SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SEVENTH GENERAL ASSEMBLY

20TH LEGISLATIVE DAY

THURSDAY, MARCH 17, 2011

1:39 O'CLOCK P.M.

NO. 20
[March 17, 2011]

SENATE
Daily Journal Index
20th Legislative Day

The Senate met pursuant to adjournment.
Senator John M. Sullivan, Rushville, Illinois, presiding.
Prayer by Pastor Kenny Kidd, Living Faith Baptist Church, Sherman, Illinois.
Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Garrett moved that reading and approval of the Journal of Wednesday, March 16, 2011, be postponed, pending arrival of the printed Journal.
The motion prevailed.

MESSAGE FROM THE GOVERNOR

OFFICE OF THE GOVERNOR
207 STATE HOUSE
SPRINGFIELD, ILLINOIS 627076

PAT QUINN
GOVERNOR

March 16, 2011

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

Mr. President,

On January 14, 2011, Appointment Message Number 23 of the 97th General Assembly was delivered to you Honorable Body. As of the date of this letter, is it my understanding that the Senate has not taken action on this nomination.

Please be advised that, Appointment Message Number 23 of the 97th General Assembly, for which concurrence in and confirmation of your Honorable Body was sought, is hereby withdrawn, effective immediately.

Sincerely,
s/ Pat Quinn
GOVERNOR

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Illinois Diabetes Prevention and Control Program Annual Report, January 1, 2010 – December 31, 2010, submitted by the Department of Public Health.

FY 2012 Liabilities of the State Employees' Group Health Insurance Program, submitted by the Commission on Government Forecasting and Accountability.

Personal Information Protection Act Report, submitted by Southern Illinois University Carbondale.

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

LEGISLATIVE MEASURES FILED

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

Senate Committee Amendment No. 1 to Senate Bill 1435
Senate Committee Amendment No. 1 to Senate Bill 1729
Senate Committee Amendment No. 1 to Senate Bill 2123

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

Senate Floor Amendment No. 3 to Senate Bill 541
Senate Floor Amendment No. 1 to Senate Bill 1149
Senate Floor Amendment No. 3 to Senate Bill 1270
Senate Floor Amendment No. 1 to Senate Bill 1407
Senate Floor Amendment No. 2 to Senate Bill 1853
Senate Floor Amendment No. 1 to Senate Bill 2162

REPORTS FROM STANDING COMMITTEES

Senator Garrett, Chairperson of the Committee on Commerce, to which was referred **Senate Bill No. 54,** reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Garrett, Chairperson of the Committee on Commerce, to which was referred **Senate Bill No. 1394,** 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 Forby, Chairperson of the Committee on Labor, to which was referred **Senate Bills Numbered 68, 1149 and 2070,** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Raoul, Chairperson of the Committee on Pensions and Investments, to which was referred **Senate Bills Numbered 510, 1874 and 2279,** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Raoul, Chairperson of the Committee on Pensions and Investments, to which was referred **Senate Bills Numbered 1826 and 2187,** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Martinez, Chairperson of the Committee on Licensed Activities, to which was referred **Senate Bills Numbered 1305 and 2037,** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Martinez, Chairperson of the Committee on Licensed Activities, to which was referred **Senate Bills Numbered 1539, 1749, 1843 and 2236,** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Hutchinson, Chairperson of the Committee on Revenue, to which was referred **Senate Bills Numbered 109, 1286, 1335, 2024, 2084, 2168 and 2225,** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Hutchinson, Chairperson of the Committee on Revenue, to which was referred **Senate Bills Numbered 108, 1620, 1710 and 2083,** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Hutchinson, Chairperson of the Committee on Revenue, to which was referred **Senate Joint Resolution No. 29,** reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 29** was placed on the Secretary's Desk.

Senator Haine, Chairperson of the Committee on Insurance, to which was referred **Senate Bill No. 112,** reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Haine, of the Committee on Insurance, to which was referred **Senate Bills Numbered 71, 72, 1244, 1313, 1545, 1549, 1555, 2240 and 2256,** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Holmes, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Bill No. 1918,** reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Holmes, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Bills Numbered 262, 1270, 1750 and 1862,** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Holmes, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Resolution No. 56,** reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 56** was placed on the Secretary's Desk.

Senator Holmes, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 1311
Senate Amendment No. 1 to Senate Bill 1640

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

Senator Harmon, Chairperson of the Committee on Executive, to which was referred **Senate Bills Numbered 8, 18, 22, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 263, 264, 265, 266, 267, 268, 269, 270, 271,**

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Under the rules, the bills were ordered to a second reading.

Senator Harmon, Chairperson of the Committee on Executive, to which was referred **Senate Bills Numbered 31, 98, 665, 1711, 1821, 1856, 2149 and 2203,** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

COMMITTEE REPORT CORRECTION

The following correction was made on the report from the Senate Committee on Transportation, which on March 15, 2011 reported Senate Bill 954 with a recommendation of do pass as amended with Committee Amendment #1 having been adopted. Committee Amendment #1 was held in committee, therefore the bill is reported with a recommendation of do pass.

REPORTS FROM STANDING COMMITTEES

Senator Jacobs, Chairperson of the Committee on Energy, to which was referred **Senate Bill No. 1802,** reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Jacobs, Chairperson of the Committee on Energy, to which was referred **Senate Bills Numbered 1396, 1533, 1608, 1609, 1765 and 1903,** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator J. Collins, Chairperson of the Committee on Financial Institutions, to which was referred **Senate Bills Numbered 1847 and 2076,** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator J. Collins, Chairperson of the Committee on Financial Institutions, to which was referred **Senate Bills Numbered 87 and 1063,** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Link, Chairperson of the Committee on Gaming, to which was referred **Senate Bill No. 1849,** 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 Local Government, to which was referred **Senate Bills Numbered 1688 and 2063,** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Koehler, Chairperson of the Committee on Local Government, to which was referred **Senate Bills Numbered 92, 167, 539, 540, 1321, 1951 and 2139,** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Koehler, Chairperson of the Committee on Local Government, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 1755

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

Senator Silverstein, Chairperson of the Committee on Environment, to which was referred **Senate Bills Numbered 1357, 2081, 2193 and 2288,** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Silverstein, Chairperson of the Committee on Environment, to which was referred **Senate Bills Numbered 102, 1213, 1543, 1615, 1682 and 2106,** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Silverstein, Chairperson of the Committee on Environment, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to Senate Bill 2138

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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 123

Offered by Senator J. Collins and all Senators:
Mourns the death of Dolores Elizabeth Howard of Chicago.

SENATE RESOLUTION NO. 124

Offered by Senator Crotty and all Senators:
Mourns the death of Carl Lee White, Sr.

SENATE RESOLUTION NO. 126

Offered by Senator Schmidt and all Senators:
Mourns the death of U.S. Army Specialist Andrew Paul Wade of Antioch.

SENATE RESOLUTION NO. 128

Offered by Senator Link and all Senators:
Mourns the death of Jeffery A. Johnson of Waukegan.

SENATE RESOLUTION NO. 129

Offered by Senator Link and all Senators:
Mourns the death of Kevin Daniel Oldham of Pleasant Prairie.

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

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

SENATE RESOLUTION NO. 125

WHEREAS, Atrial fibrillation (AFib) is the most common serious heart rhythm disorder and causes 15% of all strokes in the United States; and

WHEREAS, Atrial fibrillation affects more than 2.3 million Americans and is expected to more than double to 5.6 million Americans by 2050; and

WHEREAS, One in 4 people aged 40 years or older develop atrial fibrillation during their lifetime; and

WHEREAS, Atrial fibrillation causes the heart to beat irregularly or out of rhythm; as a result, people with AFib are nearly 5 times more likely to have a stroke than someone without the condition; in addition, AFib-related strokes are about twice as likely to be fatal and about twice as likely to be severely disabling than strokes that are not related to AFib; and

WHEREAS, Three out of 4 AFib-related strokes can be prevented, but many patients are not aware of their risk and do not take action to prevent stroke; and

WHEREAS, The estimated direct medical cost of stroke for 2007 was $25.2 billion; this includes hospital outpatient or office-based provider visits, hospital inpatient stays, emergency room visits, prescribed medicines, and home health; and

WHEREAS, Appropriate stroke prevention in AFib can effectively reduce the overall financial burden of the illness within public programs, such as Medicaid and Medicare; and

WHEREAS, Reducing the risk of stroke related to AFib may maintain self-sufficiency on the part of patients cared for within public programs; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Illinois Department of Healthcare and Family Services to pursue the feasibility of assessing chronic disease management of stroke prevention in atrial fibrillation, using State or private resources, or both, where available, with the intent of identifying opportunities to reduce the financial and clinical burden of AFib-related strokes upon Illinois in public programs; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Director of Healthcare and Family Services.

