



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-NINTH GENERAL ASSEMBLY

21ST LEGISLATIVE DAY

WEDNESDAY, MARCH 18, 2015

12:04 O'CLOCK P.M.

SENATE
Daily Journal Index
21st Legislative Day

Action	Page(s)
Legislative Measure(s) Filed	9, 10
Message from the House	8
Message from the President	3
Presentation of Senate Resolution No. 231	4
Presentation of Senate Resolution No. 232	5
Presentation of Senate Resolution No. 233	6
Presentation of Senate Resolutions No'd. 225-230, 234-235	3
Report from Assignments Committee	10
Report from Standing Committee(s)	7
Report(s) Received.....	3

Bill Number	Legislative Action	Page(s)
SB 0073	Second Reading	11
SB 0086	Second Reading	11
SB 0096	Second Reading	12
SB 0650	Second Reading	14
SB 0681	Second Reading	14
SB 0689	Second Reading	14
SB 0740	Second Reading	15
SB 0751	Second Reading	15
SB 0791	Second Reading	15
SB 0792	Second Reading	15
SB 0804	Second Reading	16
SB 0835	Second Reading	16
SB 0837	Second Reading	16
SB 0842	Second Reading	16
SB 1252	Second Reading	16
SB 1339	Second Reading	16
SB 1340	Second Reading	17
SB 1369	Second Reading	17
SB 1440	Second Reading	19
SB 1444	Second Reading	17
SB 1457	Second Reading	18
SB 1484	Second Reading	18
SB 1488	Second Reading	18
SB 1549	Second Reading	18
SB 1561	Second Reading	19
SB 1571	Second Reading	19
SB 1588	Second Reading	19
SB 1612	Second Reading	19
SR 0231	Committee on Assignments	4
SR 0232	Committee on Assignments	5
SR 0233	Committee on Assignments	6
HB 1361	First Reading.....	9
HB 1404	First Reading.....	9
HB 2515	First Reading.....	9
HB 2744	First Reading.....	9
HB 2814	First Reading.....	9

The Senate met pursuant to adjournment.
Senator Ira I. Silverstein, Chicago, Illinois, presiding.
Prayer by Reverend Julie Jones, Memorial Medical Center Chaplain, Springfield, Illinois.
Senator Cunningham led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Tuesday, March 17, 2015, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORT RECEIVED

The Secretary placed before the Senate the following report:

Report Pursuant to Public Act 87-552 (Flex time), submitted by the Illinois Human Rights Commission.

The foregoing report was ordered received and placed on file in the Secretary's Office.

MESSAGE FROM THE PRESIDENT

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

JOHN J. CULLERTON
SENATE PRESIDENT

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

March 18, 2015

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

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Terry Link to temporarily replace Senator Jennifer Bertino-Tarrant as a member of the Senate Local Government Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Local Government Committee.

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

cc: Senate Minority Leader Christine Radogno

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 225

Offered by Senator Rose and all Senators:
Mourns the death of Terry R. Lieb of Monticello.

SENATE RESOLUTION NO. 226

Offered by Senator Koehler and all Senators:
Mourns the death of Jeanette Couri of East Peoria.

[March 18, 2015]

SENATE RESOLUTION NO. 227

Offered by Senator McCann and all Senators:
Mourns the death of Cyril Henry Goetten of Jerseyville.

SENATE RESOLUTION NO. 228

Offered by Senators McCann - Manar and all Senators:
Mourns the death of Evelyn Kathleen "Kathy" Boston of Raymond.

SENATE RESOLUTION NO. 229

Offered by Senator Muñoz and all Senators:
Mourns the death of Chicago White Sox player Saturnino Orestes Armas "Minnie" Miñoso Arrieta.

SENATE RESOLUTION NO. 230

Offered by Senator Link and all Senators:
Mourns the death of Richard J. Galla.

SENATE RESOLUTION NO. 234

Offered by Senator Koehler and all Senators:
Mourns the death of Maryruth Ginn of Peoria.

SENATE RESOLUTION NO. 235

Offered by Senator Biss and all Senators:
Mourns the death of Lloyd Maday.

