary and useful in connection therewith; ~~and~~ (iv) for the purposes of the Employee Ownership Assistance Act ; and (v) any local government projects. With respect to any local government project, the Authority is authorized to purchase from time to time pursuant to negotiated sale or to otherwise acquire from time to time any local government security upon terms and conditions as the Authority may prescribe in connection with the local government security. For the purpose of evidencing the obligations of the Authority to repay any money borrowed, the Authority may, pursuant to resolution, from time to time, issue and dispose of its interest-bearing revenue bonds, notes, or other evidences of indebtedness and may also from time to time issue and dispose of such bonds, notes, or other evidences of indebtedness to refund, at maturity, at a redemption date or in advance of either, any bonds, notes, or other evidences of indebtedness pursuant to redemption provisions or at any time before maturity. All such bonds, notes, or other evidences of indebtedness shall be payable solely and only from the revenues or income to be derived from loans made with respect to projects, from the leasing or sale of the projects, or from any other funds available to the Authority for such purposes. The bonds, notes, or other evidences of indebtedness may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may bear interest at such rate or rates not exceeding the maximum rate permitted by the Bond Authorization Act, may be in such form, may carry such registration privileges, may be executed in such manner, may be payable at such place or places, may be made subject to redemption in such manner and upon such terms, with or without premium, as is stated on the face thereof, may be authenticated in such manner and may contain such terms and covenants as may be provided by an applicable resolution.

(b) The holder or holders of any bonds, notes, or other evidences of indebtedness issued by the Authority may bring suits at law or proceedings in equity to compel the performance and observance by any corporation or person or by the Authority or any of its agents or employees of any contract or covenant made with the holders of the bonds, notes, or other evidences of indebtedness, to compel such corporation, person, the Authority, and any of its agents or employees to perform any duties required to be performed for the benefit of the holders of the bonds, notes, or other evidences of indebtedness by the provision of the resolution authorizing their issuance and to enjoin the corporation, person, the Authority, and any of its agents or employees from taking any action in conflict with any contract or covenant.

(c) If the Authority fails to pay the principal of or interest on any of the bonds or premium, if any, as the bond becomes due, a civil action to compel payment may be instituted in the appropriate circuit court by the holder or holders of the bonds on which the default of payment exists or by an indenture trustee acting on behalf of the holders. Delivery of a summons and a copy of the complaint to the chairman of the Board shall constitute sufficient service to give the circuit court jurisdiction over the subject matter of the suit and jurisdiction over the Authority and its officers named as defendants for the purpose of compelling such payment. Any case, controversy, or cause of action concerning the validity of this Act relates to the revenue of the State of Illinois.

(d) Notwithstanding the form and tenor of any bond, note, or other evidence of indebtedness and in the absence of any express recital on its face that it is non-negotiable, all such bonds, notes, and other evidences of indebtedness shall be negotiable instruments. Pending the preparation and execution of any bonds, notes, or other evidences of indebtedness, temporary bonds, notes, or evidences of indebtedness may be issued as provided by ordinance.

(e) To secure the payment of any or all of such bonds, notes, or other evidences of indebtedness, the revenues to be received by the Authority from a lease agreement or loan agreement shall be pledged, and, for the purpose of setting forth the covenants and undertakings of the Authority in connection with the issuance of the bonds, notes, or other evidences of indebtedness and the issuance of any additional bonds, notes or other evidences of indebtedness payable from such revenues, income, or other funds to be derived from projects, the Authority may execute and deliver a mortgage or trust agreement. A remedy for any breach or default of the terms of any mortgage or trust agreement by the Authority may be by mandamus proceeding in the appropriate circuit court to compel performance and compliance under the terms of the mortgage or trust agreement, but the trust agreement may prescribe by whom or on whose behalf the action may be instituted.

(f) Bonds or notes shall be secured as provided in the authorizing ordinance which may include, notwithstanding any other provision of this Act, in addition to any other security, a specific pledge, assignment of and lien on, or security interest in any or all revenues or money of the Authority, from whatever source, which may, by law, be used for debt service purposes and a specific pledge, or assignment

of and lien on, or security interest in any funds or accounts established or provided for by ordinance of the Authority authorizing the issuance of the bonds or notes.

(g) In the event that the Authority determines that moneys of the Authority will not be sufficient for the payment of the principal of and interest on its bonds during the next State fiscal year, the chairman, as soon as practicable, shall certify to the Governor the amount required by the Authority to enable it to pay the principal of and interest on the bonds. The Governor shall submit the certified amount to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. This Section shall not apply to any bonds or notes to which the Authority determines, in the resolution authorizing the issuance of the bonds or notes, that this Section shall not apply. Whenever the Authority makes this determination, it shall be plainly stated on the face of the bonds or notes and the determination shall also be reported to the Governor. In the event of a withdrawal of moneys from a reserve fund established with respect to any issue or issues of bonds of the Authority to pay principal or interest on those bonds, the chairman of the Authority, as soon as practicable, shall certify to the Governor the amount required to restore the reserve fund to the level required in the resolution or indenture securing those bonds. The Governor shall submit the certified amount to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. This subsection (g) shall not apply to any bond issued on or after the effective date of this amendatory Act of the 97th General Assembly.

(h) The State of Illinois pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the rights and powers vested in the Authority by this Act so as to impair the terms of any contract made by the Authority with the holders of bonds or notes or in any way impair the rights and remedies of those holders until the bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the holders, are fully met and discharged. In addition, the State pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the basis on which State funds are to be paid to the Authority as provided in this Act, or the use of such funds, so as to impair the terms of any such contract. The Authority is authorized to include these pledges and agreements of the State in any contract with the holders of bonds or notes issued pursuant to this Section.

(Source: P.A. 97-717, eff. 6-29-12; 98-750, eff. 1-1-15.)

(70 ILCS 518/37 new)

Sec. 37. Local government securities. Any local governmental unit which is authorized to issue, sell, and deliver its local government securities under any provision of the Illinois Constitution or laws of this State may issue, sell, and deliver such local government securities to the Authority as provided by this Act, provided that and notwithstanding any other provision of law to the contrary, any such local governmental unit may issue and sell any such local government security at any interest rate, which rate or rates may be established by an index or formula which may be implemented by persons appointed or retained therefor, payable at such time or times and at such price or prices to which the local governmental unit and the Authority may agree. Any local governmental unit may pay any amount charged by the Authority. Any local governmental unit may pay out of the proceeds of its local government securities or out of any other moneys or funds available to it for such purposes any costs, fees, interest deemed necessary, premiums or revenues incurred or required for financing or refinancing this program, including, without limitation, any fees charged by the Authority and its share, as determined by the Authority, of any costs, fees, interest deemed necessary, premiums or revenues incurred or required pursuant to this Act. All local government securities purchased by the Authority pursuant to this Act shall upon delivery to the Authority be accompanied by an approving opinion of bond counsel as to the validity of such securities. The Authority shall have discretion to purchase or otherwise acquire those local government securities as it shall deem to be in the best interest of its financing program for all local governmental units taken as a whole.

(70 ILCS 518/45)

Sec. 45. Acquisition.

(a) The Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

(b) The Authority shall have power to acquire by purchase, lease, gift, or otherwise any property or rights therein from any person or persons, the State of Illinois, any municipal corporation, any local unit of government, the government of the United States and any agency or instrumentality of the United States, any body politic, or any county useful for its purposes, whether improved for the purposes of any prospective project or unimproved. The Authority may also accept any donation of funds for its purposes from any of these sources.

(c) The Authority shall have power to develop, construct, and improve, either under its own direction or through collaboration with any approved applicant, or to acquire, through purchase or otherwise, any project, using for this purpose the proceeds derived from its sale of revenue bonds, notes, or other evidences of indebtedness or governmental loans or grants and shall have the power to hold title to those projects in the name of the Authority.

(d) The Authority shall have the power to enter into intergovernmental agreements with the State of Illinois, the counties of Fayette, Cumberland, Clark, Effingham, Jasper, Crawford, Marion, Clay, Richland, Lawrence, Jefferson, Wayne, Edwards, Wabash, Hamilton, Washington, and White, ~~; Irvington Township in Washington County;~~ the Illinois Development Finance Authority, the Illinois Housing Development Authority, the Illinois Education Facilities Authority, the Illinois Farm Development Authority, the Rural Bond Bank, the United States government and any agency or instrumentality of the United States, any unit of local government located within the territory of the Authority, or any other unit of government to the extent allowed by Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act.

(e) The Authority shall have the power to share employees with other units of government, including agencies of the United States, agencies of the State of Illinois, and agencies or personnel of any unit of local government.

(f) The Authority shall have the power to exercise powers and issue bonds as if it were a municipality so authorized in Divisions 12.1, 74, 74.1, 74.3, and 74.5 of Article 11 of the Illinois Municipal Code.
(Source: P.A. 93-968, eff. 8-20-04; 94-613, eff. 8-18-05.)

Section 25. The Southern Illinois Economic Development Authority Act is amended by changing Sections 5-15 and 5-40 and by adding Section 5-43 as follows:

(70 ILCS 519/5-15)

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

"Authority" means the Southern Illinois Economic Development Authority.

"Governmental agency" means any federal, State, or local governmental body and any agency or instrumentality thereof, corporate or otherwise.

"Person" means any natural person, firm, partnership, corporation, both domestic and foreign, company, association or joint stock association and includes any trustee, receiver, assignee or personal representative thereof.

"Revenue bond" means any bond issued by the Authority, the principal and interest of which is payable solely from revenues or income derived from any project or activity of the Authority.

"Board" means the Board of Directors of the Southern Illinois Economic Development Authority.

"Governor" means the Governor of the State of Illinois.

"City" means any city, village, incorporated town, or township within the geographical territory of the Authority.

"Industrial project" means the following:

(1) a capital project, including one or more buildings and other structures, improvements, machinery and equipment whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any manufacturing, industrial, research, transportation or commercial enterprise including but not limited to use as a factory, mill, processing plant, assembly plant, packaging plant, fabricating plant, ethanol plant, office building, industrial distribution center, warehouse, repair, overhaul or service facility, freight terminal, research facility, test facility, railroad facility, port facility, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, and including also the sites thereof and other rights in land therefore whether improved or unimproved, site preparation and landscaping and all appurtenances and facilities incidental thereto such as utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, dockage, wharfage, railroad roadbed, track, trestle, depot, terminal, switching and signaling equipment or related equipment and other improvements necessary or convenient thereto; or

(2) any land, buildings, machinery or equipment comprising an addition to or renovation, rehabilitation or improvement of any existing capital project.

"Housing project" or "residential project" includes a specific work or improvement undertaken to provide dwelling accommodations, including the acquisition, construction or rehabilitation of lands, buildings and community facilities and in connection therewith to provide nonhousing facilities which are an integral part of a planned large-scale project or new community.

"Commercial project" means any project, including, but not limited to, one or more buildings and other structures, improvements, machinery, and equipment, whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any retail or wholesale concern, distributorship, or agency.

"Project" means an industrial, housing, residential, commercial, or service project, or any combination thereof, provided that all uses fall within one of the categories described above. Any project automatically includes all site improvements and new construction involving sidewalks, sewers, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, parks, open spaces, wildlife sanctuaries, streets, highways, and runways.

"Lease agreement" means an agreement in which a project acquired by the Authority by purchase, gift, or lease is leased to any person or corporation that will use, or cause the project to be used, as a project, upon terms providing for lease rental payments at least sufficient to pay, when due, all principal of and interest and premium, if any, on any bonds, notes, or other evidences of indebtedness of the Authority, issued with respect to the project, providing for the maintenance, insurance, and operation of the project on terms satisfactory to the Authority and providing for disposition of the project upon termination of the lease term, including purchase options or abandonment of the premises, with other terms as may be deemed desirable by the Authority.

"Loan agreement" means any agreement in which the Authority agrees to loan the proceeds of its bonds, notes, or other evidences of indebtedness, issued with respect to a project, to any person or corporation which will use or cause the project to be used as a project, upon terms providing for loan repayment installments at least sufficient to pay, when due, all principal of and interest and premium, if any, on any bonds, notes, or other evidences of indebtedness of the Authority issued with respect to the project, providing for maintenance, insurance, and operation of the project on terms satisfactory to the Authority and providing for other terms deemed advisable by the Authority.

"Financial aid" means the expenditure of Authority funds or funds provided by the Authority for the development, construction, acquisition or improvement of a project, through the issuance of revenue bonds, notes, or other evidences of indebtedness.

"Costs incurred in connection with the development, construction, acquisition or improvement of a project" means the following:

(1) the cost of purchase and construction of all lands and improvements in connection therewith and equipment and other property, rights, easements, and franchises acquired which are deemed necessary for the construction;

(2) financing charges;

(3) interest costs with respect to bonds, notes, and other evidences of indebtedness of the Authority prior to and during construction and for a period of 6 months thereafter;

(4) engineering and legal expenses; and

(5) the costs of plans, specifications, surveys, and estimates of costs and other expenses necessary or incident to determining the feasibility or practicability of any project, together with such other expenses as may be necessary or incident to the financing, insuring, acquisition, and construction of a specific project and the placing of the same in operation.

"Local government project" means a project or other undertaking that is authorized or required by law to be acquired, constructed, reconstructed, equipped, improved, rehabilitated, replaced, maintained, or otherwise undertaken in any manner by a local governmental unit.

"Local government security" means a bond, note, or other evidence of indebtedness that a local governmental unit is legally authorized to issue for the purpose of financing a public purpose project or to issue for any other lawful public purpose under any provision of the Illinois Constitution or laws of this State, whether the obligation is payable from taxes or revenues, rates, charges, assessments, appropriations, grants, or any other lawful source or combination thereof, and specifically includes, without limitation, obligations under any lease or lease purchase agreement lawfully entered into by the local governmental unit for the acquisition or use of facilities or equipment.

"Local governmental unit" means a unit of local government, as defined in Section 1 of Article VII of the Illinois Constitution, and any local public entity as that term is defined in the Local Governmental and Governmental Employees Tort Immunity Act and such unit of local government or local public entity is located within the geographical territory of the Authority.

(Source: P.A. 98-750, eff. 1-1-15.)

(70 ILCS 519/5-40)

Sec. 5-40. Bonds.