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

SENATE RESOLUTION NO. 127

WHEREAS, The citizens of the State of Illinois should be made aware of the ever-present dangers posed by potentially poisonous household substances; and

WHEREAS, Children have access to over-the-counter and prescription medications and potentially toxic household products too often; and

WHEREAS, Over the past 49 years, the nation has observed National Poison Prevention Week to help prevent accidental poisonings and to provide tips for promoting community involvement in poison prevention; and

WHEREAS, The Illinois Poison Center is a mainstay in the emergency medical care system of the State of Illinois and is recognized nationally for its contributions to poison treatment and prevention; and

WHEREAS, The Illinois Poison Center is a key component of the State's bioterrorism readiness network, standing ready to assist the Illinois Department of Public Health and local authorities in the event of a biochemical or radiation incident; and

WHEREAS, Half of the nearly 90,000 poisonings reported last year to the Illinois Poison Center involved children under the age of six and could have been prevented; and

WHEREAS, More than 90% of the calls received from the public are treated over the phone, quickly and safely, by the experienced and highly-qualified staff of the Illinois Poison Center; and

WHEREAS, The Illinois Poison Center saves Illinois more than $50 million in unnecessary health care costs; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we designate March of 2011 as Illinois Poison Prevention Month in the State of Illinois, and we encourage all citizens to learn more about the Illinois Poison Center's poisoning prevention programs and the steps that can be taken to create safe and healthful home, play, and work environments; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Illinois Poison Center.

At the hour of 1:55 o'clock p.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 2:04 o'clock p.m. the Senate resumed consideration of business.
Senator Sullivan, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 17, 2011 meeting, reported the following Senate Bills have been assigned to the indicated Standing Committees of the Senate:

Commerce: **Senate Bills Numbered 1861 and 2123.**

Executive: **Senate Bill No. 7.**

Insurance: **Senate Bill No. 1729.**

Judiciary: **Senate Bill No. 1859.**

Public Health: **Senate Bill No. 1999.**

Revenue: **Senate Bill No. 1566.**

State Government and Veterans Affairs: **Senate Resolution No. 127.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 21, 2011 meeting, reported that the Committee recommends that **Senate Committee Amendment No. 2 to Senate Bill No. 1147** be re-referred from the Committee on Insurance to the Committee on Executive.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Silverstein, **Senate Bill No. 68,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 112,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 262** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on State Government and Veterans Affairs, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 262

AMENDMENT NO. 1. Amend Senate Bill 262 by replacing everything after the enacting clause with the following:

"Section 5. The Commission to End Hunger Act is amended by changing Section 15 as follows:

(20 ILCS 5015/15)

Sec. 15. Members. The Commission to End Hunger shall be composed of no more than 21 voting members including 2 members of the Illinois House of Representatives, one appointed by the Speaker of the House and one appointed by the House Minority Leader; 2 members of the Illinois Senate, one appointed by the Senate President and one appointed by the Senate Minority Leader; one representative of the Office of the Governor appointed by the Governor; one representative of the Office of the Lieutenant Governor appointed by the Lieutenant Governor; and 15 public members, who shall be appointed by the Governor.

The public members shall include 2 representatives of food banks; 2 representatives from other community food assistance programs; a representative of a statewide organization focused on responding to hunger; a representative from an anti-poverty organization; a representative of an organization that serves or advocates for children and youth; a representative of an organization that serves or advocates for older adults; a representative of an organization that advocates for people who are homeless; a representative of an organization that serves or advocates for persons with disabilities; a representative of an organization that advocates for immigrants; a representative of a municipal or county government; ~~a representative of a township government;~~ and 3 ~~2~~ at-large members. The appointed members shall reflect the racial, gender, and geographic diversity of the State and shall include representation from regions of the State.

The following officials shall serve as ex-officio members: the Secretary of Human Services or his or her designee; the State Superintendent of Education or his or her designee; the Director of Healthcare and Family Services or his or her designee; the Director of Children and Family Services or his or her designee; the Director of Aging or his or her designee; the Director of Natural Resources or his or her designee; and the Director of Agriculture or his or her designee. The African-American Family Commission, ~~and~~ the Latino Family Commission , and the Local Food, Farms, and Jobs Council shall each designate a liaison to serve ex-officio on the Commission.

Members shall serve without compensation and are responsible for the cost of all reasonable and necessary travel expenses connected to Commission business, as the State of Illinois will not reimburse Commission members for these costs.

Commission members shall be appointed within 60 days after the effective date of this Act. The Commission shall hold their initial meetings within 60 days after at least 50% of the members have been appointed.

The representative of the Office of the Governor and a representative of a food bank shall serve as co-chairs of the Commission.

At the first meeting of the Commission, the members shall select a 5-person Steering Committee that includes the co-chairs.

The Commission may establish committees that address specific issues or populations and may appoint individuals with relevant expertise who are not appointed members of the Commission to serve on committees as needed.

The Office of the Governor, or a designee of the Governor's choosing, shall provide guidance to the Commission. Under the leadership of the Office of the Governor, subject to appropriation, the Department of Human Services shall also provide leadership to support the Commission. The Department of Human Services and the State of Illinois shall not incur any costs as a result of the creation of the Commission to End Hunger as the coordination of meetings, report preparation, and other related duties will be completed by a representative of a food bank that is serving as a co-chair of the Commission.

(Source: P.A. 96-1119, eff. 7-20-10.)

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

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

On motion of Senator Link, **Senate Bill No. 1149,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **Senate Bill No. 1335,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 1749** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1749

AMENDMENT NO. 1. Amend Senate Bill 1749 by replacing everything after the enacting clause with the following:

"Section 5. The Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act is amended by changing Sections 10, 40, and 50 as follows:

(225 ILCS 130/10)

(Section scheduled to be repealed on January 1, 2014)

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

"Department" means the Department of Professional Regulation.

"Direct supervision" means supervision by an operating physician, licensed podiatrist, or licensed dentist who is physically present and who personally directs delegated acts and remains available to personally respond to an emergency until the patient is released from the operating room. A registered professional nurse may also provide direct supervision within the scope of his or her license. A registered surgical assistant or registered surgical technologist shall perform duties as assigned.

"Director" means the Director of Professional Regulation.

"Physician" or "operating physician" means a person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987.

"Registered surgical assistant" means a person who (i) is not licensed to practice medicine in all of its branches, (ii) is certified by the National Surgical Assistant Association on the Certification of Surgical Assistants, the Liaison Council on Certification for the Surgical Technologist as a certified first assistant, or the American Board of Surgical Assisting, (iii) performs duties under direct supervision, (iv) provides services only in a licensed hospital, ambulatory treatment center, or office of a physician licensed to practice medicine in all its branches, and (v) is registered under this Act.

"Registered surgical technologist" means a person who (i) is not a physician licensed to practice medicine in all of its branches, (ii) is certified by the National Board of Surgical Technology and Surgical Assisting or is otherwise qualified under this Act, ~~Liaison Council on Certification for the Surgical Technologist,~~ (iii) performs duties , tasks, and functions under direct supervision, including, but not limited to, preparing the operating room for surgical procedures by ensuring that the surgical equipment is functioning properly and safely, preparing the operating room and sterile field using sterile technique, and performing, as directed, tasks at the sterile field to assist in the surgical procedure, (iv) provides services only in a licensed hospital, ambulatory treatment center, or office of a physician licensed to practice medicine in all its branches, and (v) is registered under this Act.

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/40)

(Section scheduled to be repealed on January 1, 2014)

Sec. 40. Application of Act. This Act shall not be construed to prohibit the following:

(1) A person licensed in this State under any other Act from engaging in the practice for which he or she is licensed, including but not limited to a physician licensed to practice medicine in all its branches, physician assistant, advanced practice registered nurse, or nurse performing surgery-related tasks within the scope of his or her license, nor are these individuals required to be registered under this Act.

(2) A person from engaging in practice as a surgical assistant or surgical technologist in the discharge of his or her official duties as an employee of the United States government.

(3) One or more registered surgical assistants from forming a professional service corporation in accordance with the Professional Service Corporation Act and applying for licensure as a corporation providing surgical assistant services.

(4) A student engaging in practice as a surgical assistant or surgical technologist under the direct supervision of a physician licensed to practice medicine in all of its branches as part of his or her program of study at a school approved by the Department or in preparation to qualify for

the examination as prescribed under Sections 45 and 50 of this Act.

(5) A person from assisting in surgery at an operating physician's discretion, including but not limited to medical students and residents, nor are medical students and residents required to be registered under this Act.

(6) A hospital, health system or network, ambulatory surgical treatment center, physician licensed to practice medicine in all its branches, physician medical group, or other entity that provides surgery-related services from employing individuals that the entity considers competent to practice as surgical assistants ~~assist in surgery~~. These entities are not required to utilize registered surgical assistants ~~or registered surgical technologists~~ when providing surgery-related services to patients. Nothing in this subsection shall be construed to limit the ability of an employer to utilize the services of any person to practice as a surgical assistant and assist in surgery within the employment setting consistent with the individual's skill and training.

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/50)

(Section scheduled to be repealed on January 1, 2014)

Sec. 50. Registration requirements; surgical technologist. A person shall qualify for registration as a surgical technologist if he or she has applied in writing on the prescribed form, has paid the required fees, and meets ~~all of~~ the following requirements:

(1) Is at least 18 years of age.

(2) Has not violated a provision of Section 95 of this Act. In addition the Department may take into consideration any felony conviction of the applicant, but a conviction shall not operate as an absolute bar to registration.

(3) Satisfies one or more of the following requirements:

(A) has ~~Has~~ completed a nationally accredited surgical technologist program approved by the Department and holds and maintains the certified surgical technologist credential administered by the National Board of Surgical Technology and Surgical Assisting or its successor;

(B) is currently certified by the National Board of Surgical Technology and Surgical Assisting or its successor agency and has met the requirements set forth for certification; ~~.~~

(C) was employed to practice as a surgical technologist by a hospital, ambulatory surgical treatment center, a physician medical group, or other entity that provides surgery-related services on the effective date of this Act; or

(D) has successfully completed a surgical technologist program in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States or in the United States Public Health Service Commissioned Corps.