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

Senators Rezin - Connelly offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 231

WHEREAS, Smartphone device sales are on the rise with almost 1 billion units sold in the world in 2013; and

WHEREAS, Smartphone theft has increased in Illinois and the United States; in 2013, 3.1 million American consumers were victims of smartphone theft, according to Consumer Reports Magazine (double the number reported in 2012); and

WHEREAS, 113 smartphones are stolen every minute in the United States; in New York City, those thefts account for 14% of all crime; the Federal Trade Commission cites one out of 3 robberies nationwide involves the theft of a mobile phone; and

WHEREAS, Secure Our Smartphones (SOS), an initiative spearheaded by a coalition of law enforcement officials co-chaired by New York Attorney General Eric Schneiderman and San Francisco District Attorney George Gascon, is comprised of consumer groups, law enforcement agencies, and elected leaders from across the country, including Illinois Attorney General Lisa Madigan; SOS advocates a "kill switch", such as featured on the latest iPhone operating system, that allows the rightful owner to wipe all data from a stolen phone, thus rendering any stolen smartphone inoperable on any network, anywhere in the world, eliminating the incentive to steal smartphones; and

WHEREAS, This issue is a national problem in all 50 states and should not be dealt with on a state by state basis; and

[March 18, 2015]

WHEREAS, It is incumbent upon this legislative body to add its support to such a commonsense solution for all 50 states, especially in the face of mounting evidence that such incidents of smartphone thefts are becoming increasingly violent; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we call upon the Federal Communications Commission to expeditiously promulgate such rules and regulations in the interest of public safety that will mandate the installation of software in smartphones that would render them inoperable if they have been stolen; and be it further

RESOLVED, That suitable copies of this resolution be prepared and presented to the members of the Illinois Congressional Delegation, the Chairman of the Federal Communications Commission Tom Wheeler, and the other members of the Federal Communications Commission.

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

SENATE RESOLUTION NO. 232

WHEREAS, The FutureGen 2.0 clean coal project uses innovative technology that captures carbon dioxide from a retrofitted central Illinois coal-fired power plant and permanently stores the carbon dioxide in secure geological strata, resulting in what will be one of the cleanest coal fired power plants in the nation; and

WHEREAS, The FutureGen 2.0 Project is a public-private partnership between the United States Department of Energy and the non-profit FutureGen Alliance; and

WHEREAS, The FutureGen 2.0 Project is expected to help ensure the long-term viability of Illinois Basin coal as a major energy source in Illinois and throughout the nation and represents a significant step in the State's efforts to become a self-sufficient clean energy producer; and

WHEREAS, The American Recovery and Reinvestment Act appropriated more than \$1 billion in funding for advancing clean coal technologies and the FutureGen 2.0 Project; and

WHEREAS, The FutureGen 2.0 Project is an important coal development and conversion project that will create jobs in Illinois during the construction and operational phases, contribute to the overall State economy, and help reinvigorate the Illinois Basin coal industry; and

WHEREAS, Major work has already begun on the FutureGen 2.0 Project and air permits, water permits, carbon dioxide pipeline, and underground carbon dioxide storage permits have all been approved or are near finalization; halting funding for the project would result in job losses and waste more than \$200 million in already spent public and private funds; and

WHEREAS, A June 2013 study by the University of Illinois at Urbana-Champaign found that the FutureGen 2.0 project will generate \$12 billion in economic activity for the State of Illinois, including \$7.3 billion in economic activity in Morgan County; and

WHEREAS, The FutureGen 2.0 project has vocal bipartisan support in the United States Senate from Illinois Senators Richard Durbin and Mark Kirk; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the United States Department of Energy to continue funding the FutureGen 2.0 Project, as it is an important project that will help demonstrate an environmentally-preferred way to use coal to generate power and help guarantee the long-term viability of Illinois Basin coal by demonstrating that it can be used to generate power with near zero carbon emissions; and be it further

[March 18, 2015]

RESOLVED, That we urge Congress and the members of the Illinois congressional delegation to continue to support the FutureGen 2.0 project and to extend the September 30, 2015 deadline on American Recovery and Reinvestment Act funding for this important clean coal technology.

Senator J. Cullerton offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 233

WHEREAS, The State of Illinois is committed to protecting the safety of motorists on its roads and highways and to protecting taxpayers' investment in our highway infrastructure; and

WHEREAS, Truck crashes are a serious, deadly, and costly problem to Illinois families, our State's health care system, and the economy; and

WHEREAS, In 2013, there were 10,397 crashes involving tractor-trailers in Illinois; fatalities resulting from tractor-trailer crashes increased by 13% from 2012 to 2013, and the number of fatal crashes involving tractor-trailers also increased by 16%; and

WHEREAS, From 2009 to 2013, there were 586 fatalities resulting from crashes involving large trucks; and

WHEREAS, Annual truck crash fatalities nationwide are equivalent to a major airplane crash every other week of the year; and