(a) The Authority, with the written approval of the Governor, shall have the continuing power to issue bonds, notes, or other evidences of indebtedness in an aggregate amount outstanding not to exceed

$250,000,000 for the following purposes: (i) development, construction, acquisition, or improvement of projects, including those established by business entities locating or expanding property within the territorial jurisdiction of the Authority; (ii) entering into venture capital agreements with businesses locating or expanding within the territorial jurisdiction of the Authority; ~~and~~ (iii) acquisition and improvement of any property necessary and useful in connection therewith ; and (iv) any local government projects. With respect to any local government project, the Authority is authorized to purchase from time to time pursuant to negotiated sale or to otherwise acquire from time to time any local government security upon terms and conditions as the Authority may prescribe in connection with the local government security. For the purpose of evidencing the obligations of the Authority to repay any money borrowed, the Authority may, pursuant to resolution, from time to time, issue and dispose of its interest-bearing revenue bonds, notes, or other evidences of indebtedness and may also from time to time issue and dispose of such bonds, notes, or other evidences of indebtedness to refund, at maturity, at a redemption date or in advance of either, any bonds, notes, or other evidences of indebtedness pursuant to redemption provisions or at any time before maturity. All such bonds, notes, or other evidences of indebtedness shall be payable solely and only from the revenues or income to be derived from loans made with respect to projects, from the leasing or sale of the projects, or from any other funds available to the Authority for such purposes. The bonds, notes, or other evidences of indebtedness may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may bear interest at such rate or rates not exceeding the maximum rate permitted by the Bond Authorization Act, may be in such form, may carry such registration privileges, may be executed in such manner, may be payable at such place or places, may be made subject to redemption in such manner and upon such terms, with or without premium, as is stated on the face thereof, may be authenticated in such manner and may contain such terms and covenants as may be provided by an applicable resolution.

(b) The holder or holders of any bonds, notes, or other evidences of indebtedness issued by the Authority may bring suits at law or proceedings in equity to compel the performance and observance by any corporation or person or by the Authority or any of its agents or employees of any contract or covenant made with the holders of the bonds, notes, or other evidences of indebtedness, to compel such corporation, person, the Authority, and any of its agents or employees to perform any duties required to be performed for the benefit of the holders of the bonds, notes, or other evidences of indebtedness by the provision of the resolution authorizing their issuance and to enjoin the corporation, person, the Authority, and any of its agents or employees from taking any action in conflict with any contract or covenant.

(c) If the Authority fails to pay the principal of or interest on any of the bonds or premium, if any, as the bond becomes due, a civil action to compel payment may be instituted in the appropriate circuit court by the holder or holders of the bonds on which the default of payment exists or by an indenture trustee acting on behalf of the holders. Delivery of a summons and a copy of the complaint to the chairman of the Board shall constitute sufficient service to give the circuit court jurisdiction over the subject matter of the suit and jurisdiction over the Authority and its officers named as defendants for the purpose of compelling such payment. Any case, controversy, or cause of action concerning the validity of this Act relates to the revenue of the State of Illinois.

(d) Notwithstanding the form and tenor of any bond, note, or other evidence of indebtedness and in the absence of any express recital on its face that it is non-negotiable, all such bonds, notes, and other evidences of indebtedness shall be negotiable instruments. Pending the preparation and execution of any bonds, notes, or other evidences of indebtedness, temporary bonds, notes, or evidences of indebtedness may be issued as provided by ordinance.

(e) To secure the payment of any or all of such bonds, notes, or other evidences of indebtedness, the revenues to be received by the Authority from a lease agreement or loan agreement shall be pledged, and, for the purpose of setting forth the covenants and undertakings of the Authority in connection with the issuance of the bonds, notes, or other evidences of indebtedness and the issuance of any additional bonds, notes or other evidences of indebtedness payable from such revenues, income, or other funds to be derived from projects, the Authority may execute and deliver a mortgage or trust agreement. A remedy for any breach or default of the terms of any mortgage or trust agreement by the Authority may be by mandamus proceeding in the appropriate circuit court to compel performance and compliance under the terms of the mortgage or trust agreement, but the trust agreement may prescribe by whom or on whose behalf the action may be instituted.

(f) Bonds or notes shall be secured as provided in the authorizing ordinance which may include, notwithstanding any other provision of this Act, in addition to any other security, a specific pledge, assignment of and lien on, or security interest in any or all revenues or money of the Authority, from whatever source, which may, by law, be used for debt service purposes and a specific pledge, or assignment

of and lien on, or security interest in any funds or accounts established or provided for by ordinance of the Authority authorizing the issuance of the bonds or notes.

(g) The State of Illinois pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the rights and powers vested in the Authority by this Act so as to impair the terms of any contract made by the Authority with the holders of bonds or notes or in any way impair the rights and remedies of those holders until the bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the holders, are fully met and discharged. In addition, the State pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the basis on which State funds are to be paid to the Authority as provided in this Act, or the use of such funds, so as to impair the terms of any such contract. The Authority is authorized to include these pledges and agreements of the State in any contract with the holders of bonds or notes issued pursuant to this Section.

(h) (Blank).

(Source: P.A. 98-750, eff. 1-1-15.)

(70 ILCS 519/5-43 new)

Sec. 5-43. Local government securities. Any local governmental unit which is authorized to issue, sell, and deliver its local government securities under any provision of the Illinois Constitution or laws of this State may issue, sell, and deliver such local government securities to the Authority as provided by this Act, provided that and notwithstanding any other provision of law to the contrary, any such local governmental unit may issue and sell any such local government security at any interest rate, which rate or rates may be established by an index or formula which may be implemented by persons appointed or retained therefor, payable at such time or times and at such price or prices to which the local governmental unit and the Authority may agree. Any local governmental unit may pay any amount charged by the Authority. Any local governmental unit may pay out of the proceeds of its local government securities or out of any other moneys or funds available to it for such purposes any costs, fees, interest deemed necessary, premiums or revenues incurred or required for financing or refinancing this program, including, without limitation, any fees charged by the Authority and its share, as determined by the Authority, of any costs, fees, interest deemed necessary, premiums or revenues incurred or required pursuant to this Act. All local government securities purchased by the Authority pursuant to this Act shall upon delivery to the Authority be accompanied by an approving opinion of bond counsel as to the validity of such securities. The Authority shall have discretion to purchase or otherwise acquire those local government securities as it shall deem to be in the best interest of its financing program for all local governmental units taken as a whole.

Section 30. The Southwestern Illinois Development Authority Act is amended by changing Sections 4, 5, and 8 as follows:

(70 ILCS 520/4) (from Ch. 85, par. 6154)

Sec. 4. (a) There is hereby created a political subdivision, body politic and municipal corporation named the Southwestern Illinois Development Authority. The territorial jurisdiction of the Authority is that geographic area within the boundaries of Madison, St. Clair, Bond, Monroe, and Clinton counties in the State of Illinois and any navigable waters and air space located therein.

(b) The governing and administrative powers of the Authority shall be vested in a body consisting of 15 ~~14~~ members including, as ex officio members, the Director of Commerce and Economic Opportunity, or his or her designee, and the Secretary of Transportation, or his or her designee. The other 13 ~~12~~ members of the Authority shall be designated "public members", 6 of whom shall be appointed by the Governor with the advice and consent of the Senate, 2 of whom shall be appointed by the county board chairman of Madison County, 2 of whom shall be appointed by the county board chairman of St. Clair County, one of whom shall be appointed by the county board chairman of Bond County, ~~and~~ one of whom shall be appointed by the county board chairman of Clinton County , and one of whom shall be appointed by the county board chairman of Monroe County. All public members shall reside within the territorial jurisdiction of this Act. Eight members shall constitute a quorum. The public members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. The Chairman of the Authority shall be elected by the Board annually from the members appointed by the county board chairmen.

(c) The terms of all members of the Authority shall begin 30 days after the effective date of this Act. Of the 8 public members appointed pursuant to this Act, 3 shall serve until the third Monday in January, 1988,

3 shall serve until the third Monday in January, 1989, and 2 shall serve until the third Monday in January, 1990. The public members initially appointed under this amendatory Act of the 94th General Assembly shall serve until the third Monday in January, 2008. All successors shall be appointed by the original appointing authority and hold office for a term of 3 years commencing the third Monday in January of the year in which their term commences, except in case of an appointment to fill a vacancy. Vacancies occurring among the public members shall be filled for the remainder of the term. In case of vacancy in a Governor-appointed membership when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate when a person shall be nominated to fill such office, and any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until a successor shall be appointed and qualified. Members of the Authority shall not be entitled to compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

(d) The Governor may remove any public member of the Authority in case of incompetency, neglect of duty, or malfeasance in office.

(e) The Board shall appoint an Executive Director who shall have a background in finance, including familiarity with the legal and procedural requirements of issuing bonds, real estate or economic development and administration. The Executive Director shall hold office at the discretion of the Board. The Executive Director shall be the chief administrative and operational officer of the Authority, shall direct and supervise its administrative affairs and general management, shall perform such other duties as may be prescribed from time to time by the members and shall receive compensation fixed by the Authority. The Executive Director shall attend all meetings of the Authority; however, no action of the Authority shall be invalid on account of the absence of the Executive Director from a meeting. The Authority may engage the services of such other agents and employees, including attorneys, appraisers, engineers, accountants, credit analysts and other consultants, as it may deem advisable and may prescribe their duties and fix their compensation.

(f) The Board may, by majority vote, nominate up to 4 non-voting members for appointment by the Governor. Non-voting members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. Non-voting members shall serve at the pleasure of the Board. All non-voting members may attend meetings of the Board and shall be reimbursed as provided in subsection (c).

(g) The Board shall create a task force to study and make recommendations to the Board on the economic development of the city of East St. Louis and on the economic development of the riverfront within the territorial jurisdiction of this Act. The members of the task force shall reside within the territorial jurisdiction of this Act, shall serve at the pleasure of the Board and shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. The number of members constituting the task force shall be set by the Board and may vary from time to time. The Board may set a specific date by which the task force is to submit its final report and recommendations to the Board.

(Source: P.A. 96-443, eff. 8-14-09.)

(70 ILCS 520/5) (from Ch. 85, par. 6155)

Sec. 5. All official acts of the Authority shall require the approval of at least 8 members. It shall be the duty of the Authority to promote development within the geographic confines of Madison, Bond, Clinton, Monroe, and St. Clair counties. The Authority shall use the powers herein conferred upon it to assist in the development, construction and acquisition of industrial, commercial, housing or residential projects within Madison, Bond, Clinton, and St. Clair counties.

(Source: P.A. 94-1096, eff. 6-1-07.)

(70 ILCS 520/8) (from Ch. 85, par. 6158)

Sec. 8. (a) The Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

(b) The Authority shall have power to acquire by purchase, lease, gift or otherwise any property or rights therein from any person or persons, the State of Illinois, any municipal corporation, any local unit of government, the government of the United States and any agency or instrumentality of the United States, any body politic or any county useful for its purposes, whether improved for the purposes of any prospective project or unimproved. The Authority may also accept any donation of funds for its purposes from any such source. The Authority may acquire any real property, or rights therein, upon condemnation.

The acquisition by eminent domain of such real property or any interest therein by the Authority shall be in the manner provided by the Eminent Domain Act, including Article 20 thereof (quick-take power).

The Authority shall not exercise any quick-take eminent domain powers granted by State law within the corporate limits of a municipality unless the governing authority of the municipality authorizes the Authority to do so. The Authority shall not exercise any quick-take eminent domain powers granted by State law within the unincorporated areas of a county unless the county board authorizes the Authority to do so.

(c) The Authority shall have power to develop, construct and improve, either under its own direction or through collaboration with any approved applicant, or to acquire through purchase or otherwise any project, using for such purpose the proceeds derived from its sale of revenue bonds, notes or other evidences of indebtedness or governmental loans or grants and to hold title in the name of the Authority to such projects.

(d) The Authority shall have the power to enter into intergovernmental agreements with the State of Illinois, the counties of Madison, Bond, Clinton, Monroe, or St. Clair, the Southwest Regional Port District, the Illinois Finance Authority, the Illinois Housing Development Authority, the Metropolitan Pier and Exposition Authority, the United States government and any agency or instrumentality of the United States, the city of East St. Louis, any unit of local government located within the territory of the Authority or any other unit of government to the extent allowed by Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act.

(e) The Authority shall have the power to share employees with other units of government, including agencies of the United States, agencies of the State of Illinois and agencies or personnel of any unit of local government.

(f) The Authority shall have the power to exercise powers and issue bonds as if it were a municipality so authorized in Divisions 12.1, 74, 74.1, 74.3 and 74.5 of Article 11 of the Illinois Municipal Code.
(Source: P.A. 93-205, eff. 1-1-04; 94-1055, eff. 1-1-07.)

Section 35. The Tri-County River Valley Development Authority Law is amended by changing Sections 2003 and 2007 and by adding Section 2007.5 as follows:

(70 ILCS 525/2003) (from Ch. 85, par. 7503)

Sec. 2003. Definitions. The following terms, whenever used or referred to in this Article, shall have the following meanings, except in such instances where the context may clearly indicate otherwise:

(a) "Authority" means the Tri-County River Valley Development Authority created by this Article.

(b) "Governmental agency" means any federal, State or local governmental body, and any agency or instrumentality thereof, corporate or otherwise.

(c) "Person" means any natural person, firm, partnership, corporation, both domestic and foreign, company, association or joint stock association and includes any trustee, receiver, assignee or personal representative thereof.

(d) "Revenue bond" means any bond issued by the Authority the principal and interest of which is payable solely from revenues or income derived from any project or activity of the Authority.

(e) "Board" means the Tri-County River Valley Development Authority Board of Directors.

(f) "Governor" means the Governor of the State of Illinois.

(g) "City" means any city, village, incorporated town or township within the geographical territory of the Authority.

(h) "Industrial project" means (1) a capital project, including one or more buildings and other structures, improvements, machinery and equipment whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any manufacturing, industrial, research, transportation or commercial enterprise including but not limited to use as a factory, mill, processing plant, assembly plant, packaging plant, fabricating plant, office building, industrial distribution center, warehouse, repair, overhaul or service facility, freight terminal, research facility, test facility, railroad facility, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, and including also the sites thereof and other rights in land therefor whether improved or unimproved, site preparation and landscaping and all appurtenances and facilities incidental thereto such as utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, dockage, wharfage, railroad roadbed, track, trestle, depot, terminal, switching and signaling equipment or related equipment and other improvements necessary or convenient thereto; or (2) any land, buildings, machinery or equipment comprising an addition to or renovation, rehabilitation or improvement of any existing capital project.

(i) "Housing project" or "residential project" includes a specific work or improvement undertaken to provide dwelling accommodations, including the acquisition, construction or rehabilitation of lands,

buildings and community facilities and in connection therewith to provide nonhousing facilities which are an integral part of a planned large-scale project or new community.