(4) (Blank) ~~Has successfully completed the surgical technologist national certification examination provided by the Liaison Council on Certification for the Surgical Technologist or its successor agency~~.

(6) (Blank) ~~Is currently certified by the Liaison Council on Certification for the Surgical Technologist or its successor agency and has met the requirements set forth for certification~~.

(Source: P.A. 93-280, eff. 7-1-04.)

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

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

On motion of Senator Crotty, **Senate Bill No. 1750** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on State Government and Veterans Affairs, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 1750

AMENDMENT NO. 1. Amend Senate Bill 1750 as follows:

on page 1, line 13, after the period, by inserting the following: "The list shall be developed in collaboration and by negotiation with a historical representative of RN stakeholders currently employed by the State at State operated facilities."; and

on page 1, immediately below line 19, by inserting the following:

""Historical representative" means a labor organization that has historically represented nurses classified as Correctional Nurse I or Registered Nurse I where a historical pattern of representation exists for those classifications and that has been found by the Illinois Labor Relations Board to be the exclusive representative of nurses classified as Correctional Nurse I or Registered Nurse I who participate in the program."; and

on page 2, line 20, after "with", by inserting "a historical representative of".

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

On motion of Senator Harmon, **Senate Bill No. 1862** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on State Government and Veterans Affairs, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 1862

AMENDMENT NO. 1. Amend Senate Bill 1862 by replacing everything after the enacting clause with the following:

"Section 5. The Data Security on State Computers Act is amended by changing Section 20 as follows:

(20 ILCS 450/20)

Sec. 20. Establishment and implementation. The Data Security on State Computers Act is established to protect sensitive data stored on State-owned electronic data processing equipment to be (i) disposed of by sale, donation, or transfer or (ii) relinquished to a successor executive administration. This Act shall be administered by the Department or an authorized agency. The governing board of each public university in this State must implement and administer the provisions of this Act with respect to State-owned electronic data processing equipment utilized by the university. The Department or an authorized agency shall implement a policy to mandate that all hard drives of surplus electronic data processing equipment be erased, wiped, sanitized, or destroyed in a manner that prevents retrieval of sensitive ~~cleared of all~~ data and software before being sold, donated, or transferred ~~prepared for sale, donation, or transfer~~ by (i) overwriting the previously stored data on a drive or a disk at least 3 ~~10~~ times or physically destroying the hard drive and (ii) certifying in writing that the overwriting process has been completed by providing the following information: (1) the serial number of the computer or other surplus electronic data processing equipment; (2) the name of the overwriting software or physical destruction process used; and (3) the name, date, and signature of the person performing the overwriting or destruction process. The head of each State agency shall establish a system for the protection and preservation of State data on State-owned electronic data processing equipment necessary for the continuity of government functions upon it being relinquished to a successor executive administration.

For purposes of this Act and any other State directive requiring the clearing of data and software from State-owned electronic data processing equipment prior to sale, donation, or transfer by the General Assembly or a public university in this State, the General Assembly or the governing board of the university shall have and maintain responsibility for the implementation and administration of the requirements for clearing State-owned electronic data processing equipment utilized by the General Assembly or the university.

(Source: P.A. 96-45, eff. 7-15-09.)

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

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

On motion of Senator Pankau, **Senate Bill No. 2083** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2083

AMENDMENT NO. 1. Amend Senate Bill 2083 as follows:

on page 2, line 18 by replacing "$0 ~~$100~~" with "$100";

on page 2, line 24 by replacing "All" with "Except annual reports, all ~~All~~"; and

on page 2, line 24 by replacing "annual reports," with "~~annual reports,~~".

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

On motion of Senator Pankau, **Senate Bill No. 2084,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **Senate Bill No. 2236** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2236

AMENDMENT NO. 1. Amend Senate Bill 2236 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Professional Land Surveyor Act of 1989 is amended by changing Section 13 as follows:

(225 ILCS 330/13) (from Ch. 111, par. 3263)

(Section scheduled to be repealed on January 1, 2020)

Sec. 13. Qualifications for examination for Licensed Land Surveyor-in-Training. Applicants for the examination for Land Surveyor-in-Training shall have:

(1) a baccalaureate degree in Land Surveying ~~as defined by rule~~ from an accredited college or university program; or

(2) a baccalaureate degree in a related science including at least 24 semester hours of land surveying courses from a Board ~~Department~~ approved curriculum of an accredited institution . ;

~~(3) an Associate of Science degree in surveying or a related science, at least 24 semester hours of land surveying courses from a Board approved curriculum of an accredited institution, and at least 2 years of land surveying experience verified by a professional land surveyor that was in direct supervision and control of his or her activities; or~~

~~(4) a high school diploma or equivalent, at least 24 semester hours of land surveying courses from a Board approved curriculum of an accredited institution, and at least 4 years of land surveying experience verified by a professional land surveyor that was in direct supervision and control of his or her activities.~~

(Source: P.A. 96-626, eff. 8-24-09.)".

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

At the hour of 2:18 o'clock p.m., Senator Harmon, presiding.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Wilhelmi moved that **Senate Resolution No. 56**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Wilhelmi moved that Senate Resolution No. 56 be adopted.

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

YEAS 49; NAYS None.

The following voted in the affirmative:

Althoff	Holmes	Link	Sandoval
Bomke	Hutchinson	Maloney	Schmidt
Clayborne	Jacobs	McCann	Schoenberg
Collins, A.	Johnson, C.	McCarter	Silverstein
Collins, J.	Johnson, T.	Millner	Steans
Crotty	Jones, E.	Mulroe	Sullivan
Cultra	Jones, J.	Muñoz	Syverson
Dillard	Koehler	Noland	Trotter
Forby	Kotowski	Pankau	Wilhelmi
Frerichs	LaHood	Raoul	Mr. President
Garrett	Landek	Rezin	
Haine	Lauzen	Righter	
Harmon	Lightford	Sandack	

The motion prevailed.
And the resolution was adopted.

Senator Steans moved that **Senate Joint Resolution No. 29**, on the Secretary's Desk, be taken up for immediate consideration.
The motion prevailed.
Senator Steans moved that Senate Joint Resolution No. 29 be adopted.
And on that motion, a call of the roll was had resulting as follows:

YEAS 31; NAYS 22; Present 1.

The following voted in the affirmative:

Clayborne	Harmon	Lightford	Schoenberg
Collins, A.	Holmes	Link	Silverstein
Collins, J.	Hutchinson	Maloney	Steans
Crotty	Jacobs	Mulroe	Sullivan
Forby	Jones, E.	Muñoz	Trotter
Frerichs	Koehler	Noland	Wilhelmi
Garrett	Kotowski	Raoul	Mr. President
Haine	Landek	Sandoval	

The following voted in the negative:

Althoff	Duffy	Luechtefeld	Righter
Bivins	Johnson, C.	McCann	Sandack
Bomke	Johnson, T.	McCarter	Schmidt
Brady	Jones, J.	Murphy	Syverson
Cultra	LaHood	Pankau	
Dillard	Lauzen	Rezin	

The following voted present:

Millner

The motion prevailed.
And the resolution was adopted.
Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

APPOINTMENT MESSAGES

Appointment Message No. 30

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

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

Title of Office: Member

Agency or Other Body: Merit Commission, Office of the Comptroller

Start Date: March 15, 2011

End Date: January 16, 2012

Name: Clyde Bunch

Residence: 2124 S. Martin Luther King Jr. Dr., Springfield, IL 62703

Annual Compensation: Not Applicable

Per diem: $100 per day engaged in business

Nominee's Senator: Senator Larry K. Bomke

Most Recent Holder of Office: Michael Goetz

Superseded Appointment Message: Not Applicable

Appointment Message No. 31

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

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

Title of Office: Member and Chair

Agency or Other Body: Merit Commission, Office of the Comptroller

Start Date: March 15, 2011

End Date: January 18, 2016 (as Member); January 16, 2012 (as Chair)

Name: William Taft

Residence: 5612 Legacy Lane, Springfield, IL 62711

Annual Compensation: Not Applicable

Per diem: $100 per day engaged in business

Nominee's Senator: Senator Larry K. Bomke

Most Recent Holder of Office: Jacquelyn Brown

Superseded Appointment Message: Not Applicable

Appointment Message No. 32

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

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

Title of Office: Member

Agency or Other Body: Merit Commission, Office of the Comptroller

Start Date: March 15, 2011

End Date: January 20, 2014

Name: Rosemarie Long

Residence: 495 Turtle Dove Drive, Sherman, IL 62684

Annual Compensation: Not Applicable

Per diem: $100 per day engaged in business

Nominee's Senator: Senator Larry K. Bomke

Most Recent Holder of Office: Deborah Cimarossa

Superseded Appointment Message: Not Applicable

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

MESSAGE FROM THE HOUSE

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 22

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two Houses adjourn on Thursday, March 17, 2011, the House of Representatives stands adjourned until Tuesday, March 29, 2011 at 12:00 o'clock noon, or until the call of the Speaker; and the Senate stands adjourned until Wednesday, March 23, 2011, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, March 29, 2011, at 12:00 o'clock noon, or until the call of the President.