WHEREAS, In fatal 2-vehicle crashes between a large truck and a passenger motor vehicle, 96% of the fatalities were occupants of the passenger vehicle; and

WHEREAS, Driving a truck is one of the most dangerous occupations in the United States; and

WHEREAS, An April 2014 survey found that 73% of Illinois residents oppose increasing the current federal truck weight limit of 80,000 pounds to 97,000 pounds; and

WHEREAS, Increases to truck size and weight limits would have a tremendous impact on Illinois' infrastructure; Illinois has the third largest interstate system in the United States and the third largest bridge inventory in the United States, and more than 7,200 trucking establishments within Illinois use the extensive network of highways; and

WHEREAS, At present, nearly 16% of the bridges in Illinois are structurally deficient or functionally obsolete and 15% of the major roads are considered to be in poor condition; increasing the weight of a heavy truck by only 10% increases bridge damage by 33%; and

WHEREAS, Driving on roads in need of repair costs Illinois motorists \$3.7 billion a year in extra vehicle repairs and operating costs, which amounts to nearly \$450 per motorist; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we oppose an increase in current truck size and weight limits on all roads in the State of Illinois in order to ensure the safety of all Illinois motorists on our streets and highways; and be it further

RESOLVED, That we affirm our opposition to removing or weakening the federal freeze on Longer Combination Vehicles contained in the Intermodal Surface Transportation Efficiency Act of 1991, which restricts the use of extra-long double and triple trailers trucks on Illinois highways because of the adverse impact on highway safety and infrastructure; and be it further

[March 18, 2015]

RESOLVED, That suitable copies of this resolution be delivered to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, and the members of the Illinois congressional delegation.

REPORTS FROM STANDING COMMITTEES

Senator Mulroe, Chairperson of the Committee on Public Health, to which was referred **Senate Bill No. 1354**, reported the same back with the recommendation that the bill do pass.

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

Senator Mulroe, Chairperson of the Committee on Public Health, to which was referred **Senate Bill No. 679**, 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 Mulroe, Chairperson of the Committee on Public Health, to which was referred **Senate Resolutions numbered 141 and 149**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **Senate Resolutions numbered 141 and 149** were placed on the Secretary's Desk.

Senator Delgado, Chairperson of the Committee on Education, to which was referred **Senate Bills Numbered 1628 and 1793**, reported the same back with the recommendation that the bills do pass.

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

Senator Delgado, Chairperson of the Committee on Education, to which was referred **Senate Bills Numbered 100 and 665**, 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 Stadelman, Vice-Chairperson of the Committee on Transportation, to which was referred **Senate Bills Numbered 805, 1314, 1589, 1620, 1641, 1885 and 1899**, reported the same back with the recommendation that the bills do pass.

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

Senator Stadelman, Vice-Chairperson of the Committee on Transportation, to which was referred **Senate Bills Numbered 674, 1388 and 1603**, 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 Raoul, Chairperson of the Committee on Judiciary, to which was referred **Senate Bills Numbered 1376, 1717, 1734 and 1866**, 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 Judiciary, to which was referred **Senate Bills Numbered 818, 1298, 1309, 1447, 1498, 1564, 1761 and 1877**, 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 Raoul, Chairperson of the Committee on Judiciary, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 45

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

[March 18, 2015]

Senator Morrison, Vice-Chairperson of the Committee on Human Services, to which was referred **Senate Bills Numbered 730, 1893 and 1894**, reported the same back with the recommendation that the bills do pass.

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

Senator Morrison, Vice-Chairperson of the Committee on Human Services, to which was referred **Senate Bills Numbered 721, 788, 1728 and 1751**, 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 Morrison, Vice-Chairperson of the Committee on Human Services, to which was referred **Senate Resolutions numbered 140 and 148**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **Senate Resolutions numbered 140 and 148** were placed on the Secretary's Desk.

Senator E. Jones III, Chairperson of the Committee on Local Government, to which was referred **Senate Bills Numbered 30, 87, 816, 1271, 1483, 1853 and 1854**, reported the same back with the recommendation that the bills do pass.

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

Senator E. Jones III, Chairperson of the Committee on Local Government, to which was referred **Senate Bills Numbered 26 and 1523**, 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 Noland, Chairperson of the Committee on Criminal Law, to which was referred **Senate Bills Numbered 31, 1582, 1657, 1688 and 1938**, reported the same back with the recommendation that the bills do pass.

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

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

Senate Amendment No. 1 to Senate Bill 689

Senate Amendment No. 1 to Senate Bill 809

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

Senator Noland, Chairperson of the Committee on Criminal Law, to which was referred **Senate Resolution No. 175**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 175** was placed on the Secretary's Desk.