(j) "Commercial project" means any project, including but not limited to one or more buildings and other structures, improvements, machinery and equipment whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any retail or wholesale concern, distributorship or agency, any cultural facilities of a for-profit or not-for-profit type including but not limited to educational, theatrical, recreational and entertainment, sports facilities, racetracks, stadiums, convention centers, exhibition halls, arenas, opera houses and theaters, waterfront improvements, swimming pools, boat storage, moorage, docking facilities, restaurants, velodromes, coliseums, sports training facilities, parking facilities, terminals, hotels and motels, gymnasiums, medical facilities and port facilities.

(k) "Project" means an industrial, housing, residential, commercial or service project or any combination thereof provided that all uses shall fall within one of the categories described above. Any project, of any nature whatsoever, shall automatically include all site improvements and new construction involving sidewalks, sewers, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, parks, open spaces, wildlife sanctuaries, streets, highways and runways.

(l) "Lease agreement" shall mean an agreement whereby a project acquired by the Authority by purchase, gift or lease is leased to any person or corporation which will use or cause the project to be used as a project as heretofore defined upon terms providing for lease rental payments at least sufficient to pay when due all principal of and interest and premium, if any, on any bonds, notes or other evidences of indebtedness of the Authority issued with respect to such project, providing for the maintenance, insurance and operation of the project on terms satisfactory to the Authority and providing for disposition of the project upon termination of the lease term, including purchase options or abandonment of the premises, with such other terms as may be deemed desirable by the Authority.

(m) "Loan agreement" means any agreement pursuant to which the Authority agrees to loan the proceeds of its bonds, notes or other evidences of indebtedness issued with respect to a project to any person or corporation which will use or cause the project to be used as a project as heretofore defined upon terms providing for loan repayment installments at least sufficient to pay when due all principal of and interest and premium, if any, on any bonds, notes or other evidences of indebtedness of the Authority issued with respect to the project, providing for maintenance, insurance and operation of the project on terms satisfactory to the Authority and providing for other matters as may be deemed advisable by the Authority.

(n) "Financial aid" means the expenditure of Authority funds or funds provided by the Authority through the issuance of its revenue bonds, notes or other evidences of indebtedness for the development, construction, acquisition or improvement of a project.

(o) "Costs incurred in connection with the development, construction, acquisition or improvement of a project" means the following: the cost of purchase and construction of all lands and improvements in connection therewith and equipment and other property, rights, easements and franchises acquired which are deemed necessary for such construction; financing charges; interest costs with respect to bonds, notes and other evidences of indebtedness of the Authority prior to and during construction and for a period of 6 months thereafter; engineering and legal expenses; the costs of plans, specifications, surveys and estimates of costs and other expenses necessary or incident to determining the feasibility or practicability of any project, together with such other expenses as may be necessary or incident to the financing, insuring, acquisition and construction of a specific project and the placing of the same in operation.

(p) "Terminal" means a public place, station or depot for receiving and delivering passengers, baggage, mail, freight or express matter and any combination thereof in connection with the transportation of persons and property on water or land or in the air.

(q) "Terminal facilities" means all land, buildings, structures, improvements, equipment and appliances useful in the operation of public warehouse, storage and transportation facilities and industrial, manufacturing or commercial activities for the accommodation of or in connection with commerce by water or land or in the air or useful as an aid, or constituting an advantage or convenience to, the safe landing, taking off and navigation of aircraft or the safe and efficient operation or maintenance of a public airport.

(r) "Port facilities" means all public structures, except terminal facilities as defined herein, that are in, over, under or adjacent to navigable waters and are necessary for or incident to the furtherance of water commerce and includes the widening and deepening of slips, harbors and navigable waters.

(s) "Airport" means any locality, either land or water, which is used or designed for the landing and taking off of aircraft or for the location of runways, landing fields, aerodromes, hangars, buildings, structures, airport roadways and other facilities.

(t) "Local government project" means a project or other undertaking that is authorized or required by law to be acquired, constructed, reconstructed, equipped, improved, rehabilitated, replaced, maintained, or otherwise undertaken in any manner by a local governmental unit.

(u) "Local government security" means a bond, note, or other evidence of indebtedness that a local governmental unit is legally authorized to issue for the purpose of financing a public purpose project or to issue for any other lawful public purpose under any provision of the Illinois Constitution or laws of this State, whether the obligation is payable from taxes or revenues, rates, charges, assessments, appropriations, grants, or any other lawful source or combination thereof, and specifically includes, without limitation, obligations under any lease or lease purchase agreement lawfully entered into by the local governmental unit for the acquisition or use of facilities or equipment.

(v) "Local governmental unit" means a unit of local government, as defined in Section 1 of Article VII of the Illinois Constitution, and any local public entity as that term is defined in the Local Governmental and Governmental Employees Tort Immunity Act and such unit of local government or local public entity is located within the geographical territory of the Authority.

(Source: P.A. 86-1489.)

(70 ILCS 525/2007) (from Ch. 85, par. 7507)

Sec. 2007. Bonds.

(a) The Authority, with the written approval of the Governor, shall have the continuing power to issue bonds, notes, or other evidences of indebtedness in an aggregate amount outstanding not to exceed $250,000,000 for the purpose of developing, constructing, acquiring or improving projects, including those established by business entities locating or expanding property within the territorial jurisdiction of the Authority, for entering into venture capital agreements with businesses locating or expanding within the territorial jurisdiction of the Authority, for acquiring and improving any property necessary and useful in connection therewith, ~~and~~ for the purposes of the Employee Ownership Assistance Act , and any local government projects. With respect to any local government project, the Authority is authorized to purchase from time to time pursuant to negotiated sale or to otherwise acquire from time to time any local government security upon terms and conditions as the Authority may prescribe in connection with the local government security. For the purpose of evidencing the obligations of the Authority to repay any money borrowed, the Authority may, pursuant to resolution, from time to time issue and dispose of its interest bearing revenue bonds, notes or other evidences of indebtedness and may also from time to time issue and dispose of such bonds, notes or other evidences of indebtedness to refund, at maturity, at a redemption date or in advance of either, any bonds, notes or other evidences of indebtedness pursuant to redemption provisions or at any time before maturity. All such bonds, notes or other evidences of indebtedness shall be payable from the revenues or income to be derived from loans made with respect to projects, from the leasing or sale of the projects or from any other funds available to the Authority for such purposes. The bonds, notes or other evidences of indebtedness may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may bear interest at such rate or rates not exceeding the maximum rate permitted by the Bond Authorization Act, may be in such form, may carry such registration privileges, may be executed in such manner, may be payable at such place or places, may be made subject to redemption in such manner and upon such terms, with or without premium as is stated on the face thereof, may be authenticated in such manner and may contain such terms and covenants as may be provided by an applicable resolution.

(b-1) The holder or holders of any bonds, notes or other evidences of indebtedness issued by the Authority may bring suits at law or proceedings in equity to compel the performance and observance by any corporation or person or by the Authority or any of its agents or employees of any contract or covenant made with the holders of such bonds, notes or other evidences of indebtedness, to compel such corporation, person, the Authority and any of its agents or employees to perform any duties required to be performed for the benefit of the holders of any such bonds, notes or other evidences of indebtedness by the provision of the resolution authorizing their issuance and to enjoin such corporation, person, the Authority and any of its agents or employees from taking any action in conflict with any such contract or covenant.

(b-2) If the Authority fails to pay the principal of or interest on any of the bonds or premium, if any, as the same become due, a civil action to compel payment may be instituted in the appropriate circuit court by the holder or holders of the bonds on which such default of payment exists or by an indenture trustee acting on behalf of such holders. Delivery of a summons and a copy of the complaint to the Chairman of the Board shall constitute sufficient service to give the circuit court jurisdiction of the subject matter of such a suit and jurisdiction over the Authority and its officers named as defendants for the purpose of compelling such payment. Any case, controversy or cause of action concerning the validity of this Article relates to the revenue of the State of Illinois.

(c) Notwithstanding the form and tenor of any such bonds, notes or other evidences of indebtedness and in the absence of any express recital on the face thereof that it is non-negotiable, all such bonds, notes and other evidences of indebtedness shall be negotiable instruments. Pending the preparation and execution of any such bonds, notes or other evidences of indebtedness, temporary bonds, notes or evidences of indebtedness may be issued as provided by ordinance.

(d) To secure the payment of any or all of such bonds, notes or other evidences of indebtedness, the revenues to be received by the Authority from a lease agreement or loan agreement shall be pledged, and, for the purpose of setting forth the covenants and undertakings of the Authority in connection with the issuance thereof and the issuance of any additional bonds, notes or other evidences of indebtedness payable from such revenues, income or other funds to be derived from projects, the Authority may execute and deliver a mortgage or trust agreement. A remedy for any breach or default of the terms of any such mortgage or trust agreement by the Authority may be by mandamus proceedings in the appropriate circuit court to compel the performance and compliance therewith, but the trust agreement may prescribe by whom or on whose behalf such action may be instituted.

(e) Such bonds or notes shall be secured as provided in the authorizing ordinance which may, notwithstanding any other provision of this Article, include in addition to any other security a specific pledge or assignment of and lien on or security interest in any or all revenues or money of the Authority from whatever source which may by law be used for debt service purposes and a specific pledge or assignment of and lien on or security interest in any funds or accounts established or provided for by ordinance of the Authority authorizing the issuance of such bonds or notes.

(f) In the event that the Authority determines that monies of the Authority will not be sufficient for the payment of the principal of and interest on its bonds during the next State fiscal year, the Chairman, as soon as practicable, shall certify to the Governor the amount required by the Authority to enable it to pay such principal of and interest on the bonds. The Governor shall submit the amount so certified to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. This subsection shall not apply to any bonds or notes as to which the Authority shall have determined, in the resolution authorizing the issuance of the bonds or notes, that this subsection shall not apply. Whenever the Authority makes such a determination, that fact shall be plainly stated on the face of the bonds or notes and that fact shall also be reported to the Governor.

In the event of a withdrawal of moneys from a reserve fund established with respect to any issue or issues of bonds of the Authority to pay principal or interest on those bonds, the Chairman of the Authority, as soon as practicable, shall certify to the Governor the amount required to restore the reserve fund to the level required in the resolution or indenture securing those bonds. The Governor shall submit the amount so certified to the General Assembly as soon as practicable, but no later than the end of the current state fiscal year. This subsection (f) shall not apply to any bond issued on or after the effective date of this amendatory Act of the 98th General Assembly.

(g) The State of Illinois pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the rights and powers vested in the Authority by this Article so as to impair the terms of any contract made by the Authority with such holders or in any way impair the rights and remedies of such holders until such bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met and discharged. In addition, the State pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the basis on which State funds are to be paid to the Authority as provided in this Act, or the use of such funds, so as to impair the terms of any such contract. The Authority is authorized to include these pledges and agreements of the State in any contract with the holders of bonds or notes issued pursuant to this Section.

(h) (Blank).

(Source: P.A. 98-750, eff. 1-1-15.)

(70 ILCS 525/2007.5 new)

Sec. 2007.5. Local government securities. Any local governmental unit which is authorized to issue, sell, and deliver its local government securities under any provision of the Illinois Constitution or laws of this State may issue, sell, and deliver such local government securities to the Authority as provided by this Act, provided that and notwithstanding any other provision of law to the contrary, any such local governmental unit may issue and sell any such local government security at any interest rate, which rate or rates may be established by an index or formula which may be implemented by persons appointed or retained therefor, payable at such time or times and at such price or prices to which the local governmental unit and the Authority may agree. Any local governmental unit may pay any amount charged by the Authority. Any local governmental unit may pay out of the proceeds of its local government securities or

out of any other moneys or funds available to it for such purposes any costs, fees, interest deemed necessary, premiums or revenues incurred or required for financing or refinancing this program, including, without limitation, any fees charged by the Authority and its share, as determined by the Authority, of any costs, fees, interest deemed necessary, premiums or revenues incurred or required pursuant to this Act. All local government securities purchased by the Authority pursuant to this Act shall upon delivery to the Authority be accompanied by an approving opinion of bond counsel as to the validity of such securities. The Authority shall have discretion to purchase or otherwise acquire those local government securities as it shall deem to be in the best interest of its financing program for all local governmental units taken as a whole.

Section 40. The Upper Illinois River Valley Development Authority Act is amended by changing Sections 3, 4, 5, 7, and 8 and by adding Section 7.5 as follows:

(70 ILCS 530/3) (from Ch. 85, par. 7153)

Sec. 3. Definitions. The following terms, whenever used or referred to in this Act, shall have the following meanings, except in such instances where the context may clearly indicate otherwise:

(a) "Authority" means the Upper Illinois River Valley Development Authority created by this Act.

(b) "Governmental agency" means any federal, State or local governmental body, and any agency or instrumentality thereof, corporate or otherwise.

(c) "Person" means any natural person, firm, partnership, corporation, both domestic and foreign, company, association or joint stock association and includes any trustee, receiver, assignee or personal representative thereof.

(d) "Revenue bond" means any bond issued by the Authority the principal and interest of which is payable solely from revenues or income derived from any project or activity of the Authority.

(e) "Board" means the Upper Illinois River Valley Development Authority Board of Directors.

(f) "Governor" means the Governor of the State of Illinois.

(g) "City" means any city, village, incorporated town or township within the geographical territory of the Authority.

(h) "Industrial project" means (1) a capital project, including one or more buildings and other structures, improvements, machinery and equipment whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any manufacturing, industrial, research, transportation or commercial enterprise including but not limited to use as a factory, mill, processing plant, assembly plant, packaging plant, fabricating plant, office building, industrial distribution center, warehouse, repair, overhaul or service facility, freight terminal, research facility, test facility, railroad facility, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, and including also the sites thereof and other rights in land therefor whether improved or unimproved, site preparation and landscaping and all appurtenances and facilities incidental thereto such as utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, dockage, wharfage, railroad roadbed, track, trestle, depot, terminal, switching and signaling equipment or related equipment and other improvements necessary or convenient thereto; or (2) any land, buildings, machinery or equipment comprising an addition to or renovation, rehabilitation or improvement of any existing capital project.

(i) "Housing project" or "residential project" includes a specific work or improvement undertaken to provide dwelling accommodations, including the acquisition, construction or rehabilitation of lands, buildings and community facilities and in connection therewith to provide nonhousing facilities which are an integral part of a planned large-scale project or new community.

(j) "Commercial project" means any project, including but not limited to one or more buildings and other structures, improvements, machinery and equipment whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any retail or wholesale concern, distributorship or agency, any cultural facilities of a for-profit or not-for-profit type including but not limited to educational, theatrical, recreational and entertainment, sports facilities, racetracks, stadiums, convention centers, exhibition halls, arenas, opera houses and theaters, waterfront improvements, swimming pools, boat storage, moorage, docking facilities, restaurants, velodromes, coliseums, sports training facilities, parking facilities, terminals, hotels and motels, gymnasiums, medical facilities and port facilities.