Adopted by the House, March 17, 2011.

MARK MAHONEY, Clerk of the House

By unanimous consent, on motion of Senator Crotty, the foregoing message reporting House Joint Resolution No. 22 was taken up for immediate consideration.

Senator Crotty moved that the Senate concur with the House in the adoption of the resolution.

The motion prevailed.

And the Senate concurred with the House in the adoption of the resolution.

Ordered that the Secretary inform the House of Representatives thereof.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 116

Offered by Senator Althoff and all Senators:
Mourns the death of Thomas M. Rembacz of Cary.

SENATE RESOLUTION NO. 117

Offered by Senator Hunter and all Senators:
Mourns the death of Melvin Alexander, Sr., of Chicago.

SENATE RESOLUTION NO. 119

Offered by Senator Bomke and all Senators:
Mourns the death of Sharon L. Broughton of Springfield.

SENATE RESOLUTION NO. 123

Offered by Senator J. Collins and all Senators:
Mourns the death of Dolores Elizabeth Howard of Chicago.

SENATE RESOLUTION NO. 124

Offered by Senator Crotty and all Senators:
Mourns the death of Carl Lee White, Sr.

SENATE RESOLUTION NO. 126

Offered by Senator Schmidt and all Senators:
Mourns the death of U.S. Army Specialist Andrew Paul Wade of Antioch.

SENATE RESOLUTION NO. 128

Offered by Senator Link and all Senators:
Mourns the death of Jeffery A. Johnson of Waukegan.

SENATE RESOLUTION NO. 129

Offered by Senator Link and all Senators:
Mourns the death of Kevin Daniel Oldham of Pleasant Prairie.

The Chair moved the adoption of the Resolutions Consent Calendar. The motion prevailed, and the resolutions were adopted.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Cullerton**, Senate Bill No. 8,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 18,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 22,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 170,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 171,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 172,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 173,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 174,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 175,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 176,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 177,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 178,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 179,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 180,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 181,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 182,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 183,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 184,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 185,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 186,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 187,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 188,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 189,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 190,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 191,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 192,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 193,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 194,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 195,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 196,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 197,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 198,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 199,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 200,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 201,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 202,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 203,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 204,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 205,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 206,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 207,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 208,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 209,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 210,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 211,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 212,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 213,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 214,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 215,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 216,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 217,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 218,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 219,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 220,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 221,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 222,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 223,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 224,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 225,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 226,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 227,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 228,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 229,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 230,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 231,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 232,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 233,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 234,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 235,** having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Cullerton**, Senate Bill No. 688,** having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Cullerton**, Senate Bill No. 703,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 704,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 705,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 706,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 707,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 708,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 709,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 710,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 711,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 712,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 713,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 714,** having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Cullerton**, Senate Bill No. 800,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 801,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 802,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 803,** having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Cullerton**, Senate Bill No. 820,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 821,** having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Cullerton**, Senate Bill No. 841,** having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Cullerton**, Senate Bill No. 999,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1000,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1001,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1002,** having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Cullerton**, Senate Bill No. 1024,** having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Cullerton**, Senate Bill No. 1121,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1123,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1124,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1125,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1126,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1127,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1128,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1129,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1130,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1131,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1132,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1133,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1134,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1135,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1136,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1137,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1138,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1139,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1140,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1141,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1142,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1143,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1144,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1145,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1146,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1150,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1151,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1152,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1153,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1154,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1155,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1156,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1157,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1158,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1159,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1160,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1161,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1162,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1163,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1164,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1165,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1166,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1167,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1168,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1169,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1170,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1171,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1172,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1173,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1174,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1175,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1176,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1177,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1178,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1179,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1180,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1181,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1182,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1183,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1184,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1185,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1186,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1187,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1188,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1189,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1190,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1191,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1192,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1193,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1194,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1195,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1196,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1197,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1198,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1199,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1200,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1201,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1202,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1203,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1204,** having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Cullerton**, Senate Bill No. 1206,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1207,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1208,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1209,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1210,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 1211,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 2185,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 2299,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 2300,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 2301,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 2302,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton**, Senate Bill No. 2303,** having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 3:42 o'clock p.m., Senator Sullivan, presiding.

MESSAGE FROM THE HOUSE

A message from the House by
Mr. Mahoney, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:
SENATE BILL NO. 4
A bill for AN ACT concerning revenue.
Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:
House Amendment No. 3 to SENATE BILL NO. 4
Passed the House, as amended, March 17, 2011.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 3 TO SENATE BILL 4

AMENDMENT NO. 3. Amend Senate Bill 4 by replacing everything after the enacting clause with the following:

"Section 5. The Corporate Accountability for Tax Expenditures Act is amended by changing Section 25 as follows:

(20 ILCS 715/25)

Sec. 25. Recapture.

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

(1) The recipient must (i) make the level of capital investment in the economic development project specified in the development assistance agreement; (ii) create or retain, or both, the requisite number of jobs, paying not less than specified wages for the created and retained jobs, within and for the duration of the time period specified in the legislation authorizing, or the administrative rules implementing, the development assistance programs and the development assistance agreement.

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

(3) If the recipient receives State economic assistance in the form of a High Impact Business designation pursuant to Section 5.5 of the Illinois Enterprise Zone Act and the business receives the benefit of the exemption authorized under Section 5l of the Retailers' Occupation Tax Act (for the sale of building materials incorporated into a High Impact Business location) and the recipient fails to create or retain the requisite number of jobs, as determined by the legislation authorizing the development assistance programs or the administrative rules implementing such legislation, or both, within the requisite period of time, the recipient shall be required to pay to the State the full amount of the State tax exemption that it received as a result of the High Impact Business designation.

(4) If the recipient receives a grant or loan pursuant to the Large Business Development Program, the Business Development Public Infrastructure Program, or the Industrial Training Program and the recipient fails to create or retain the requisite number of jobs for the requisite time period, as provided in the legislation authorizing the development assistance programs or the administrative rules implementing such legislation, or both, or in the development assistance agreement, the recipient

shall be required to repay to the State a pro rata amount of the grant; that amount shall reflect the percentage of the deficiency between the requisite number of jobs to be created or retained by the recipient and the actual number of such jobs in existence as of the date the Department determines the recipient is in breach of the job creation or retention covenants contained in the development assistance agreement. If the recipient of development assistance under the Large Business Development Program, the Business Development Public Infrastructure Program, or the Industrial Training Program ceases operations at the specific project site, during the 5-year period commencing on the date of assistance, the recipient shall be required to repay the entire amount of the grant or to accelerate repayment of the loan back to the State.

(5) If the recipient receives a tax credit under the Economic Development for a Growing Economy tax credit program, the development assistance agreement must provide that (i) if the number of new or retained employees falls below the requisite number set forth in the development assistance agreement, the allowance of the credit shall be automatically suspended until the number of new and retained employees equals or exceeds the requisite number in the development assistance agreement; (ii) if the recipient discontinues operations at the specific project site during the 5-year period after the beginning of the first tax year for which the Department issues a tax credit certificate ~~the first 5 years of the 10 year term of the development assistance agreement~~, the recipient shall forfeit all credits taken by the recipient during such 5-year period; and (iii) in the event of a revocation or suspension of the credit, the Department shall contact the Director of Revenue to initiate proceedings against the recipient to recover wrongfully exempted Illinois State income taxes and the recipient shall promptly repay to the Department of Revenue any wrongfully exempted Illinois State income taxes. The forfeited amount of credits shall be deemed assessed on the date the Department contacts the Department of Revenue and the recipient shall promptly repay to the Department of Revenue any wrongfully exempted Illinois State income taxes.

(b) The Director may elect to waive enforcement of any contractual provision arising out of the development assistance agreement required by this Act based on a finding that the waiver is necessary to avert an imminent and demonstrable hardship to the recipient that may result in such recipient's insolvency or discharge of workers. If a waiver is granted, the recipient must agree to a contractual modification, including recapture provisions, to the development assistance agreement. The existence of any waiver granted pursuant to this subsection (c), the date of the granting of such waiver, and a brief summary of the reasons supporting the granting of such waiver shall be disclosed consistent with the provisions of Section 25 of this Act.

(c) Beginning June 1, 2004, the Department shall annually compile a report on the outcomes and effectiveness of recapture provisions by program, including but not limited to: (i) the total number of companies that receive development assistance as defined in this Act; (ii) the total number of recipients in violation of development agreements with the Department; (iii) the total number of completed recapture efforts; (iv) the total number of recapture efforts initiated; and (v) the number of waivers granted. This report shall be disclosed consistent with the provisions of Section 20 of this Act.

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

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

Section 10. The Illinois Income Tax Act is amended by changing Section 201 as follows:

(35 ILCS 5/201) (from Ch. 120, par. 2-201)

Sec. 201. Tax Imposed.

(a) In general. A tax measured by net income is hereby imposed on every individual, corporation, trust and estate for each taxable year ending after July 31, 1969 on the privilege of earning or receiving income in or as a resident of this State. Such tax shall be in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(b) Rates. The tax imposed by subsection (a) of this Section shall be determined as follows, except as adjusted by subsection (d-1):

(1) In the case of an individual, trust or estate, for taxable years ending prior to July 1, 1989, an amount equal to 2 1/2% of the taxpayer's net income for the taxable year.