(k) "Project" means an industrial, housing, residential, commercial or service project or any combination thereof provided that all uses shall fall within one of the categories described above. Any project, of any nature whatsoever, shall automatically include all site improvements and new construction involving sidewalks, sewers, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, parks, open spaces, wildlife sanctuaries, streets, highways and runways.

(l) "Lease agreement" shall mean an agreement whereby a project acquired by the Authority by purchase, gift or lease is leased to any person or corporation which will use or cause the project to be used as a project as heretofore defined upon terms providing for lease rental payments at least sufficient to pay when due all principal of and interest and premium, if any, on any bonds, notes or other evidences of indebtedness of the Authority issued with respect to such project, providing for the maintenance, insurance and operation of the project on terms satisfactory to the Authority and providing for disposition of the project upon termination of the lease term, including purchase options or abandonment of the premises, with such other terms as may be deemed desirable by the Authority.

(m) "Loan agreement" means any agreement pursuant to which the Authority agrees to loan the proceeds of its bonds, notes or other evidences of indebtedness issued with respect to a project to any person or corporation which will use or cause the project to be used as a project as heretofore defined upon terms providing for loan repayment installments at least sufficient to pay when due all principal of and interest and premium, if any, on any bonds, notes or other evidences of indebtedness of the Authority issued with respect to the project, providing for maintenance, insurance and operation of the project on terms satisfactory to the Authority and providing for other matters as may be deemed advisable by the Authority.

(n) "Financial aid" means the expenditure of Authority funds or funds provided by the Authority through the issuance of its revenue bonds, notes or other evidences of indebtedness for the development, construction, acquisition or improvement of a project.

(o) "Costs incurred in connection with the development, construction, acquisition or improvement of a project" means the following: the cost of purchase and construction of all lands and improvements in connection therewith and equipment and other property, rights, easements and franchises acquired which are deemed necessary for such construction; financing charges; interest costs with respect to bonds, notes and other evidences of indebtedness of the Authority prior to and during construction and for a period of 6 months thereafter; engineering and legal expenses; the costs of plans, specifications, surveys and estimates of costs and other expenses necessary or incident to determining the feasibility or practicability of any project, together with such other expenses as may be necessary or incident to the financing, insuring, acquisition and construction of a specific project and the placing of the same in operation.

(p) "Terminal" means a public place, station or depot for receiving and delivering passengers, baggage, mail, freight or express matter and any combination thereof in connection with the transportation of persons and property on water or land or in the air.

(q) "Terminal facilities" means all land, buildings, structures, improvements, equipment and appliances useful in the operation of public warehouse, storage and transportation facilities and industrial, manufacturing or commercial activities for the accommodation of or in connection with commerce by water or land or in the air or useful as an aid, or constituting an advantage or convenience to, the safe landing, taking off and navigation of aircraft or the safe and efficient operation or maintenance of a public airport.

(r) "Port facilities" means all public structures, except terminal facilities as defined herein, that are in, over, under or adjacent to navigable waters and are necessary for or incident to the furtherance of water commerce and includes the widening and deepening of slips, harbors and navigable waters.

(s) "Airport" means any locality, either land or water, which is used or designed for the landing and taking off of aircraft or for the location of runways, landing fields, aerodromes, hangars, buildings, structures, airport roadways and other facilities.

(t) "Local government project" means a project or other undertaking that is authorized or required by law to be acquired, constructed, reconstructed, equipped, improved, rehabilitated, replaced, maintained, or otherwise undertaken in any manner by a local governmental unit.

(u) "Local government security" means a bond, note, or other evidence of indebtedness that a local governmental unit is legally authorized to issue for the purpose of financing a public purpose project or to issue for any other lawful public purpose under any provision of the Illinois Constitution or laws of this State, whether the obligation is payable from taxes or revenues, rates, charges, assessments, appropriations, grants, or any other lawful source or combination thereof, and specifically includes, without limitation, obligations under any lease or lease purchase agreement lawfully entered into by the local governmental unit for the acquisition or use of facilities or equipment.

(v) "Local governmental unit" means a unit of local government, as defined in Section 1 of Article VII of the Illinois Constitution, and any local public entity as that term is defined in the Local Governmental and Governmental Employees Tort Immunity Act and such unit of local government or local public entity is located within the geographical territory of the Authority.

(Source: P.A. 86-1024.)

(70 ILCS 530/4) (from Ch. 85, par. 7154)

Sec. 4. Establishment.

(a) There is hereby created a political subdivision, body politic and municipal corporation named the Upper Illinois River Valley Development Authority. The territorial jurisdiction of the Authority is that geographic area within the boundaries of Grundy, LaSalle, Bureau, Putnam, Kendall, Kane, Lake, McHenry, Boone, DeKalb, and Marshall counties in the State of Illinois and any navigable waters and air space located therein.

(b) The governing and administrative powers of the Authority shall be vested in a body consisting of 23 ~~21~~ members including, as ex officio members, the Director of Commerce and Economic Opportunity, or his or her designee, and the Director of the Department of Central Management Services, or his or her designee. The other 21 ~~19~~ members of the Authority shall be designated "public members", 10 of whom shall be appointed by the Governor with the advice and consent of the Senate and 11 ~~9~~ of whom shall be appointed one each by the county board chairmen of Grundy, LaSalle, Bureau, Putnam, Kendall, Kane, Lake, McHenry, Boone, DeKalb, and Marshall counties. All public members shall reside within the territorial jurisdiction of this Act. Twelve ~~Eleven~~ members shall constitute a quorum. The public members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. The Chairman of the Authority shall be elected by the Board annually from the 9 members appointed by the county board chairmen.

(c) The terms of all initial members of the Authority shall begin 30 days after the effective date of this Act. Of the 14 public members appointed pursuant to this Act, 4 appointed by the Governor shall serve until the third Monday in January, 1992, 4 appointed by the Governor shall serve until the third Monday in January, 1993, one appointed by the Governor shall serve until the third Monday in January, 1994, one appointed by the Governor shall serve until the third Monday in January 1999, the member appointed by the county board chairman of LaSalle County shall serve until the third Monday in January, 1992, the members appointed by the county board chairmen of Grundy County, Bureau County, Putnam County, and Marshall County shall serve until the third Monday in January, 1994, and the member appointed by the county board chairman of Kendall County shall serve until the third Monday in January, 1999. The initial members appointed by the chairmen of the county boards of Kane and McHenry counties shall serve until the third Monday in January, 2003. The initial members appointed by the chairman of the county board of Lake County shall serve until the third Monday in January, 2018. The initial members appointed by the chairman of the county boards of Boone and DeKalb counties shall serve until the third Monday in January, 2021. All successors shall be appointed by the original appointing authority and hold office for a term of 3 years commencing the third Monday in January of the year in which their term commences, except in case of an appointment to fill a vacancy. Vacancies occurring among the public members shall be filled for the remainder of the term. In case of vacancy in a Governor-appointed membership when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate when a person shall be nominated to fill such office, and any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until a successor shall be appointed and qualified. Members of the Authority shall not be entitled to compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

(d) The Governor may remove any public member of the Authority in case of incompetency, neglect of duty, or malfeasance in office.

(e) The Board shall appoint an Executive Director who shall have a background in finance, including familiarity with the legal and procedural requirements of issuing bonds, real estate or economic development and administration. The Executive Director shall hold office at the discretion of the Board. The Executive Director shall be the chief administrative and operational officer of the Authority, shall direct and supervise its administrative affairs and general management, shall perform such other duties as may be prescribed from time to time by the members and shall receive compensation fixed by the Authority. The Executive Director shall attend all meetings of the Authority; however, no action of the Authority shall be invalid on account of the absence of the Executive Director from a meeting. The Authority may engage the services of such other agents and employees, including attorneys, appraisers, engineers, accountants, credit analysts and other consultants, as it may deem advisable and may prescribe their duties and fix their compensation.

(f) The Board may, by majority vote, nominate up to 4 non-voting members for appointment by the Governor. Non-voting members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. Non-voting members shall serve at the pleasure of the Board.

All non-voting members may attend meetings of the Board and shall be reimbursed as provided in subsection (c).

(g) The Board shall create a task force to study and make recommendations to the Board on the economic development of the territory within the jurisdiction of this Act. The members of the task force shall reside within the territorial jurisdiction of this Act, shall serve at the pleasure of the Board and shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. The number of members constituting the task force shall be set by the Board and may vary from time to time. The Board may set a specific date by which the task force is to submit its final report and recommendations to the Board.

(Source: P.A. 99-499, eff. 1-29-16.)

(70 ILCS 530/5) (from Ch. 85, par. 7155)

Sec. 5. Duty. All official acts of the Authority shall require the approval of at least 12 ~~9~~ members. It shall be the duty of the Authority to promote development within the geographic confines of Grundy, LaSalle, Bureau, Putnam , Kendall, Kane, Lake, McHenry, Boone, DeKalb, and Marshall counties. The Authority shall use the powers herein conferred upon it to assist in the development, construction and acquisition of industrial, commercial, housing or residential projects within those counties.

(Source: P.A. 86-1024.)

(70 ILCS 530/7) (from Ch. 85, par. 7157)

Sec. 7. Bonds.

(a) The Authority, with the written approval of the Governor, shall have the continuing power to issue bonds, notes, or other evidences of indebtedness in an aggregate amount outstanding not to exceed $500,000,000 for the purpose of developing, constructing, acquiring or improving projects, including those established by business entities locating or expanding property within the territorial jurisdiction of the Authority, for entering into venture capital agreements with businesses locating or expanding within the territorial jurisdiction of the Authority, for acquiring and improving any property necessary and useful in connection therewith, ~~and~~ for the purposes of the Employee Ownership Assistance Act , and any local government projects. With respect to any local government project, the Authority is authorized to purchase from time to time pursuant to negotiated sale or to otherwise acquire from time to time any local government security upon terms and conditions as the Authority may prescribe in connection with the local government security. For the purpose of evidencing the obligations of the Authority to repay any money borrowed, the Authority may, pursuant to resolution, from time to time issue and dispose of its interest bearing revenue bonds, notes or other evidences of indebtedness and may also from time to time issue and dispose of such bonds, notes or other evidences of indebtedness to refund, at maturity, at a redemption date or in advance of either, any bonds, notes or other evidences of indebtedness pursuant to redemption provisions or at any time before maturity. All such bonds, notes or other evidences of indebtedness shall be payable solely and only from the revenues or income to be derived from loans made with respect to projects, from the leasing or sale of the projects or from any other funds available to the Authority for such purposes. The bonds, notes or other evidences of indebtedness may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may bear interest at such rate or rates not exceeding the maximum rate permitted by "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, may be in such form, may carry such registration privileges, may be executed in such manner, may be payable at such place or places, may be made subject to redemption in such manner and upon such terms, with or without premium as is stated on the face thereof, may be authenticated in such manner and may contain such terms and covenants as may be provided by an applicable resolution.

(b-1) The holder or holders of any bonds, notes or other evidences of indebtedness issued by the Authority may bring suits at law or proceedings in equity to compel the performance and observance by any corporation or person or by the Authority or any of its agents or employees of any contract or covenant made with the holders of such bonds, notes or other evidences of indebtedness, to compel such corporation, person, the Authority and any of its agents or employees to perform any duties required to be performed for the benefit of the holders of any such bonds, notes or other evidences of indebtedness by the provision of the resolution authorizing their issuance and to enjoin such corporation, person, the Authority and any of its agents or employees from taking any action in conflict with any such contract or covenant.

(b-2) If the Authority fails to pay the principal of or interest on any of the bonds or premium, if any, as the same become due, a civil action to compel payment may be instituted in the appropriate circuit court by the holder or holders of the bonds on which such default of payment exists or by an indenture trustee

acting on behalf of such holders. Delivery of a summons and a copy of the complaint to the Chairman of the Board shall constitute sufficient service to give the circuit court jurisdiction of the subject matter of such a suit and jurisdiction over the Authority and its officers named as defendants for the purpose of compelling such payment. Any case, controversy or cause of action concerning the validity of this Act relates to the revenue of the State of Illinois.

(c) Notwithstanding the form and tenor of any such bonds, notes or other evidences of indebtedness and in the absence of any express recital on the face thereof that it is non-negotiable, all such bonds, notes and other evidences of indebtedness shall be negotiable instruments. Pending the preparation and execution of any such bonds, notes or other evidences of indebtedness, temporary bonds, notes or evidences of indebtedness may be issued as provided by ordinance.

(d) To secure the payment of any or all of such bonds, notes or other evidences of indebtedness, the revenues to be received by the Authority from a lease agreement or loan agreement shall be pledged, and, for the purpose of setting forth the covenants and undertakings of the Authority in connection with the issuance thereof and the issuance of any additional bonds, notes or other evidences of indebtedness payable from such revenues, income or other funds to be derived from projects, the Authority may execute and deliver a mortgage or trust agreement. A remedy for any breach or default of the terms of any such mortgage or trust agreement by the Authority may be by mandamus proceedings in the appropriate circuit court to compel the performance and compliance therewith, but the trust agreement may prescribe by whom or on whose behalf such action may be instituted.

(e) Such bonds or notes shall be secured as provided in the authorizing ordinance which may, notwithstanding any other provision of this Act, include in addition to any other security a specific pledge or assignment of and lien on or security interest in any or all revenues or money of the Authority from whatever source which may by law be used for debt service purposes and a specific pledge or assignment of and lien on or security interest in any funds or accounts established or provided for by ordinance of the Authority authorizing the issuance of such bonds or notes.

(f) (Blank).

(g) The State of Illinois pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the rights and powers vested in the Authority by this Act so as to impair the terms of any contract made by the Authority with such holders or in any way impair the rights and remedies of such holders until such bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met and discharged. In addition, the State pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the basis on which State funds are to be paid to the Authority as provided in this Act, or the use of such funds, so as to impair the terms of any such contract. The Authority is authorized to include these pledges and agreements of the State in any contract with the holders of bonds or notes issued pursuant to this Section.

(h) (Blank).

(Source: P.A. 98-750, eff. 1-1-15; 99-499, eff. 1-29-16.)