(2) In the case of an individual, trust or estate, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 2 1/2% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 3% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(3) In the case of an individual, trust or estate, for taxable years beginning after June 30, 1989, and ending prior to January 1, 2011, an amount equal to 3% of the taxpayer's net income for the taxable year.

(4) In the case of an individual, trust, or estate, for taxable years beginning prior to January 1, 2011, and ending after December 31, 2010, an amount equal to the sum of (i) 3% of the taxpayer's net income for the period prior to January 1, 2011, as calculated under Section 202.5, and (ii) 5% of the taxpayer's net income for the period after December 31, 2010, as calculated under Section 202.5.

(5) In the case of an individual, trust, or estate, for taxable years beginning on or after January 1, 2011, and ending prior to January 1, 2015, an amount equal to 5% of the taxpayer's net income for the taxable year.

(5.1) In the case of an individual, trust, or estate, for taxable years beginning prior to January 1, 2015, and ending after December 31, 2014, an amount equal to the sum of (i) 5% of the taxpayer's net income for the period prior to January 1, 2015, as calculated under Section 202.5, and (ii) 3.75% of the taxpayer's net income for the period after December 31, 2014, as calculated under Section 202.5.

(5.2) In the case of an individual, trust, or estate, for taxable years beginning on or after January 1, 2015, and ending prior to January 1, 2025, an amount equal to 3.75% of the taxpayer's net income for the taxable year.

(5.3) In the case of an individual, trust, or estate, for taxable years beginning prior to January 1, 2025, and ending after December 31, 2024, an amount equal to the sum of (i) 3.75% of the taxpayer's net income for the period prior to January 1, 2025, as calculated under Section 202.5, and (ii) 3.25% of the taxpayer's net income for the period after December 31, 2024, as calculated under Section 202.5.

(5.4) In the case of an individual, trust, or estate, for taxable years beginning on or after January 1, 2025, an amount equal to 3.25% of the taxpayer's net income for the taxable year.

(6) In the case of a corporation, for taxable years ending prior to July 1, 1989, an amount equal to 4% of the taxpayer's net income for the taxable year.

(7) In the case of a corporation, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 4% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 4.8% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(8) In the case of a corporation, for taxable years beginning after June 30, 1989, and ending prior to January 1, 2011, an amount equal to 4.8% of the taxpayer's net income for the taxable year.

(9) In the case of a corporation, for taxable years beginning prior to January 1, 2011, and ending after December 31, 2010, an amount equal to the sum of (i) 4.8% of the taxpayer's net income for the period prior to January 1, 2011, as calculated under Section 202.5, and (ii) 7% of the taxpayer's net income for the period after December 31, 2010, as calculated under Section 202.5.

(10) In the case of a corporation, for taxable years beginning on or after January 1, 2011, and ending prior to January 1, 2015, an amount equal to 7% of the taxpayer's net income for the taxable year.

(11) In the case of a corporation, for taxable years beginning prior to January 1, 2015, and ending after December 31, 2014, an amount equal to the sum of (i) 7% of the taxpayer's net income for the period prior to January 1, 2015, as calculated under Section 202.5, and (ii) 5.25% of the taxpayer's net income for the period after December 31, 2014, as calculated under Section 202.5.

(12) In the case of a corporation, for taxable years beginning on or after January 1, 2015, and ending prior to January 1, 2025, an amount equal to 5.25% of the taxpayer's net income for the taxable year.

(13) In the case of a corporation, for taxable years beginning prior to January 1, 2025, and ending after December 31, 2024, an amount equal to the sum of (i) 5.25% of the taxpayer's net income for the period prior to January 1, 2025, as calculated under Section 202.5, and (ii) 4.8% of the taxpayer's net income for the period after December 31, 2024, as calculated under Section 202.5.

(14) In the case of a corporation, for taxable years beginning on or after January 1, 2025, an amount equal to 4.8% of the taxpayer's net income for the taxable year.

The rates under this subsection (b) are subject to the provisions of Section 201.5.

(c) Personal Property Tax Replacement Income Tax. Beginning on July 1, 1979 and thereafter, in addition to such income tax, there is also hereby imposed the Personal Property Tax Replacement Income Tax measured by net income on every corporation (including Subchapter S corporations),

partnership and trust, for each taxable year ending after June 30, 1979. Such taxes are imposed on the privilege of earning or receiving income in or as a resident of this State. The Personal Property Tax Replacement Income Tax shall be in addition to the income tax imposed by subsections (a) and (b) of this Section and in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(d) Additional Personal Property Tax Replacement Income Tax Rates. The personal property tax replacement income tax imposed by this subsection and subsection (c) of this Section in the case of a corporation, other than a Subchapter S corporation and except as adjusted by subsection (d-1), shall be an additional amount equal to 2.85% of such taxpayer's net income for the taxable year, except that beginning on January 1, 1981, and thereafter, the rate of 2.85% specified in this subsection shall be reduced to 2.5%, and in the case of a partnership, trust or a Subchapter S corporation shall be an additional amount equal to 1.5% of such taxpayer's net income for the taxable year.

(d-1) Rate reduction for certain foreign insurers. In the case of a foreign insurer, as defined by Section 35A-5 of the Illinois Insurance Code, whose state or country of domicile imposes on insurers domiciled in Illinois a retaliatory tax (excluding any insurer whose premiums from reinsurance assumed are 50% or more of its total insurance premiums as determined under paragraph (2) of subsection (b) of Section 304, except that for purposes of this determination premiums from reinsurance do not include premiums from inter-affiliate reinsurance arrangements), beginning with taxable years ending on or after December 31, 1999, the sum of the rates of tax imposed by subsections (b) and (d) shall be reduced (but not increased) to the rate at which the total amount of tax imposed under this Act, net of all credits allowed under this Act, shall equal (i) the total amount of tax that would be imposed on the foreign insurer's net income allocable to Illinois for the taxable year by such foreign insurer's state or country of domicile if that net income were subject to all income taxes and taxes measured by net income imposed by such foreign insurer's state or country of domicile, net of all credits allowed or (ii) a rate of zero if no such tax is imposed on such income by the foreign insurer's state of domicile. For the purposes of this subsection (d-1), an inter-affiliate includes a mutual insurer under common management.

(1) For the purposes of subsection (d-1), in no event shall the sum of the rates of tax imposed by subsections (b) and (d) be reduced below the rate at which the sum of:

(A) the total amount of tax imposed on such foreign insurer under this Act for a taxable year, net of all credits allowed under this Act, plus

(B) the privilege tax imposed by Section 409 of the Illinois Insurance Code, the fire insurance company tax imposed by Section 12 of the Fire Investigation Act, and the fire department taxes imposed under Section 11-10-1 of the Illinois Municipal Code,

equals 1.25% for taxable years ending prior to December 31, 2003, or 1.75% for taxable years ending on or after December 31, 2003, of the net taxable premiums written for the taxable year, as described by subsection (1) of Section 409 of the Illinois Insurance Code. This paragraph will in no event increase the rates imposed under subsections (b) and (d).

(2) Any reduction in the rates of tax imposed by this subsection shall be applied first against the rates imposed by subsection (b) and only after the tax imposed by subsection (a) net of all credits allowed under this Section other than the credit allowed under subsection (i) has been reduced to zero, against the rates imposed by subsection (d).

This subsection (d-1) is exempt from the provisions of Section 250.

(e) Investment credit. A taxpayer shall be allowed a credit against the Personal Property Tax Replacement Income Tax for investment in qualified property.

(1) A taxpayer shall be allowed a credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1984. There shall be allowed an additional credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1986, and the taxpayer's base employment within Illinois has increased by 1% or more over the preceding year as determined by the taxpayer's employment records filed with the Illinois Department of Employment Security. Taxpayers who are new to Illinois shall be deemed to have met the 1% growth in base employment for the first year in which they file employment records with the Illinois Department of Employment Security. The provisions added to this Section by Public Act 85-1200 (and restored by Public Act 87-895) shall be construed as declaratory of existing law and not as a new enactment. If, in any year, the increase in base employment within Illinois over the preceding year is less than 1%, the additional credit shall be limited to that percentage times a fraction, the numerator of which is .5% and the denominator of which is 1%, but shall not exceed .5%. The investment credit shall not be allowed to the extent that it would reduce a taxpayer's liability in any tax year below zero, nor may any credit for qualified property be allowed for any year other than the year in which the

property was placed in service in Illinois. For tax years ending on or after December 31, 1987, and on or before December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years if the taxpayer (i) makes investments which cause the creation of a minimum of 2,000 full-time equivalent jobs in Illinois, (ii) is located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act and (iii) is certified by the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) as complying with the requirements specified in clause (i) and (ii) by July 1, 1986. The Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) shall notify the Department of Revenue of all such certifications immediately. For tax years ending after December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

(2) The term "qualified property" means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings and signs that are real property, but not including land or improvements to real property that are not a structural component of a building such as landscaping, sewer lines, local access roads, fencing, parking lots, and other appurtenances;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (e);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;

(D) is used in Illinois by a taxpayer who is primarily engaged in manufacturing, or in mining coal or fluorite, or in retailing, or was placed in service on or after July 1, 2006 in a River Edge Redevelopment Zone established pursuant to the River Edge Redevelopment Zone Act; and

(E) has not previously been used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (e) or subsection (f).

(3) For purposes of this subsection (e), "manufacturing" means the material staging and production of tangible personal property by procedures commonly regarded as manufacturing, processing, fabrication, or assembling which changes some existing material into new shapes, new qualities, or new combinations. For purposes of this subsection (e) the term "mining" shall have the same meaning as the term "mining" in Section 613(c) of the Internal Revenue Code. For purposes of this subsection (e), the term "retailing" means the sale of tangible personal property for use or consumption and not for resale, or services rendered in conjunction with the sale of tangible personal property for use or consumption and not for resale. For purposes of this subsection (e), "tangible personal property" has the same meaning as when that term is used in the Retailers' Occupation Tax Act, and, for taxable years ending after December 31, 2008, does not include the generation, transmission, or distribution of electricity.

(4) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(5) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(6) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(7) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the Personal Property Tax Replacement Income Tax for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation and, (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (7), a reduction of the basis of qualified property resulting

from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(8) Unless the investment credit is extended by law, the basis of qualified property shall not include costs incurred after December 31, 2013, except for costs incurred pursuant to a binding contract entered into on or before December 31, 2013.

(9) Each taxable year ending before December 31, 2000, a partnership may elect to pass through to its partners the credits to which the partnership is entitled under this subsection (e) for the taxable year. A partner may use the credit allocated to him or her under this paragraph only against the tax imposed in subsections (c) and (d) of this Section. If the partnership makes that election, those credits shall be allocated among the partners in the partnership in accordance with the rules set forth in Section 704(b) of the Internal Revenue Code, and the rules promulgated under that Section, and the allocated amount of the credits shall be allowed to the partners for that taxable year. The partnership shall make this election on its Personal Property Tax Replacement Income Tax return for that taxable year. The election to pass through the credits shall be irrevocable.

For taxable years ending on or after December 31, 2000, a partner that qualifies its partnership for a subtraction under subparagraph (I) of paragraph (2) of subsection (d) of Section 203 or a shareholder that qualifies a Subchapter S corporation for a subtraction under subparagraph (S) of paragraph (2) of subsection (b) of Section 203 shall be allowed a credit under this subsection (e) equal to its share of the credit earned under this subsection (e) during the taxable year by the partnership or Subchapter S corporation, determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. This paragraph is exempt from the provisions of Section 250.

(f) Investment credit; Enterprise Zone; River Edge Redevelopment Zone.

(1) A taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service in an Enterprise Zone created pursuant to the Illinois Enterprise Zone Act or, for property placed in service on or after July 1, 2006, a River Edge Redevelopment Zone established pursuant to the River Edge Redevelopment Zone Act. For partners, shareholders of Subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (f) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. The credit shall be .5% of the basis for such property. The credit shall be available only in the taxable year in which the property is placed in service in the Enterprise Zone or River Edge Redevelopment Zone and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1985, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

(2) The term qualified property means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (f);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;

(D) is used in the Enterprise Zone or River Edge Redevelopment Zone by the taxpayer; and

(E) has not been previously used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (f) or subsection (e).

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in the Enterprise Zone or River Edge Redevelopment Zone by the taxpayer, the amount of such increase shall be deemed property placed in service on the

date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside the Enterprise Zone or River Edge Redevelopment Zone within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(7) There shall be allowed an additional credit equal to 0.5% of the basis of qualified property placed in service during the taxable year in a River Edge Redevelopment Zone, provided such property is placed in service on or after July 1, 2006, and the taxpayer's base employment within Illinois has increased by 1% or more over the preceding year as determined by the taxpayer's employment records filed with the Illinois Department of Employment Security. Taxpayers who are new to Illinois shall be deemed to have met the 1% growth in base employment for the first year in which they file employment records with the Illinois Department of Employment Security. If, in any year, the increase in base employment within Illinois over the preceding year is less than 1%, the additional credit shall be limited to that percentage times a fraction, the numerator of which is 0.5% and the denominator of which is 1%, but shall not exceed 0.5%.

(g) Jobs Tax Credit; Enterprise Zone, River Edge Redevelopment Zone, and Foreign Trade Zone or Sub-Zone.

(1) A taxpayer conducting a trade or business in an enterprise zone or a High Impact Business designated by the Department of Commerce and Economic Opportunity or for taxable years ending on or after December 31, 2006, in a River Edge Redevelopment Zone conducting a trade or business in a federally designated Foreign Trade Zone or Sub-Zone shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section in the amount of $500 per eligible employee hired to work in the zone during the taxable year.

(2) To qualify for the credit:

(A) the taxpayer must hire 5 or more eligible employees to work in an enterprise zone, River Edge Redevelopment Zone, or federally designated Foreign Trade Zone or Sub-Zone during the taxable year;

(B) the taxpayer's total employment within the enterprise zone, River Edge Redevelopment Zone, or federally designated Foreign Trade Zone or Sub-Zone must increase by 5 or more full-time employees beyond the total employed in that zone at the end of the previous tax year for which a jobs tax credit under this Section was taken, or beyond the total employed by the taxpayer as of December 31, 1985, whichever is later; and

(C) the eligible employees must be employed 180 consecutive days in order to be deemed hired for purposes of this subsection.

(3) An "eligible employee" means an employee who is:

(A) Certified by the Department of Commerce and Economic Opportunity as "eligible for services" pursuant to regulations promulgated in accordance with Title II of the Job Training Partnership Act, Training Services for the Disadvantaged or Title III of the Job Training Partnership Act, Employment and Training Assistance for Dislocated Workers Program.

(B) Hired after the enterprise zone, River Edge Redevelopment Zone, or federally designated Foreign Trade Zone or Sub-Zone was designated or the trade or business was located in that zone, whichever is later.

(C) Employed in the enterprise zone, River Edge Redevelopment Zone, or Foreign Trade Zone or Sub-Zone. An employee is employed in an enterprise zone or federally designated Foreign Trade Zone or Sub-Zone if his services are rendered there or it is the base of operations for the services performed.

(D) A full-time employee working 30 or more hours per week.

(4) For tax years ending on or after December 31, 1985 and prior to December 31, 1988, the credit shall be allowed for the tax year in which the eligible employees are hired. For tax years ending on or after December 31, 1988, the credit shall be allowed for the tax year immediately following the tax year in which the eligible employees are hired. If the amount of the credit exceeds

the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

(5) The Department of Revenue shall promulgate such rules and regulations as may be deemed necessary to carry out the purposes of this subsection (g).

(6) The credit shall be available for eligible employees hired on or after January 1, 1986.

(h) Investment credit; High Impact Business.

(1) Subject to subsections (b) and (b-5) of Section 5.5 of the Illinois Enterprise Zone Act, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service by a Department of Commerce and Economic Opportunity designated High Impact Business. The credit shall be .5% of the basis for such property. The credit shall not be available (i) until the minimum investments in qualified property set forth in subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act have been satisfied or (ii) until the time authorized in subsection (b-5) of the Illinois Enterprise Zone Act for entities designated as High Impact Businesses under subdivisions (a)(3)(B), (a)(3)(C), and (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone Act, and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. The credit applicable to such investments shall be taken in the taxable year in which such investments have been completed. The credit for additional investments beyond the minimum investment by a designated high impact business authorized under subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act shall be available only in the taxable year in which the property is placed in service and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1987, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

Changes made in this subdivision (h)(1) by Public Act 88-670 restore changes made by Public Act 85-1182 and reflect existing law.

(2) The term qualified property means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (h);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code; and

(D) is not eligible for the Enterprise Zone Investment Credit provided by subsection (f) of this Section.

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year ending on or before December 31, 1996, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from

the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(7) Beginning with tax years ending after December 31, 1996, if a taxpayer qualifies for the credit under this subsection (h) and thereby is granted a tax abatement and the taxpayer relocates its entire facility in violation of the explicit terms and length of the contract under Section 18-183 of the Property Tax Code, the tax imposed under subsections (a) and (b) of this Section shall be increased for the taxable year in which the taxpayer relocated its facility by an amount equal to the amount of credit received by the taxpayer under this subsection (h).

(i) Credit for Personal Property Tax Replacement Income Tax. For tax years ending prior to December 31, 2003, a credit shall be allowed against the tax imposed by subsections (a) and (b) of this Section for the tax imposed by subsections (c) and (d) of this Section. This credit shall be computed by multiplying the tax imposed by subsections (c) and (d) of this Section by a fraction, the numerator of which is base income allocable to Illinois and the denominator of which is Illinois base income, and further multiplying the product by the tax rate imposed by subsections (a) and (b) of this Section.

Any credit earned on or after December 31, 1986 under this subsection which is unused in the year the credit is computed because it exceeds the tax liability imposed by subsections (a) and (b) for that year (whether it exceeds the original liability or the liability as later amended) may be carried forward and applied to the tax liability imposed by subsections (a) and (b) of the 5 taxable years following the excess credit year, provided that no credit may be carried forward to any year ending on or after December 31, 2003. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first.

If, during any taxable year ending on or after December 31, 1986, the tax imposed by subsections (c) and (d) of this Section for which a taxpayer has claimed a credit under this subsection (i) is reduced, the amount of credit for such tax shall also be reduced. Such reduction shall be determined by recomputing the credit to take into account the reduced tax imposed by subsections (c) and (d). If any portion of the reduced amount of credit has been carried to a different taxable year, an amended return shall be filed for such taxable year to reduce the amount of credit claimed.