(70 ILCS 530/7.5 new)

Sec. 7.5. Local government securities. Any local governmental unit which is authorized to issue, sell, and deliver its local government securities under any provision of the Illinois Constitution or laws of this State may issue, sell, and deliver such local government securities to the Authority as provided by this Act, provided that and notwithstanding any other provision of law to the contrary, any such local governmental unit may issue and sell any such local government security at any interest rate, which rate or rates may be established by an index or formula which may be implemented by persons appointed or retained therefor, payable at such time or times and at such price or prices to which the local governmental unit and the Authority may agree. Any local governmental unit may pay any amount charged by the Authority. Any local governmental unit may pay out of the proceeds of its local government securities or out of any other moneys or funds available to it for such purposes any costs, fees, interest deemed necessary, premiums or revenues incurred or required for financing or refinancing this program, including, without limitation, any fees charged by the Authority and its share, as determined by the Authority, of any costs, fees, interest deemed necessary, premiums or revenues incurred or required pursuant to this Act. All local government securities purchased by the Authority pursuant to this Act shall upon delivery to the Authority be accompanied by an approving opinion of bond counsel as to the validity of such securities. The Authority shall have discretion to purchase or otherwise acquire those local government securities as it shall deem to be in the best interest of its financing program for all local governmental units taken as a whole.

(70 ILCS 530/8) (from Ch. 85, par. 7158)

Sec. 8. Acquisition.

(a) The Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

(b) The Authority shall have power to acquire by purchase, lease, gift or otherwise any property or rights therein from any person or persons, the State of Illinois, any municipal corporation, any local unit of government, the government of the United States and any agency or instrumentality of the United States, any body politic or any county useful for its purposes, whether improved for the purposes of any prospective project or unimproved. The Authority may also accept any donation of funds for its purposes from any such source.

(c) The Authority shall have power to develop, construct and improve, either under its own direction or through collaboration with any approved applicant, or to acquire through purchase or otherwise any project, using for such purpose the proceeds derived from its sale of revenue bonds, notes or other evidences of indebtedness or governmental loans or grants and to hold title in the name of the Authority to such projects.

(d) The Authority shall have the power to enter into intergovernmental agreements with the State of Illinois, the counties of Grundy, LaSalle, Bureau, Putnam, Kendall, Kane, Lake, McHenry, Boone, DeKalb, or Marshall, the Illinois Finance Authority, the Illinois Housing Development Authority, the Metropolitan Pier and Exposition Authority, the United States government and any agency or instrumentality of the United States, any unit of local government located within the territory of the Authority or any other unit of government to the extent allowed by Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act.

(e) The Authority shall have the power to share employees with other units of government, including agencies of the United States, agencies of the State of Illinois and agencies or personnel of any unit of local government.

(f) The Authority shall have the power to exercise powers and issue bonds as if it were a municipality so authorized in Divisions 12.1, 74, 74.1, 74.3 and 74.5 of Article 11 of the Illinois Municipal Code.
(Source: P.A. 93-205, eff. 1-1-04.)

Section 45. The Western Illinois Economic Development Authority Act is amended by changing Sections 15 and 40 and by adding Section 43 as follows:

(70 ILCS 532/15)

Sec. 15. Definitions. In this Act:

"Authority" means the Western Illinois Economic Development Authority.

"Governmental agency" means any federal, State, or local governmental body and any agency or instrumentality thereof, corporate or otherwise.

"Person" means any natural person, firm, partnership, corporation, both domestic and foreign, company, association or joint stock association and includes any trustee, receiver, assignee or personal representative thereof.

"Revenue bond" means any bond issued by the Authority, the principal and interest of which is payable solely from revenues or income derived from any project or activity of the Authority.

"Board" means the Board of Directors of the Western Illinois Economic Development Authority.

"Governor" means the Governor of the State of Illinois.

"City" means any city, village, incorporated town, or township within the geographical territory of the Authority.

"Industrial project" means the following:

(1) a capital project, including one or more buildings and other structures, improvements, machinery and equipment whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any manufacturing, industrial, research, transportation or commercial enterprise including but not limited to use as a factory, mill, processing plant, assembly plant, packaging plant, fabricating plant, ethanol plant, office building, industrial distribution center, warehouse, repair, overhaul or service facility, freight terminal, research facility, test facility, railroad facility, port facility, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, and including also the sites thereof and other rights in land therefore whether improved or unimproved, site preparation and landscaping and all appurtenances and facilities incidental thereto such as utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, dockage, wharfage, railroad roadbed, track, trestle, depot, terminal, switching and signaling equipment or related equipment and other improvements necessary or convenient thereto; or

(2) any land, buildings, machinery or equipment comprising an addition to or renovation,

rehabilitation or improvement of any existing capital project.

"Housing project" or "residential project" includes a specific work or improvement undertaken to provide dwelling accommodations, including the acquisition, construction or rehabilitation of lands, buildings and community facilities and in connection therewith to provide nonhousing facilities which are an integral part of a planned large-scale project or new community.

"Commercial project" means any project, including, but not limited to, one or more buildings and other structures, improvements, machinery, and equipment, whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any retail or wholesale concern, distributorship, or agency.

"Project" means an industrial, housing, residential, commercial, or service project, or any combination thereof, provided that all uses fall within one of the categories described above. Any project automatically includes all site improvements and new construction involving sidewalks, sewers, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, parks, open spaces, wildlife sanctuaries, streets, highways, and runways.

"Lease agreement" means an agreement in which a project acquired by the Authority by purchase, gift, or lease is leased to any person or corporation that will use, or cause the project to be used, as a project, upon terms providing for lease rental payments at least sufficient to pay, when due, all principal of and interest and premium, if any, on any bonds, notes, or other evidences of indebtedness of the Authority, issued with respect to the project, providing for the maintenance, insurance, and operation of the project on terms satisfactory to the Authority and providing for disposition of the project upon termination of the lease term, including purchase options or abandonment of the premises, with other terms as may be deemed desirable by the Authority.

"Loan agreement" means any agreement in which the Authority agrees to loan the proceeds of its bonds, notes, or other evidences of indebtedness, issued with respect to a project, to any person or corporation which will use or cause the project to be used as a project, upon terms providing for loan repayment installments at least sufficient to pay, when due, all principal of and interest and premium, if any, on any bonds, notes, or other evidences of indebtedness of the Authority issued with respect to the project, providing for maintenance, insurance, and operation of the project on terms satisfactory to the Authority and providing for other terms deemed advisable by the Authority.

"Financial aid" means the expenditure of Authority funds or funds provided by the Authority for the development, construction, acquisition or improvement of a project, through the issuance of revenue bonds, notes, or other evidences of indebtedness.

"Costs incurred in connection with the development, construction, acquisition or improvement of a project" means the following:

(1) the cost of purchase and construction of all lands and improvements in connection therewith and equipment and other property, rights, easements, and franchises acquired which are deemed necessary for the construction;

(2) financing charges;

(3) interest costs with respect to bonds, notes, and other evidences of indebtedness of the Authority prior to and during construction and for a period of 6 months thereafter;

(4) engineering and legal expenses; and

(5) the costs of plans, specifications, surveys, and estimates of costs and other expenses necessary or incident to determining the feasibility or practicability of any project, together with such other expenses as may be necessary or incident to the financing, insuring, acquisition, and construction of a specific project and the placing of the same in operation.

"Local government project" means a project or other undertaking that is authorized or required by law to be acquired, constructed, reconstructed, equipped, improved, rehabilitated, replaced, maintained, or otherwise undertaken in any manner by a local governmental unit.

"Local government security" means a bond, note, or other evidence of indebtedness that a local governmental unit is legally authorized to issue for the purpose of financing a public purpose project or to issue for any other lawful public purpose under any provision of the Illinois Constitution or laws of this State, whether the obligation is payable from taxes or revenues, rates, charges, assessments, appropriations, grants, or any other lawful source or combination thereof, and specifically includes, without limitation, obligations under any lease or lease purchase agreement lawfully entered into by the local governmental unit for the acquisition or use of facilities or equipment.

"Local governmental unit" means a unit of local government, as defined in Section 1 of Article VII of the Illinois Constitution, and any local public entity as that term is defined in the Local Governmental and Governmental Employees Tort Immunity Act and such unit of local government or local public entity is located within the geographical territory of the Authority.

(Source: P.A. 98-750, eff. 1-1-15.)

(70 ILCS 532/40)

Sec. 40. Bonds.

(a) The Authority, with the written approval of the Governor, shall have the continuing power to issue bonds, notes, or other evidences of indebtedness in an aggregate amount outstanding not to exceed $250,000,000 for the following purposes: (i) development, construction, acquisition, or improvement of projects, including those established by business entities locating or expanding property within the territorial jurisdiction of the Authority; (ii) entering into venture capital agreements with businesses locating or expanding within the territorial jurisdiction of the Authority; (iii) acquisition and improvement of any property necessary and useful in connection therewith; ~~and~~ (iv) for the purposes of the Employee Ownership Assistance Act ; and (v) any local government projects. With respect to any local government project, the Authority is authorized to purchase from time to time pursuant to negotiated sale or to otherwise acquire from time to time any local government security upon terms and conditions as the Authority may prescribe in connection with the local government security. For the purpose of evidencing the obligations of the Authority to repay any money borrowed, the Authority may, pursuant to resolution, from time to time, issue and dispose of its interest-bearing revenue bonds, notes, or other evidences of indebtedness and may also from time to time issue and dispose of such bonds, notes, or other evidences of indebtedness to refund, at maturity, at a redemption date or in advance of either, any bonds, notes, or other evidences of indebtedness pursuant to redemption provisions or at any time before maturity. All such bonds, notes, or other evidences of indebtedness shall be payable solely and only from the revenues or income to be derived from loans made with respect to projects, from the leasing or sale of the projects, or from any other funds available to the Authority for such purposes. The bonds, notes, or other evidences of indebtedness may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may bear interest at such rate or rates not exceeding the maximum rate permitted by the Bond Authorization Act, may be in such form, may carry such registration privileges, may be executed in such manner, may be payable at such place or places, may be made subject to redemption in such manner and upon such terms, with or without premium, as is stated on the face thereof, may be authenticated in such manner and may contain such terms and covenants as may be provided by an applicable resolution.

(b) The holder or holders of any bonds, notes, or other evidences of indebtedness issued by the Authority may bring suits at law or proceedings in equity to compel the performance and observance by any corporation or person or by the Authority or any of its agents or employees of any contract or covenant made with the holders of the bonds, notes, or other evidences of indebtedness, to compel such corporation, person, the Authority, and any of its agents or employees to perform any duties required to be performed for the benefit of the holders of the bonds, notes, or other evidences of indebtedness by the provision of the resolution authorizing their issuance and to enjoin the corporation, person, the Authority, and any of its agents or employees from taking any action in conflict with any contract or covenant.

(c) If the Authority fails to pay the principal of or interest on any of the bonds or premium, if any, as the bond becomes due, a civil action to compel payment may be instituted in the appropriate circuit court by the holder or holders of the bonds on which the default of payment exists or by an indenture trustee acting on behalf of the holders. Delivery of a summons and a copy of the complaint to the chairman of the Board shall constitute sufficient service to give the circuit court jurisdiction over the subject matter of the suit and jurisdiction over the Authority and its officers named as defendants for the purpose of compelling such payment. Any case, controversy, or cause of action concerning the validity of this Act relates to the revenue of the State of Illinois.

(d) Notwithstanding the form and tenor of any bond, note, or other evidence of indebtedness and in the absence of any express recital on its face that it is non-negotiable, all such bonds, notes, and other evidences of indebtedness shall be negotiable instruments. Pending the preparation and execution of any bonds, notes, or other evidences of indebtedness, temporary bonds, notes, or evidences of indebtedness may be issued as provided by ordinance.

(e) To secure the payment of any or all of such bonds, notes, or other evidences of indebtedness, the revenues to be received by the Authority from a lease agreement or loan agreement shall be pledged, and, for the purpose of setting forth the covenants and undertakings of the Authority in connection with the issuance of the bonds, notes, or other evidences of indebtedness and the issuance of any additional bonds, notes or other evidences of indebtedness payable from such revenues, income, or other funds to be derived from projects, the Authority may execute and deliver a mortgage or trust agreement. A remedy for any breach or default of the terms of any mortgage or trust agreement by the Authority may be by mandamus proceeding in the appropriate circuit court to compel performance and compliance under the terms of the mortgage or trust agreement, but the trust agreement may prescribe by whom or on whose behalf the action may be instituted.

(f) Bonds or notes shall be secured as provided in the authorizing ordinance which may include, notwithstanding any other provision of this Act, in addition to any other security, a specific pledge, assignment of and lien on, or security interest in any or all revenues or money of the Authority, from whatever source, which may, by law, be used for debt service purposes and a specific pledge, or assignment of and lien on, or security interest in any funds or accounts established or provided for by ordinance of the Authority authorizing the issuance of the bonds or notes.

(g) In the event that the Authority determines that moneys of the Authority will not be sufficient for the payment of the principal of and interest on its bonds during the next State fiscal year, the chairman, as soon as practicable, shall certify to the Governor the amount required by the Authority to enable it to pay the principal of and interest on the bonds. The Governor shall submit the certified amount to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. This Section shall not apply to any bonds or notes to which the Authority determines, in the resolution authorizing the issuance of the bonds or notes, that this Section shall not apply. Whenever the Authority makes this determination, it shall be plainly stated on the face of the bonds or notes and the determination shall also be reported to the Governor. In the event of a withdrawal of moneys from a reserve fund established with respect to any issue or issues of bonds of the Authority to pay principal or interest on those bonds, the chairman of the Authority, as soon as practicable, shall certify to the Governor the amount required to restore the reserve fund to the level required in the resolution or indenture securing those bonds. The Governor shall submit the certified amount to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. This subsection (g) shall not apply to any bond issued on or after the effective date of this amendatory Act of the 98th General Assembly.

(h) The State of Illinois pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the rights and powers vested in the Authority by this Act so as to impair the terms of any contract made by the Authority with the holders of bonds or notes or in any way impair the rights and remedies of those holders until the bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the holders, are fully met and discharged. In addition, the State pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the basis on which State funds are to be paid to the Authority as provided in this Act, or the use of such funds, so as to impair the terms of any such contract. The Authority is authorized to include these pledges and agreements of the State in any contract with the holders of bonds or notes issued pursuant to this Section.

(i) (Blank).

(Source: P.A. 98-750, eff. 1-1-15.)

(70 ILCS 532/43 new)

Sec. 43. Local government securities. Any local governmental unit which is authorized to issue, sell, and deliver its local government securities under any provision of the Illinois Constitution or laws of this State may issue, sell, and deliver such local government securities to the Authority as provided by this Act, provided that and notwithstanding any other provision of law to the contrary, any such local governmental unit may issue and sell any such local government security at any interest rate, which rate or rates may be established by an index or formula which may be implemented by persons appointed or retained therefor, payable at such time or times and at such price or prices to which the local governmental unit and the Authority may agree. Any local governmental unit may pay any amount charged by the Authority. Any local governmental unit may pay out of the proceeds of its local government securities or out of any other moneys or funds available to it for such purposes any costs, fees, interest deemed necessary, premiums or revenues incurred or required for financing or refinancing this program, including, without limitation, any fees charged by the Authority and its share, as determined by the Authority, of any costs, fees, interest deemed necessary, premiums or revenues incurred or required pursuant to this Act. All local government securities purchased by the Authority pursuant to this Act shall upon delivery to the Authority be accompanied by an approving opinion of bond counsel as to the validity of such securities. The Authority shall have discretion to purchase or otherwise acquire those local government securities as it shall deem to be in the best interest of its financing program for all local governmental units taken as a whole.