(j) Training expense credit. Beginning with tax years ending on or after December 31, 1986 and prior to December 31, 2003, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) under this Section for all amounts paid or accrued, on behalf of all persons employed by the taxpayer in Illinois or Illinois residents employed outside of Illinois by a taxpayer, for educational or vocational training in semi-technical or technical fields or semi-skilled or skilled fields, which were deducted from gross income in the computation of taxable income. The credit against the tax imposed by subsections (a) and (b) shall be 1.6% of such training expenses. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (j) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

Any credit allowed under this subsection which is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first computed until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first. No carryforward credit may be claimed in any tax year ending on or after December 31, 2003.

(k) Research and development credit.

For tax years ending after July 1, 1990 and prior to December 31, 2003, and beginning again for tax years ending on or after December 31, 2004, and ending prior to January 1, 2011, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for increasing research activities in this State. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 6 1/2% of the qualifying expenditures for increasing research activities in this State. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

For purposes of this subsection, "qualifying expenditures" means the qualifying expenditures as defined for the federal credit for increasing research activities which would be allowable under Section

41 of the Internal Revenue Code and which are conducted in this State, "qualifying expenditures for increasing research activities in this State" means the excess of qualifying expenditures for the taxable year in which incurred over qualifying expenditures for the base period, "qualifying expenditures for the base period" means the average of the qualifying expenditures for each year in the base period, and "base period" means the 3 taxable years immediately preceding the taxable year for which the determination is being made.

Any credit in excess of the tax liability for the taxable year may be carried forward. A taxpayer may elect to have the unused credit shown on its final completed return carried over as a credit against the tax liability for the following 5 taxable years or until it has been fully used, whichever occurs first; provided that no credit earned in a tax year ending prior to December 31, 2003 may be carried forward to any year ending on or after December 31, 2003, and no credit may be carried forward to any taxable year ending on or after January 1, 2011.

If an unused credit is carried forward to a given year from 2 or more earlier years, that credit arising in the earliest year will be applied first against the tax liability for the given year. If a tax liability for the given year still remains, the credit from the next earliest year will then be applied, and so on, until all credits have been used or no tax liability for the given year remains. Any remaining unused credit or credits then will be carried forward to the next following year in which a tax liability is incurred, except that no credit can be carried forward to a year which is more than 5 years after the year in which the expense for which the credit is given was incurred.

No inference shall be drawn from this amendatory Act of the 91st General Assembly in construing this Section for taxable years beginning before January 1, 1999.

(l) Environmental Remediation Tax Credit.

(i) For tax years ending after December 31, 1997 and on or before December 31, 2001, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for certain amounts paid for unreimbursed eligible remediation costs, as specified in this subsection. For purposes of this Section, "unreimbursed eligible remediation costs" means costs approved by the Illinois Environmental Protection Agency ("Agency") under Section 58.14 of the Environmental Protection Act that were paid in performing environmental remediation at a site for which a No Further Remediation Letter was issued by the Agency and recorded under Section 58.10 of the Environmental Protection Act. The credit must be claimed for the taxable year in which Agency approval of the eligible remediation costs is granted. The credit is not available to any taxpayer if the taxpayer or any related party caused or contributed to, in any material respect, a release of regulated substances on, in, or under the site that was identified and addressed by the remedial action pursuant to the Site Remediation Program of the Environmental Protection Act. After the Pollution Control Board rules are adopted pursuant to the Illinois Administrative Procedure Act for the administration and enforcement of Section 58.9 of the Environmental Protection Act, determinations as to credit availability for purposes of this Section shall be made consistent with those rules. For purposes of this Section, "taxpayer" includes a person whose tax attributes the taxpayer has succeeded to under Section 381 of the Internal Revenue Code and "related party" includes the persons disallowed a deduction for losses by paragraphs (b), (c), and (f)(1) of Section 267 of the Internal Revenue Code by virtue of being a related taxpayer, as well as any of its partners. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 25% of the unreimbursed eligible remediation costs in excess of $100,000 per site, except that the $100,000 threshold shall not apply to any site contained in an enterprise zone as determined by the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity). The total credit allowed shall not exceed $40,000 per year with a maximum total of $150,000 per site. For partners and shareholders of subchapter S corporations, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

(ii) A credit allowed under this subsection that is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first earned until it is used. The term "unused credit" does not include any amounts of unreimbursed eligible remediation costs in excess of the maximum credit per site authorized under paragraph (i). This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability, the earliest credit arising under this subsection shall be applied first. A credit allowed under this subsection may be sold to a buyer as part of a sale of all or part of the remediation site for which the credit was granted. The purchaser of a remediation site and the tax credit shall succeed to the unused credit and remaining carry-forward period of the seller. To perfect the transfer, the assignor shall record the

transfer in the chain of title for the site and provide written notice to the Director of the Illinois Department of Revenue of the assignor's intent to sell the remediation site and the amount of the tax credit to be transferred as a portion of the sale. In no event may a credit be transferred to any taxpayer if the taxpayer or a related party would not be eligible under the provisions of subsection (i).

(iii) For purposes of this Section, the term "site" shall have the same meaning as under Section 58.2 of the Environmental Protection Act.

(m) Education expense credit. Beginning with tax years ending after December 31, 1999, a taxpayer who is the custodian of one or more qualifying pupils shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for qualified education expenses incurred on behalf of the qualifying pupils. The credit shall be equal to 25% of qualified education expenses, but in no event may the total credit under this subsection claimed by a family that is the custodian of qualifying pupils exceed $500. In no event shall a credit under this subsection reduce the taxpayer's liability under this Act to less than zero. This subsection is exempt from the provisions of Section 250 of this Act.

For purposes of this subsection:

"Qualifying pupils" means individuals who (i) are residents of the State of Illinois, (ii) are under the age of 21 at the close of the school year for which a credit is sought, and (iii) during the school year for which a credit is sought were full-time pupils enrolled in a kindergarten through twelfth grade education program at any school, as defined in this subsection.

"Qualified education expense" means the amount incurred on behalf of a qualifying pupil in excess of $250 for tuition, book fees, and lab fees at the school in which the pupil is enrolled during the regular school year.

"School" means any public or nonpublic elementary or secondary school in Illinois that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of the School Code, except that nothing shall be construed to require a child to attend any particular public or nonpublic school to qualify for the credit under this Section.

"Custodian" means, with respect to qualifying pupils, an Illinois resident who is a parent, the parents, a legal guardian, or the legal guardians of the qualifying pupils.

(n) River Edge Redevelopment Zone site remediation tax credit.

(i) For tax years ending on or after December 31, 2006, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for certain amounts paid for unreimbursed eligible remediation costs, as specified in this subsection. For purposes of this Section, "unreimbursed eligible remediation costs" means costs approved by the Illinois Environmental Protection Agency ("Agency") under Section 58.14a of the Environmental Protection Act that were paid in performing environmental remediation at a site within a River Edge Redevelopment Zone for which a No Further Remediation Letter was issued by the Agency and recorded under Section 58.10 of the Environmental Protection Act. The credit must be claimed for the taxable year in which Agency approval of the eligible remediation costs is granted. The credit is not available to any taxpayer if the taxpayer or any related party caused or contributed to, in any material respect, a release of regulated substances on, in, or under the site that was identified and addressed by the remedial action pursuant to the Site Remediation Program of the Environmental Protection Act. Determinations as to credit availability for purposes of this Section shall be made consistent with rules adopted by the Pollution Control Board pursuant to the Illinois Administrative Procedure Act for the administration and enforcement of Section 58.9 of the Environmental Protection Act. For purposes of this Section, "taxpayer" includes a person whose tax attributes the taxpayer has succeeded to under Section 381 of the Internal Revenue Code and "related party" includes the persons disallowed a deduction for losses by paragraphs (b), (c), and (f)(1) of Section 267 of the Internal Revenue Code by virtue of being a related taxpayer, as well as any of its partners. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 25% of the unreimbursed eligible remediation costs in excess of $100,000 per site.

(ii) A credit allowed under this subsection that is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first earned until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability, the earliest credit arising under this subsection shall be applied first. A credit allowed under this subsection may be sold to a buyer as part of a sale of all or part of the remediation site for which the credit was granted. The purchaser of a remediation site and the tax credit shall succeed to the unused credit and remaining carry-forward period of the seller. To perfect the transfer, the assignor shall record the transfer in the chain of title for the site and provide written notice to the Director of the Illinois Department of Revenue of the assignor's intent to sell the remediation site and the amount

of the tax credit to be transferred as a portion of the sale. In no event may a credit be transferred to any taxpayer if the taxpayer or a related party would not be eligible under the provisions of subsection (i).

(iii) For purposes of this Section, the term "site" shall have the same meaning as under Section 58.2 of the Environmental Protection Act.

~~(iv) This subsection is exempt from the provisions of Section 250.~~

(Source: P.A. 95-454, eff. 8-27-07; 96-115, eff. 7-31-09; 96-116, eff. 7-31-09; 96-937, eff. 6-23-10; 96-1000, eff. 7-2-10; 96-1496, eff. 1-13-11.)