Section 50. The Will-Kankakee Regional Development Authority Law is amended by changing Sections 3 and 7 and by adding Section 7.5 as follows:

(70 ILCS 535/3) (from Ch. 85, par. 7453)

Sec. 3. Definitions. The following terms, whenever used or referred to in this Act, shall have the following meanings, except in such instances where the context may clearly indicate otherwise:

(a) "Authority" means the Will-Kankakee Regional Development Authority created by this Act.

(b) "Governmental agency" means any federal, State or local governmental body, and any agency or instrumentality thereof, corporate or otherwise.

(c) "Person" means any natural person, firm, partnership, corporation, both domestic and foreign, company, association or joint stock association and includes any trustee, receiver, assignee or personal representative thereof.

(d) "Revenue bond" means any bond issued by the Authority the principal and interest of which is payable solely from revenues or income derived from any project or activity of the Authority.

(e) "Board" means the Will-Kankakee Regional Development Authority Board of Directors.

(f) "Governor" means the Governor of the State of Illinois.

(g) "City" means any city, village, incorporated town or township within the geographical territory of the Authority.

(h) "Industrial project" means (1) a capital project, including one or more buildings and other structures, improvements, machinery and equipment whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any manufacturing, industrial, research, transportation or commercial enterprise including but not limited to use as a factory, mill, processing plant, assembly plant, packaging plant, fabricating plant, office building, industrial distribution center, warehouse, repair, overhaul or service facility, freight terminal, research facility, test facility, railroad facility, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, and including also the sites thereof and other rights in land therefor whether improved or unimproved, site preparation and landscaping and all appurtenances and facilities incidental thereto such as utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, dockage, wharfage, railroad roadbed, track, trestle, depot, terminal, switching and signaling equipment or related equipment and other improvements necessary or convenient thereto; or (2) any land, buildings, machinery or equipment comprising an addition to or renovation, rehabilitation or improvement of any existing capital project.

(h-5) "Housing project" or "residential project" includes a specific work or improvement undertaken to provide dwelling accommodations, including the acquisition, construction or rehabilitation of lands, buildings and community facilities and in connection therewith to provide nonhousing facilities which are an integral part of a planned large-scale project or new community.

(i) "Commercial project" means any project, including but not limited to one or more buildings and other structures, improvements, machinery and equipment whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any retail or wholesale concern, distributorship or agency, any cultural facilities of a for-profit or not-for-profit type including but not limited to educational, theatrical, recreational and entertainment, sports facilities, racetracks, stadiums, convention centers, exhibition halls, arenas, opera houses and theaters, waterfront improvements, swimming pools, boat storage, moorage, docking facilities, restaurants, velodromes, coliseums, sports training facilities, parking facilities, terminals, hotels and motels, gymnasiums, medical facilities and port facilities.

(j) "Project" means an industrial, commercial or service project or any combination thereof provided that all uses shall fall within one of the categories described above. Any project, of any nature whatsoever, shall automatically include all site improvements and new construction involving sidewalks, sewers, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, parks, open spaces, wildlife sanctuaries, streets, highways and runways.

(k) "Lease agreement" shall mean an agreement whereby a project acquired by the Authority by purchase, gift or lease is leased to any person or corporation which will use or cause the project to be used as a project as heretofore defined upon terms providing for lease rental payments at least sufficient to pay when due all principal of and interest and premium, if any, on any bonds, notes or other evidences of indebtedness of the Authority issued with respect to such project, providing for the maintenance, insurance and operation of the project on terms satisfactory to the Authority and providing for disposition of the project upon termination of the lease term, including purchase options or abandonment of the premises, with such other terms as may be deemed desirable by the Authority.

(l) "Loan agreement" means any agreement pursuant to which the Authority agrees to loan the proceeds of its bonds, notes or other evidences of indebtedness issued with respect to a project to any person or corporation which will use or cause the project to be used as a project as heretofore defined upon terms providing for loan repayment installments at least sufficient to pay when due all principal of and interest and premium, if any, on any bonds, notes or other evidences of indebtedness of the Authority issued with respect to the project, providing for maintenance, insurance and operation of the project on terms satisfactory to the Authority and providing for other matters as may be deemed advisable by the Authority.

(m) "Financial aid" means the expenditure of Authority funds or funds provided by the Authority through the issuance of its revenue bonds, notes or other evidences of indebtedness for the development, construction, acquisition or improvement of a project.

(n) "Costs incurred in connection with the development, construction, acquisition or improvement of a project" means the following: the cost of purchase and construction of all lands and improvements in connection therewith and equipment and other property, rights, easements and franchises acquired which are deemed necessary for such construction; financing charges; interest costs with respect to bonds, notes and other evidences of indebtedness of the Authority prior to and during construction and for a period of 6 months thereafter; engineering and legal expenses; the costs of plans, specifications, surveys and estimates of costs and other expenses necessary or incident to determining the feasibility or practicability of any project, together with such other expenses as may be necessary or incident to the financing, insuring, acquisition and construction of a specific project and the placing of the same in operation.

(o) "Terminal" means a public place, station or depot for receiving and delivering passengers, baggage, mail, freight or express matter and any combination thereof in connection with the transportation of persons and property on water or land or in the air.

(p) "Terminal facilities" means all land, buildings, structures, improvements, equipment and appliances useful in the operation of public warehouse, storage and transportation facilities and industrial, manufacturing or commercial activities for the accommodation of or in connection with commerce by water or land or in the air or useful as an aid, or constituting an advantage or convenience to, the safe landing, taking off and navigation of aircraft or the safe and efficient operation or maintenance of a public airport.

(q) "Port facilities" means all public structures, except terminal facilities as defined herein, that are in, over, under or adjacent to navigable waters and are necessary for or incident to the furtherance of water commerce and includes the widening and deepening of slips, harbors and navigable waters.

(r) "Airport" means any locality, either land or water, which is used or designed for the landing and taking off of aircraft or for the location of runways, landing fields, aerodromes, hangars, buildings, structures, airport roadways and other facilities.

(s) "Local government project" means a project or other undertaking that is authorized or required by law to be acquired, constructed, reconstructed, equipped, improved, rehabilitated, replaced, maintained, or otherwise undertaken in any manner by a local governmental unit.

(t) "Local government security" means a bond, note, or other evidence of indebtedness that a local governmental unit is legally authorized to issue for the purpose of financing a public purpose project or to issue for any other lawful public purpose under any provision of the Illinois Constitution or laws of this State, whether the obligation is payable from taxes or revenues, rates, charges, assessments, appropriations, grants, or any other lawful source or combination thereof, and specifically includes, without limitation, obligations under any lease or lease purchase agreement lawfully entered into by the local governmental unit for the acquisition or use of facilities or equipment.

(u) "Local governmental unit" means a unit of local government, as defined in Section 1 of Article VII of the Illinois Constitution, and any local public entity as that term is defined in the Local Governmental and Governmental Employees Tort Immunity Act and such unit of local government or local public entity is located within the geographical territory of the Authority.

(Source: P.A. 98-750, eff. 1-1-15.)

(70 ILCS 535/7) (from Ch. 85, par. 7457)

Sec. 7. Bonds.

(a) The Authority, with the written approval of the Governor, shall have the continuing power to issue bonds, notes, or other evidences of indebtedness in an aggregate amount outstanding not to exceed $250,000,000 for the purpose of developing, constructing, acquiring or improving projects, including those established by business entities locating or expanding property within the territorial jurisdiction of the Authority, for entering into venture capital agreements with businesses locating or expanding within the territorial jurisdiction of the Authority, for acquiring and improving any property necessary and useful in connection therewith, ~~and~~ for the purposes of the Employee Ownership Assistance Act , and any local government projects. With respect to any local government project, the Authority is authorized to purchase from time to time pursuant to negotiated sale or to otherwise acquire from time to time any local government security upon terms and conditions as the Authority may prescribe in connection with the local government security. For the purpose of evidencing the obligations of the Authority to repay any money borrowed, the Authority may, pursuant to resolution, from time to time issue and dispose of its interest bearing revenue bonds, notes or other evidences of indebtedness and may also from time to time issue and dispose of such bonds, notes or other evidences of indebtedness to refund, at maturity, at a redemption date or in advance of either, any bonds, notes or other evidences of indebtedness pursuant to

redemption provisions or at any time before maturity. All such bonds, notes or other evidences of indebtedness shall be payable from the revenues or income to be derived from loans made with respect to projects, from the leasing or sale of the projects or from any other funds available to the Authority for such purposes. The bonds, notes or other evidences of indebtedness may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may bear interest at such rate or rates not exceeding the maximum rate permitted by the Bond Authorization Act, may be in such form, may carry such registration privileges, may be executed in such manner, may be payable at such place or places, may be made subject to redemption in such manner and upon such terms, with or without premium as is stated on the face thereof, may be authenticated in such manner and may contain such terms and covenants as may be provided by an applicable resolution.

(b-1) The holder or holders of any bonds, notes or other evidences of indebtedness issued by the Authority may bring suits at law or proceedings in equity to compel the performance and observance by any corporation or person or by the Authority or any of its agents or employees of any contract or covenant made with the holders of such bonds, notes or other evidences of indebtedness, to compel such corporation, person, the Authority and any of its agents or employees to perform any duties required to be performed for the benefit of the holders of any such bonds, notes or other evidences of indebtedness by the provision of the resolution authorizing their issuance and to enjoin such corporation, person, the Authority and any of its agents or employees from taking any action in conflict with any such contract or covenant.

(b-2) If the Authority fails to pay the principal of or interest on any of the bonds or premium, if any, as the same become due, a civil action to compel payment may be instituted in the appropriate circuit court by the holder or holders of the bonds on which such default of payment exists or by an indenture trustee acting on behalf of such holders. Delivery of a summons and a copy of the complaint to the Chairman of the Board shall constitute sufficient service to give the circuit court jurisdiction of the subject matter of such a suit and jurisdiction over the Authority and its officers named as defendants for the purpose of compelling such payment. Any case, controversy or cause of action concerning the validity of this Act relates to the revenue of the State of Illinois.

(c) Notwithstanding the form and tenor of any such bonds, notes or other evidences of indebtedness and in the absence of any express recital on the face thereof that it is non-negotiable, all such bonds, notes and other evidences of indebtedness shall be negotiable instruments. Pending the preparation and execution of any such bonds, notes or other evidences of indebtedness, temporary bonds, notes or evidences of indebtedness may be issued as provided by ordinance.

(d) To secure the payment of any or all of such bonds, notes or other evidences of indebtedness, the revenues to be received by the Authority from a lease agreement or loan agreement shall be pledged, and, for the purpose of setting forth the covenants and undertakings of the Authority in connection with the issuance thereof and the issuance of any additional bonds, notes or other evidences of indebtedness payable from such revenues, income or other funds to be derived from projects, the Authority may execute and deliver a mortgage or trust agreement. A remedy for any breach or default of the terms of any such mortgage or trust agreement by the Authority may be by mandamus proceedings in the appropriate circuit court to compel the performance and compliance therewith, but the trust agreement may prescribe by whom or on whose behalf such action may be instituted.

(e) Such bonds or notes shall be secured as provided in the authorizing ordinance which may, notwithstanding any other provision of this Act, include in addition to any other security a specific pledge or assignment of and lien on or security interest in any or all revenues or money of the Authority from whatever source which may by law be used for debt service purposes and a specific pledge or assignment of and lien on or security interest in any funds or accounts established or provided for by ordinance of the Authority authorizing the issuance of such bonds or notes.

(f) In the event that the Authority determines that monies of the Authority will not be sufficient for the payment of the principal of and interest on its bonds during the next State fiscal year, the Chairman, as soon as practicable, shall certify to the Governor the amount required by the Authority to enable it to pay such principal of and interest on the bonds. The Governor shall submit the amount so certified to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. This subsection shall not apply to any bonds or notes as to which the Authority shall have determined, in the resolution authorizing the issuance of the bonds or notes, that this subsection shall not apply. Whenever the Authority makes such a determination, that fact shall be plainly stated on the face of the bonds or notes and that fact shall also be reported to the Governor. This subsection (f) shall not apply to any bond issued on or after the effective date of this amendatory Act of the 97th General Assembly.

In the event of a withdrawal of moneys from a reserve fund established with respect to any issue or issues of bonds of the Authority to pay principal or interest on those bonds, the Chairman of the Authority, as soon as practicable, shall certify to the Governor the amount required to restore the reserve fund to the

level required in the resolution or indenture securing those bonds. The Governor shall submit the amount so certified to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year.

(g) The State of Illinois pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the rights and powers vested in the Authority by this Act so as to impair the terms of any contract made by the Authority with such holders or in any way impair the rights and remedies of such holders until such bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met and discharged. In addition, the State pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the basis on which State funds are to be paid to the Authority as provided in this Act, or the use of such funds, so as to impair the terms of any such contract. The Authority is authorized to include these pledges and agreements of the State in any contract with the holders of bonds or notes issued pursuant to this Section.

(Source: P.A. 97-790, eff. 7-13-12.)

(70 ILCS 535/7.5 new)

Sec. 7.5. Local government securities. Any local governmental unit which is authorized to issue, sell, and deliver its local government securities under any provision of the Illinois Constitution or laws of this State may issue, sell, and deliver such local government securities to the Authority as provided by this Act, provided that and notwithstanding any other provision of law to the contrary, any such local governmental unit may issue and sell any such local government security at any interest rate, which rate or rates may be established by an index or formula which may be implemented by persons appointed or retained therefor, payable at such time or times and at such price or prices to which the local governmental unit and the Authority may agree. Any local governmental unit may pay any amount charged by the Authority. Any local governmental unit may pay out of the proceeds of its local government securities or out of any other moneys or funds available to it for such purposes any costs, fees, interest deemed necessary, premiums or revenues incurred or required for financing or refinancing this program, including, without limitation, any fees charged by the Authority and its share, as determined by the Authority, of any costs, fees, interest deemed necessary, premiums or revenues incurred or required pursuant to this Act. All local government securities purchased by the Authority pursuant to this Act shall upon delivery to the Authority be accompanied by an approving opinion of bond counsel as to the validity of such securities. The Authority shall have discretion to purchase or otherwise acquire those local government securities as it shall deem to be in the best interest of its financing program for all local governmental units taken as a whole.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Clayborne, **Senate Bill No. 2589** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rezin
Anderson	Curran	Manar	Rooney
Barickman	Fowler	Martinez	Rose
Bennett	Haine	McCann	Sandoval
Bertino-Tarrant	Harmon	McCarter	Sims

Biss	Harris	McConchie	Stadelman
Brady	Hastings	Morrison	Steans
Bush	Holmes	Mulroe	Syverson
Castro	Hunter	Muñoz	Tracy
Clayborne	Jones, E.	Murphy	Van Pelt
Collins	Koehler	Nybo	Weaver
Connelly	Landek	Oberweis	
Cullerton, T.	Lightford	Raoul	

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

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

On motion of Senator Harmon, **Senate Bill No. 2868** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 48; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rose
Anderson	Curran	Manar	Sandoval
Barickman	Fowler	Martinez	Sims
Bennett	Haine	McCann	Stadelman
Bertino-Tarrant	Harmon	McConchie	Steans
Biss	Harris	Morrison	Syverson
Brady	Hastings	Mulroe	Tracy
Bush	Holmes	Muñoz	Van Pelt
Castro	Hunter	Murphy	Weaver
Clayborne	Hutchinson	Nybo	
Collins	Jones, E.	Oberweis	
Connelly	Koehler	Raoul	
Cullerton, T.	Landek	Rezin	

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

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

SENATE BILL RECALLED

On motion of Senator Raoul, **Senate Bill No. 2378** was recalled from the order of third reading to the order of second reading.

Senator Raoul offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2378

AMENDMENT NO. 1. Amend Senate Bill 2378 by replacing everything after the enacting clause with the following:

"Section 5. The Police and Community Relations Improvement Act is amended by adding Section 1-30 as follows:

(50 ILCS 727/1-30 new)

Sec. 1-30. Internal review of officer-involved shootings.

(a) As used in this Section, "officer-involved shooting" means any instance when a law enforcement officer discharges his or her firearm causing injury or death to a person or persons during the performance of his or her official duties or in the line of duty.

(b) Each law enforcement agency shall adopt a written policy for the internal review of officer-involved shootings. The written policy adopted by the law enforcement agency must include the following:

(1) Each law enforcement officer shall immediately report any officer-involved shooting to the appropriate supervising officer.

(2) Each law enforcement agency shall conduct a thorough review of the circumstances of the officer-involved shooting.

(c) Each written policy under this Section shall be available for copying and inspection under the Freedom of Information Act, and not subject to any exemption of that Act.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Raoul, **Senate Bill No. 2378** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 49; NAYS None.

The following voted in the affirmative:

Althoff	Curran	Manar	Rooney
Anderson	Fowler	Martinez	Rose
Barickman	Haine	McCann	Sandoval
Bennett	Harmon	McCarter	Sims
Bertino-Tarrant	Harris	McConchie	Stadelman
Biss	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Collins	Jones, E.	Nybo	Weaver
Connelly	Landek	Oberweis	
Cullerton, T.	Lightford	Raoul	
Cunningham	Link	Rezin	

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

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

On motion of Senator Haine, **Senate Bill No. 2444** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 48; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Manar	Rose

Anderson	Fowler	Martinez	Sandoval
Barickman	Haine	McCann	Sims
Bennett	Harmon	McCarter	Stadelman
Bertino-Tarrant	Harris	McConchie	Steans
Biss	Hastings	Morrison	Syverson
Brady	Holmes	Mulroe	Tracy
Bush	Hunter	Muñoz	Van Pelt
Castro	Hutchinson	Murphy	Weaver
Clayborne	Jones, E.	Nybo	
Collins	Landek	Raoul	
Connelly	Lightford	Rezin	
Cullerton, T.	Link	Rooney	

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

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

SENATE BILL RECALLED

On motion of Senator Hutchinson, **Senate Bill No. 405** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was postponed in the Committee on State Government.

Senator Hutchinson offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 405

AMENDMENT NO. 2. Amend Senate Bill 405 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by adding Section 50-80 as follows:

(30 ILCS 500/50-80 new)

Sec. 50-80. Sexual harassment policy. Each bidder who submits a bid or offer for a State contract under this Code shall have a sexual harassment policy in accordance with paragraph (4) of subsection (A) of Section 2-105 of the Illinois Human Rights Act. A copy of the policy shall be provided to the State agency entering into the contract upon request.

Section 10. The Economic Development for a Growing Economy Tax Credit Act is amended by changing Section 5-20 and by adding Section 5-58 as follows:

(35 ILCS 10/5-20)

Sec. 5-20. Application for a project to create and retain new jobs.

(a) Any Taxpayer proposing a project located or planned to be located in Illinois may request consideration for designation of its project, by formal written letter of request or by formal application to the Department, in which the Applicant states its intent to make at least a specified level of investment and intends to hire or retain a specified number of full-time employees at a designated location in Illinois. As circumstances require, the Department may require a formal application from an Applicant and a formal letter of request for assistance.

(b) In order to qualify for Credits under this Act, an Applicant's project must:

(1) if the Applicant has more than 100 employees, involve an investment of at least $2,500,000 in capital improvements to be placed in service within the State as a direct result of the project; if the Applicant has 100 or fewer employees, then there is no capital investment requirement; ~~and~~

(1.5) if the Applicant has more than 100 employees, employ a number of new employees in the State equal to the lesser of (A) 10% of the number of full-time employees employed by the applicant world-wide on the date the application is filed with the Department or (B) 50 New Employees; and, if the Applicant has 100 or fewer employees, employ a number of new employees in the State equal to the lesser of (A) 5% of the number of full-time employees employed by the applicant world-wide on the date the application is filed with the Department or (B) 50 New Employees; and

(2) (blank);

(3) (blank); ~~.~~

(4) include an annual sexual harassment policy report as provided under Section 5-58.

(c) After receipt of an application, the Department may enter into an Agreement with the Applicant if the application is accepted in accordance with Section 5-25.

(Source: P.A. 100-511, eff. 9-18-17.)

(35 ILCS 10/5-58 new)

Sec. 5-58. Sexual harassment policy report. Each taxpayer claiming a credit under this Act shall, no later than April 15 of each taxable year for which the taxpayer claims a credit under this Act, submit to the Department of Commerce and Economic Opportunity a report detailing that taxpayer's sexual harassment policy, which contains, at a minimum, the following information: (i) the illegality of sexual harassment; (ii) the definition of sexual harassment under State law; (iii) a description of sexual harassment, utilizing examples; (iv) the vendor's internal complaint process, including penalties; (v) the legal recourse, and investigative and complaint processes available through the Department; (vi) directions on how to contact the Department; and (vii) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act. A copy of the policy shall be provided to the Department upon request. The reports required under this Section shall be submitted in a form and manner determined by the Department of Commerce and Economic Opportunity.

Section 15. The Illinois Human Rights Act is amended by changing Section 2-105 as follows:

(775 ILCS 5/2-105) (from Ch. 68, par. 2-105)

Sec. 2-105. Equal Employment Opportunities; Affirmative Action.

(A) Public Contracts. Every party to a public contract and every eligible bidder shall:

(1) Refrain from unlawful discrimination and discrimination based on citizenship status in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination;

(2) Comply with the procedures and requirements of the Department's regulations concerning equal employment opportunities and affirmative action;

(3) Provide such information, with respect to its employees and applicants for employment, and assistance as the Department may reasonably request;

(4) Have written sexual harassment policies that shall include, at a minimum, the following information: (i) the illegality of sexual harassment; (ii) the definition of sexual harassment under State law; (iii) a description of sexual harassment, utilizing examples; (iv) the vendor's internal complaint process including penalties; (v) the legal recourse, investigative and complaint process available through the Department and the Commission; (vi) directions on how to contact the Department and Commission; and (vii) protection against retaliation as provided by Section 6-101 of this Act. A copy of the policies shall be provided to the Department upon request. Additionally, each bidder who submits a bid or offer for a State contract under the Illinois Procurement Code shall have a written copy of the bidder's sexual harassment policy as required under this paragraph (4). A copy of the policy shall be provided to the State agency entering into the contract upon request.

(B) State Agencies. Every State executive department, State agency, board, commission, and instrumentality shall:

(1) Comply with the procedures and requirements of the Department's regulations concerning equal employment opportunities and affirmative action;

(2) Provide such information and assistance as the Department may request.

(3) Establish, maintain, and carry out a continuing affirmative action plan consistent with this Act and the regulations of the Department designed to promote equal opportunity for all State residents in every aspect of agency personnel policy and practice. For purposes of these affirmative action plans, the race and national origin categories to be included in the plans are: American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander.

This plan shall include a current detailed status report:

(a) indicating, by each position in State service, the number, percentage, and average salary of individuals employed by race, national origin, sex and disability, and any other category that the Department may require by rule;

(b) identifying all positions in which the percentage of the people employed by race, national origin, sex and disability, and any other category that the Department may require by rule, is less than four-fifths of the percentage of each of those components in the State work force;

(c) specifying the goals and methods for increasing the percentage by race, national

origin, sex and disability, and any other category that the Department may require by rule, in State positions;

(d) indicating progress and problems toward meeting equal employment opportunity goals, including, if applicable, but not limited to, Department of Central Management Services recruitment efforts, publicity, promotions, and use of options designating positions by linguistic abilities;

(e) establishing a numerical hiring goal for the employment of qualified persons with disabilities in the agency as a whole, to be based on the proportion of people with work disabilities in the Illinois labor force as reflected in the most recent employment data made available by the United States Census Bureau.

(4) If the agency has 1000 or more employees, appoint a full-time Equal Employment Opportunity officer, subject to the Department's approval, whose duties shall include:

(a) Advising the head of the particular State agency with respect to the preparation of equal employment opportunity programs, procedures, regulations, reports, and the agency's affirmative action plan.

(b) Evaluating in writing each fiscal year the sufficiency of the total agency program for equal employment opportunity and reporting thereon to the head of the agency with recommendations as to any improvement or correction in recruiting, hiring or promotion needed, including remedial or disciplinary action with respect to managerial or supervisory employees who have failed to cooperate fully or who are in violation of the program.

(c) Making changes in recruitment, training and promotion programs and in hiring and promotion procedures designed to eliminate discriminatory practices when authorized.

(d) Evaluating tests, employment policies, practices and qualifications and reporting to the head of the agency and to the Department any policies, practices and qualifications that have unequal impact by race, national origin as required by Department rule, sex or disability or any other category that the Department may require by rule, and to assist in the recruitment of people in underrepresented classifications. This function shall be performed in cooperation with the State Department of Central Management Services.

(e) Making any aggrieved employee or applicant for employment aware of his or her remedies under this Act.

In any meeting, investigation, negotiation, conference, or other proceeding between a State employee and an Equal Employment Opportunity officer, a State employee (1) who is not covered by a collective bargaining agreement and (2) who is the complaining party or the subject of such proceeding may be accompanied, advised and represented by (1) an attorney licensed to practice law in the State of Illinois or (2) a representative of an employee organization whose membership is composed of employees of the State and of which the employee is a member. A representative of an employee, other than an attorney, may observe but may not actively participate, or advise the State employee during the course of such meeting, investigation, negotiation, conference or other proceeding. Nothing in this Section shall be construed to permit any person who is not licensed to practice law in Illinois to deliver any legal services or otherwise engage in any activities that would constitute the unauthorized practice of law. Any representative of an employee who is present with the consent of the employee, shall not, during or after termination of the relationship permitted by this Section with the State employee, use or reveal any information obtained during the course of the meeting, investigation, negotiation, conference or other proceeding without the consent of the complaining party and any State employee who is the subject of the proceeding and pursuant to rules and regulations governing confidentiality of such information as promulgated by the appropriate State agency. Intentional or reckless disclosure of information in violation of these confidentiality requirements shall constitute a Class B misdemeanor.

(5) Establish, maintain and carry out a continuing sexual harassment program that shall include the following:

(a) Develop a written sexual harassment policy that includes at a minimum the following information: (i) the illegality of sexual harassment; (ii) the definition of sexual harassment under State law; (iii) a description of sexual harassment, utilizing examples; (iv) the agency's internal complaint process including penalties; (v) the legal recourse, investigative and complaint process available through the Department and the Commission; (vi) directions on how to contact the Department and Commission; and (vii) protection against retaliation as provided by Section 6-101 of this Act. The policy shall be reviewed annually.

(b) Post in a prominent and accessible location and distribute in a manner to assure

notice to all agency employees without exception the agency's sexual harassment policy. Such documents may meet, but shall not exceed, the 6th grade literacy level. Distribution shall be effectuated within 90 days of the effective date of this amendatory Act of 1992 and shall occur annually thereafter.

(c) Provide training on sexual harassment prevention and the agency's sexual harassment policy as a component of all ongoing or new employee training programs.

(6) Notify the Department 30 days before effecting any layoff. Once notice is given, the following shall occur:

(a) No layoff may be effective earlier than 10 working days after notice to the Department, unless an emergency layoff situation exists.

(b) The State executive department, State agency, board, commission, or instrumentality in which the layoffs are to occur must notify each employee targeted for layoff, the employee's union representative (if applicable), and the State Dislocated Worker Unit at the Department of Commerce and Economic Opportunity.

(c) The State executive department, State agency, board, commission, or instrumentality in which the layoffs are to occur must conform to applicable collective bargaining agreements.

(d) The State executive department, State agency, board, commission, or instrumentality in which the layoffs are to occur should notify each employee targeted for layoff that transitional assistance may be available to him or her under the Economic Dislocation and Worker Adjustment Assistance Act administered by the Department of Commerce and Economic Opportunity. Failure to give such notice shall not invalidate the layoff or postpone its effective date.

As used in this subsection (B), "disability" shall be defined in rules promulgated under the Illinois Administrative Procedure Act.

(C) Civil Rights Violations. It is a civil rights violation for any public contractor or eligible bidder to:

(1) fail to comply with the public contractor's or eligible bidder's duty to refrain from unlawful discrimination and discrimination based on citizenship status in employment under subsection (A)(1) of this Section; or

(2) fail to comply with the public contractor's or eligible bidder's duties of affirmative action under subsection (A) of this Section, provided however, that the Department has notified the public contractor or eligible bidder in writing by certified mail that the public contractor or eligible bidder may not be in compliance with affirmative action requirements of subsection (A). A minimum of 60 days to comply with the requirements shall be afforded to the public contractor or eligible bidder before the Department may issue formal notice of non-compliance.