Section 15. The Economic Development for a Growing Economy Tax Credit Act is amended by changing Sections 5-15 and 5-50 and by adding Section 5-77 as follows:

(35 ILCS 10/5-15)

Sec. 5-15. Tax Credit Awards. Subject to the conditions set forth in this Act, a Taxpayer is entitled to a Credit against or, as described in subsection (g) of this Section, a payment towards taxes imposed pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act that may be imposed on the Taxpayer for a taxable year beginning on or after January 1, 1999, if the Taxpayer is awarded a Credit by the Department under this Act for that taxable year.

(a) The Department shall make Credit awards under this Act to foster job creation and retention in Illinois.

(b) A person that proposes a project to create new jobs in Illinois must enter into an Agreement with the Department for the Credit under this Act.

(c) The Credit shall be claimed for the taxable years specified in the Agreement.

(d) The Credit shall not exceed the Incremental Income Tax attributable to the project that is the subject of the Agreement.

(e) Nothing herein shall prohibit a Tax Credit Award to an Applicant that uses a PEO if all other award criteria are satisfied.

(f) In lieu of the Credit allowed under this Act against the taxes imposed pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act for any taxable year ending on or after December 31, 2009, the Taxpayer may elect to claim the Credit against its obligation to pay over withholding under Section 704A of the Illinois Income Tax Act.

(1) The election under this subsection (f) may be made only by a Taxpayer that (i) is primarily engaged in one of the following business activities: water purification and treatment, motor vehicle metal stamping, automobile manufacturing, automobile and light duty motor vehicle manufacturing, motor vehicle manufacturing, light truck and utility vehicle manufacturing, heavy duty truck manufacturing, ~~or~~ motor vehicle body manufacturing , cable television infrastructure design or manufacturing, or wireless telecommunication or computing terminal device design or manufacturing for use on public networks and (ii) meets the following criteria:

(A) the Taxpayer (i) had an Illinois net loss or an Illinois net loss deduction under Section 207 of the Illinois Income Tax Act for the taxable year in which the Credit is awarded, (ii) employed a minimum of 1,000 full-time employees in this State during the taxable year in which the Credit is awarded, (iii) has an Agreement under this Act on December 14, 2009 (the effective date of Public Act 96-834), and (iv) is in compliance with all provisions of that Agreement;

(B) the Taxpayer (i) had an Illinois net loss or an Illinois net loss deduction under Section 207 of the Illinois Income Tax Act for the taxable year in which the Credit is awarded, (ii) employed a minimum of 1,000 full-time employees in this State during the taxable year in which the Credit is awarded, and (iii) has applied for an Agreement within 365 days after December 14, 2009 (the effective date of Public Act 96-834);

(C) the Taxpayer (i) had an Illinois net operating loss carryforward under Section 207 of the Illinois Income Tax Act in a taxable year ending during calendar year 2008, (ii) has applied for an Agreement within 150 days after the effective date of this amendatory Act of the 96th General Assembly, (iii) creates at least 400 new jobs in Illinois, (iv) retains at least 2,000 jobs in Illinois that would have been at risk of relocation out of Illinois over a 10-year period, and (v) makes a capital investment of at least $75,000,000; ~~or~~

(D) the Taxpayer (i) had an Illinois net operating loss carryforward under Section 207 of the Illinois Income Tax Act in a taxable year ending during calendar year 2009, (ii) has applied for an Agreement within 150 days after the effective date of this amendatory Act of the 96th General Assembly, (iii) creates at least 150 new jobs, (iv) retains at least 1,000 jobs in Illinois that would have been at risk of relocation out of Illinois over a 10-year period, and (v) makes a capital investment of at least $57,000,000; or ~~.~~

(E) the Taxpayer (i) employed at least 2,500 full-time employees in the State during the year in which the Credit is awarded, (ii) commits to make at least $500,000,000 in combined capital improvements and project costs under the Agreement, (iii) applies for an Agreement between January 1, 2011 and June 30, 2011, (iv) executes an Agreement for the Credit during calendar year 2011, and (v) was incorporated no more than 5 years before the filing of an application for an Agreement.

(1.5) The election under this subsection (f) may also be made by a Taxpayer for any Credit awarded pursuant to an agreement that was executed between January 1, 2011 and June 30, 2011, if the Taxpayer (i) is primarily engaged in the manufacture of inner tubes or tires, or both, from natural and synthetic rubber, (ii) employs a minimum of 2,400 full-time employees in Illinois at the time of application, (iii) creates at least 350 full-time jobs and retains at least 250 full-time jobs in Illinois that would have been at risk of being created or retained outside of Illinois, and (iv) makes a capital investment of at least $200,000,000 at the project location.

(2) An election under this subsection shall allow the credit to be taken against payments otherwise due under Section 704A of the Illinois Income Tax Act during the first calendar year beginning after the end of the taxable year in which the credit is awarded under this Act.

(3) The election shall be made in the form and manner required by the Illinois Department of Revenue and, once made, shall be irrevocable.

(4) If a Taxpayer who meets the requirements of subparagraph (A) of paragraph (1) of this subsection (f) elects to claim the Credit against its withholdings as provided in this subsection (f), then, on and after the date of the election, the terms of the Agreement between the Taxpayer and the Department may not be further amended during the term of the Agreement.

(g) A pass-through entity that has been awarded a credit under this Act, its shareholders, or its partners may treat some or all of the credit awarded pursuant to this Act as a tax payment for purposes of the Illinois Income Tax Act. The term "tax payment" means a payment as described in Article 6 or Article 8 of the Illinois Income Tax Act or a composite payment made by a pass-through entity on behalf of any of its shareholders or partners to satisfy such shareholders' or partners' taxes imposed pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act. In no event shall the amount of the award credited pursuant to this Act exceed the Illinois income tax liability of the pass-through entity or its shareholders or partners for the taxable year.

(Source: P.A. 95-375, eff. 8-23-07; 96-834, eff. 12-14-09; 96-836, eff. 12-16-09; 96-905, eff. 6-4-10; 96-1000, eff. 7-2-10; 96-1534, eff. 3-4-11.)

(35 ILCS 10/5-50)

Sec. 5-50. Contents of Agreements with Applicants. The Department shall enter into an Agreement with an Applicant that is awarded a Credit under this Act. The Agreement must include all of the following:

(1) A detailed description of the project that is the subject of the Agreement, including the location and amount of the investment and jobs created or retained.

(2) The duration of the Credit and the first taxable year for which the Credit may be claimed.

(3) The Credit amount that will be allowed for each taxable year.

(4) A requirement that the Taxpayer shall maintain operations at the project location that shall be stated as a minimum number of years not to exceed 10.

(5) A specific method for determining the number of New Employees employed during a taxable year.

(6) A requirement that the Taxpayer shall annually report to the Department the number of New Employees, the Incremental Income Tax withheld in connection with the New Employees, and any other information the Director needs to perform the Director's duties under this Act.

(7) A requirement that the Director is authorized to verify with the appropriate State agencies the amounts reported under paragraph (6), and after doing so shall issue a certificate to the Taxpayer stating that the amounts have been verified.

(8) A requirement that the Taxpayer shall provide written notification to the Director not more than 30 days after the Taxpayer makes or receives a proposal that would transfer the Taxpayer's State tax liability obligations to a successor Taxpayer.

(9) A detailed description of the number of New Employees to be hired, and the occupation and payroll of the full-time jobs to be created or retained as a result of the project.

(10) The minimum investment the business enterprise will make in capital improvements, the time period for placing the property in service, and the designated location in Illinois for the investment.

(11) A requirement that the Taxpayer shall provide written notification to the Director

and the Committee not more than 30 days after the Taxpayer determines that the minimum job creation or retention, employment payroll, or investment no longer is being or will be achieved or maintained as set forth in the terms and conditions of the Agreement.

(12) A provision that, if the total number of New Employees falls below a specified level, the allowance of Credit shall be suspended until the number of New Employees equals or exceeds the Agreement amount.

(13) A detailed description of the items for which the costs incurred by the Taxpayer will be included in the limitation on the Credit provided in Section 5-30.

(13.5) A provision that, if the Taxpayer never meets either the investment or job creation and retention requirements specified in the Agreement during the entire 5-year period beginning on the first day of the first taxable year in which the Agreement is executed and ending on the last day of the fifth taxable year after the Agreement is executed, then the Agreement is automatically terminated on the last day of the fifth taxable year after the Agreement is executed and the Taxpayer is not entitled to the award of any credits for any of that 5-year period.

(14) Any other performance conditions or contract provisions as the Department determines are appropriate.

(Source: P.A. 91-476, eff. 8-11-99.)

(35 ILCS 10/5-77 new)

Sec. 5-77. Sunset of new Agreements. The Department shall not enter into any new Agreements under the provisions of Section 5-50 of this Act after December 31, 2016.

Section 20. The Film Production Services Tax Credit Act of 2008 is amended by adding Section 42 as follows:

(35 ILCS 16/42 new)

Sec. 42. Sunset of credits. The application of credits awarded pursuant to this Act shall be limited by a reasonable and appropriate sunset date. A taxpayer shall not be entitled to take a credit awarded pursuant to this Act for tax years beginning on or after 5 years after the effective date of this amendatory Act of the 97th General Assembly.

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

Under the rules, the foregoing **Senate Bill No. 4**, with House Amendment No. 4, was referred to the Secretary's Desk.

At the hour of 3:43 o'clock p.m., pursuant to **House Joint Resolution No. 22**, the Chair announced the Senate stand adjourned until Wednesday, March 23, 2011, in perfunctory session.