(D) As used in this Section:

(1) "American Indian or Alaska Native" means a person having origins in any of the original peoples of North and South America, including Central America, and who maintains tribal affiliation or community attachment.

(2) "Asian" means a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, but not limited to, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

(3) "Black or African American" means a person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black or African American".

(4) "Hispanic or Latino" means a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

(5) "Native Hawaiian or Other Pacific Islander" means a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

(Source: P.A. 99-933, eff. 1-27-17.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Hutchinson, **Senate Bill No. 405** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 49; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Link	Rooney
Anderson	Curran	Manar	Rose
Barickman	Fowler	Martinez	Sandoval
Bennett	Haine	McCann	Sims
Bertino-Tarrant	Harmon	McCarter	Stadelman
Biss	Harris	McConchie	Steans
Brady	Hastings	Morrison	Syverson
Bush	Holmes	Mulroe	Tracy
Castro	Hunter	Muñoz	Van Pelt
Clayborne	Hutchinson	Murphy	Weaver
Collins	Jones, E.	Nybo	
Connelly	Landek	Raoul	
Cullerton, T.	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.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Harmon moved that **House Joint Resolution No. 66**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Harmon moved that House Joint Resolution No. 66 be adopted.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

SENATE BILL RECALLED

On motion of Senator Manar, **Senate Bill No. 3047** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 2 was postponed in the Committee on Higher Education.

Senator Manar offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3047

AMENDMENT NO. _3_. Amend Senate Bill 3047, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Grow Your Own STEM and Vocational Education Teachers Act.

Section 5. Definition. In this Act, "public institution of higher education" means the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, or any other public university or college, other than a community college, new or hereafter established or authorized by the General Assembly.

Section 10. Grow Your Own STEM and Vocational Education Teachers Program. Subject to any tuition waiver limitation established by the Board of Higher Education, a public institution of higher education shall waive any tuition, fees, and on-campus housing costs for a student who does all of the following:

(1) Agrees to pursue a minimum of a bachelor's degree in science, technology, engineering, or mathematics for a teaching occupation that includes, but is not limited to, mathematics, natural sciences, or career and vocational education in the areas of technology teacher, industrial arts teacher, trade teacher, health care teacher, or information technology teacher.

(2) Agrees to attend a public institution of higher education to pursue an undergraduate degree or an advanced degree in one of the concentrations set forth under paragraph (1) of this Section.

(3) Maintains a minimum 3.0 cumulative grade point average (or its equivalent) at all times.

(4) Agrees to fully reimburse the public institution of higher education for any waived tuition, fees, or costs if the student fails to teach at least 3 years at a high school located in this State or less than 5 years at a public institution of higher education or a public community college located in this State.

Section 15. Grow Your Own Dual Credit Teachers Program. Subject to any tuition waiver limitation established by the Board of Higher Education, a public institution of higher education shall waive any tuition and fees for a student who is a licensed Illinois teacher with a master's degree and who does all of the following:

(1) Agrees to pursue up to a maximum of 18 graduate hours necessary to qualify the student to teach dual credit consistent with applicable accreditation and State standards for dual credit faculty. These credit hours shall be in disciplines consistent with the general education areas specified in the General Education Core Curriculum or with the student's major in the Illinois Articulation Initiative, provided the institution has those courses.

(2) Agrees to fully reimburse the public institution of higher education for any waived tuition or fees if the student fails to teach at least 3 years at a high school located in this State after the completion of the graduate hours.

Section 20. Funding. Funding for this Act shall come from the General Revenue Fund and shall be subject to appropriation.

Section 90. Rules. The Board of Higher Education shall adopt rules it determines are necessary for the administration of this Act.

Section 99. Effective date. This Act takes effect July 1, 2020.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Manar offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 3047

AMENDMENT NO. _4_. Amend Senate Bill 3047, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Grow Your Own STEM and Vocational Education Teachers Act.

Section 5. Definition. In this Act, "public institution of higher education" means the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, or any other public university or college, other than a community college, new or hereafter established or authorized by the General Assembly.

Section 10. Grow Your Own STEM and Vocational Education Teachers Program. Subject to any tuition waiver limitation established by the Board of Higher Education, a public institution of higher education shall waive any tuition, fees, and on-campus housing costs for a student who does all of the following:

(1) Agrees to pursue a minimum of a bachelor's degree in agriculture, science, technology, engineering, or mathematics for a teaching occupation that includes, but is not limited to, mathematics, natural sciences, or career and vocational education in the areas of agriculture education teacher, technology teacher, industrial arts teacher, trade teacher, health care teacher, or information technology teacher.

(2) Agrees to attend a public institution of higher education to pursue an undergraduate degree or an advanced degree in one of the concentrations set forth under paragraph (1) of this Section.

(3) Agrees to teach at a hard-to-staff school, as determined by the Board of Higher Education.

(4) Maintains a minimum 3.0 cumulative grade point average (or its equivalent) at all times.

(5) Agrees to fully reimburse the public institution of higher education for any waived tuition, fees, or costs if the student fails to teach at least 3 years at a high school located in this State or less than 5 years at a public institution of higher education or a public community college located in this State.

Section 15. Grow Your Own Dual Credit Teachers Program. Subject to any tuition waiver limitation established by the Board of Higher Education, a public institution of higher education shall waive any tuition and fees for a student who is a licensed Illinois teacher with a master's degree and who does all of the following:

(1) Agrees to pursue up to a maximum of 18 graduate hours necessary to qualify the student to teach dual credit consistent with applicable accreditation and State standards for dual credit faculty. These credit hours shall be in disciplines consistent with the general education areas specified in the General Education Core Curriculum or with the student's major in the Illinois Articulation Initiative, provided the institution has those courses.

(2) Agrees to fully reimburse the public institution of higher education for any waived tuition or fees if the student fails to teach at least 5 years at a high school located in this State after the completion of the graduate hours.

Section 20. Funding. Funding for this Act shall come from the General Revenue Fund and shall be subject to appropriation.

Section 90. Rules. The Board of Higher Education shall adopt rules it determines are necessary for the administration of this Act.

Section 99. Effective date. This Act takes effect July 1, 2019.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Manar offered the following amendment and moved its adoption:

AMENDMENT NO. 5 TO SENATE BILL 3047

AMENDMENT NO. 5. Amend Senate Bill 3047, AS AMENDED, with reference to the page and line numbers in Senate Amendment No. 4, as follows:

on page 2, line 4, by replacing "shall" with "shall, if funds are appropriated to the Board of Higher Education under this Act,"; and

on page 3, line 6, by replacing "shall" with "shall, if funds are appropriated to the Board of Higher Education under this Act,".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 3, 4 and 5 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Manar, **Senate Bill No. 3047** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 38; NAYS 5.

The following voted in the affirmative:

Anderson	Fowler	Link	Rezin
Barickman	Haine	Manar	Rose
Bennett	Harmon	Martinez	Sandoval
Bertino-Tarrant	Harris	McCann	Sims
Brady	Hastings	Morrison	Stadelman
Bush	Holmes	Mulroe	Steans
Castro	Hunter	Muñoz	Van Pelt
Collins	Hutchinson	Murphy	Weaver
Cullerton, T.	Jones, E.	Nybo	
Cunningham	Lightford	Raoul	

The following voted in the negative:

Connelly	McConchie	Syverson
McCarter	Rooney	

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

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

PRESENTATION OF RESOLUTIONS

Senator Link offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE JOINT RESOLUTION NO. 68

RESOLVED, BY THE SENATE OF THE ONE HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the Senate adjourns on Thursday, April 26, 2018, the Senate stands adjourned until Tuesday, May 01, 2018, and when it adjourns on that day, it stands adjourned until Wednesday, May 02, 2018, and when it adjourns on that day, it stands adjourned until Thursday, May 03, 2018, and when it adjourns on that day, it stands adjourned until Tuesday, May 08, 2018, or until the call of the President, and when the House of Representatives adjourns on Friday, April 27, 2018, it stands adjourned until Tuesday, May 08, 2018 at 12:00 o'clock noon, or until the call of the Speaker.

The motion prevailed.

And the resolution was adopted.

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

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

SENATE JOINT RESOLUTION NO. 69

WHEREAS, 25 ILCS 155/4 states that the House and Senate, by joint resolution, shall adopt or modify revenue estimates provided for by the Commission on Government Forecasting and Accountability and the Governor's Office of Management and Budget; and

WHEREAS, The statute provides that the joint resolution shall constitute the General Assembly's estimate, under paragraph (b) of Section 2 of Article VIII of the Constitution, of the funds estimated to be available during the next fiscal year; and

WHEREAS, Under subsection (b) of Section 2 of Article VIII of the Illinois Constitution, appropriations for a fiscal year shall not exceed funds estimated by the General Assembly to be available during that year; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the Illinois Senate estimates the general funds to be available during State fiscal year 2019 as follows:

Revenue Sources (in millions)	**Senate Estimate**
State Taxes	
Personal Income Tax (net of refunds & LGDF)	$17,873
Corporate Income Tax (net of refunds & LGDF)	$2,060
Sales Tax (net of PTF & DPTF)	$7,972
Public Utility (regular)	$878
Cigarette Tax	$353
Liquor Gallonage Taxes	$174
Vehicle Use Tax	$29
Inheritance Tax (gross)	$290
Insurance Taxes & Fees	$405
Corporate Franchise Tax & Fees	$205
Interest on State Funds & Investments	$100
Cook County Intergovernmental Transfer	$244
Other Sources	$975
Subtotal	**$31,558**
Transfers	
Lottery	$733
Riverboat transfers and receipts	$266
Proceeds from Sale of 10th License	$10
Interfund Borrowing	$600
Other	$751
Total State Sources	**$33,918**
Federal Sources	**$3,754**
Total Federal & State Sources	**$37,672**

AND BE IT FURTHER RESOLVED, that the General Assembly shall revise this revenue estimate if reputable and updated numbers are provided by the Department of Revenue or the Commission on Government Forecasting and Accountability.

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

SENATE JOINT RESOLUTION NO. 70

WHEREAS, Dyslexia is a language-based learning disability and the most common cause of reading, writing, and spelling difficulties; and

WHEREAS, Dyslexia affects 70%-80% of people with reading difficulties and is more common than autism, attention deficit disorder, and attention deficit hyperactive disorder; and

WHEREAS, At least 2 million people in Illinois show symptoms of dyslexia; and

WHEREAS, Dyslexia is a neurological and genetic disorder, affecting all ethnicities and socio-economic statuses equally; and

WHEREAS, Students with dyslexia face difficulty learning to read and, if left undiagnosed, often become frustrated with academic study; and

WHEREAS, With the help of intervention before 1st grade, students with dyslexia can learn to read and write at grade level; and

WHEREAS, If children with dyslexia are poor readers in 3rd grade, they will likely remain poor readers into their adult lives; and

WHEREAS, Globally, great strides have been made to raise awareness about dyslexia to promote early diagnosis, including the designation of October as National Dyslexia Awareness Month in the United States of America; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we designate the last week of October in 2018 as Dyslexia Awareness Week in the State of Illinois; and be it further

RESOLVED, That we recognize the importance of improving awareness and encouraging early diagnosis of dyslexia; and be it further

RESOLVED, That we wholeheartedly support a State, national, and global commitment to improving the reading abilities of children and adults who struggle with dyslexia.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 5166, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5627, sponsored by Senator Weaver, was taken up, read by title a first time and referred to the Committee on Assignments.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 1631

Offered by Senator Castro and all Senators:
Mourns the death of Harry George Meadows.

SENATE RESOLUTION NO. 1632

Offered by Senator McCann and all Senators:
Mourns the death of Charles W. “Charlie” Pohlman, Jr., of Carlinville.

SENATE RESOLUTION NO. 1633

Offered by Senator McCann and all Senators:
Mourns the death of Stephen Wayne "Steve" Manker of Pittsfield.

SENATE RESOLUTION NO. 1634
Offered by Senator McCann and all Senators:
Mourns the death of Kenneth Otto Stolte, Sr., of Carlinville.

SENATE RESOLUTION NO. 1635
Offered by Senator McCann and all Senators:
Mourns the death of John J. Roth of Jacksonville.

SENATE RESOLUTION NO. 1636
Offered by Senator McCann and all Senators:
Mourns the death of Duey Jordan Skinner of Jerseyville.

SENATE RESOLUTION NO. 1637
Offered by Senator Brady and all Senators:
Mourns the death of Nicole Marie Bottrell of Lincoln.

SENATE RESOLUTION NO. 1639
Offered by Senator McGuire and all Senators:
Mourns the death of George T. Fehrenbacher, DDS, of Joliet.

SENATE RESOLUTION NO. 1641
Offered by Senator Hutchinson and all Senators:
Mourns the death of Keith Scott Chalmers.

SENATE RESOLUTION NO. 1642
Offered by Senator Brady and all Senators:
Mourns the death of Merle David Engle of Bloomington.

SENATE RESOLUTION NO. 1643
Offered by Senator Mulroe and all Senators:
Mourns the death of Russ Gremel.

SENATE RESOLUTION NO. 1644
Offered by Senator Barickman and all Senators:
Mourns the death of James W. "Jim" Gulliford, Jr., of Forrest.

SENATE RESOLUTION NO. 1645
Offered by Senator Barickman and all Senators:
Mourns the death of James R. "Jim" Bunting of Dwight.

SENATE RESOLUTION NO. 1646
Offered by Senator Manar and all Senators:
Mourns the death of Pete Bernot of Benld.

SENATE RESOLUTION NO. 1648
Offered by Senator Anderson and all Senators:
Mourns the death of Glenn A. Wells of Rock Island.

SENATE RESOLUTION NO. 1649
Offered by Senator Anderson and all Senators:
Mourns the death of Robert "Bud" Hundley of Moline.

SENATE RESOLUTION NO. 1650
Offered by Senator Anderson and all Senators:
Mourns the death of Euin "Sam" Sandusky of Coal Valley.

SENATE RESOLUTION NO. 1651

Offered by Senator Anderson and all Senators:
Mourns the death of Robert A. Osborne of East Moline.

The Chair moved the adoption of the Resolutions Consent Calendar.
The motion prevailed, and the resolutions were adopted.

LEGISLATIVE MEASURES FILED

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

Amendment No. 1 to Senate Bill 2272

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

Amendment No. 2 to Senate Bill 1265
Amendment No. 1 to Senate Bill 2388
Amendment No. 4 to Senate Bill 2590
Amendment No. 2 to Senate Bill 3114

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

Amendment No. 1 to House Bill 5056

At the hour of 4:50 o'clock p.m., pursuant to **Senate Joint Resolution No. 68**, the Chair announced that the Senate stands adjourned until Tuesday, May 1, 2018, at 12:00 o'clock noon, or until the call of the President.