Senator Forby, Chairperson of the Committee on Labor, to which was referred **Senate Bill No. 47**, reported the same back with the recommendation that the bill 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 Resolution No. 114**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 114** was placed on the Secretary's Desk.

MESSAGE FROM THE HOUSE

[March 18, 2015]

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1361
A bill for AN ACT concerning housing.
HOUSE BILL NO. 1404
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 1417
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 2495
A bill for AN ACT concerning safety.
HOUSE BILL NO. 2515
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 2744
A bill for AN ACT concerning local government.
HOUSE BILL NO. 2814
A bill for AN ACT concerning regulation.
Passed the House, March 17, 2015.

TIMOTHY D. MAPES, Clerk of the House

The foregoing **House Bills Numbered 1361, 1404, 1417, 2495, 2515, 2744 and 2814** were taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 1361, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1404, sponsored by Senator Koehler, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2515, sponsored by Senator Bennett, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2744, sponsored by Senator McConnaughay, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2814, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Assignments.

LEGISLATIVE MEASURES FILED

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

Committee Amendment No. 1 to Senate Joint Resolution 13
Committee Amendment No. 1 to Senate Resolution 139

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

Committee Amendment No. 1 to Senate Bill 140
Committee Amendment No. 1 to Senate Bill 220
Committee Amendment No. 1 to Senate Bill 368

[March 18, 2015]

Committee Amendment No. 1 to Senate Bill 369
 Committee Amendment No. 1 to Senate Bill 682
 Committee Amendment No. 2 to Senate Bill 717
 Committee Amendment No. 2 to Senate Bill 780
 Committee Amendment No. 1 to Senate Bill 1206
 Committee Amendment No. 1 to Senate Bill 1228
 Committee Amendment No. 1 to Senate Bill 1238
 Committee Amendment No. 1 to Senate Bill 1275
 Committee Amendment No. 1 to Senate Bill 1407
 Committee Amendment No. 1 to Senate Bill 1408
 Committee Amendment No. 1 to Senate Bill 1430
 Committee Amendment No. 1 to Senate Bill 1508
 Committee Amendment No. 1 to Senate Bill 1516
 Committee Amendment No. 1 to Senate Bill 1518
 Committee Amendment No. 1 to Senate Bill 1565
 Committee Amendment No. 1 to Senate Bill 1590
 Committee Amendment No. 1 to Senate Bill 1682
 Committee Amendment No. 1 to Senate Bill 1801
 Committee Amendment No. 1 to Senate Bill 1826
 Committee Amendment No. 1 to Senate Bill 1827
 Committee Amendment No. 1 to Senate Bill 1895

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

Floor Amendment No. 1 to Senate Bill 1641
 Floor Amendment No. 1 to Senate Bill 1866

At the hour of 12:15 o'clock p.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 12:23 o'clock p.m., the Senate resumed consideration of business.
 Senator Silverstein, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 18, 2015 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committee of the Senate:

Commerce and Economic Development: **Committee Amendment No. 1 to Senate Bill 1682.**

Environment and Conservation: **Committee Amendment No. 1 to Senate Bill 1408; Committee Amendment No. 1 to Senate Bill 1508; Committee Amendment No. 1 to Senate Bill 1590.**

Executive: **Committee Amendment No. 1 to Senate Bill 868; Committee Amendment No. 2 to Senate Bill 1265; Committee Amendment No. 1 to Senate Bill 1448; Committee Amendment No. 1 to Senate Bill 1813; Committee Amendment No. 1 to Senate Bill 1898; SENATE BILLS 4, 14, 17, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 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, 219, 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, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292,**

[March 18, 2015]

293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 370, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1327, 1400, 1795 and 1796.

Insurance: **Committee Amendment No. 2 to Senate Bill 29; Committee Amendment No. 2 to Senate Bill 94; Committee Amendment No. 1 to Senate Bill 750.**

Licensed Activities and Pensions: **Committee Amendment No. 1 to Senate Bill 731; Committee Amendment No. 1 to Senate Bill 1407; Committee Amendment No. 1 to Senate Bill 1504; Committee Amendment No. 1 to Senate Bill 1554.**

Public Health: **Committee Amendment No. 1 to Senate Bill 1800.**

Revenue: **Committee Amendment No. 1 to Senate Joint Resolution 13; Committee Amendment No. 1 to Senate Bill 368; Committee Amendment No. 2 to Senate Bill 717; Committee Amendment No. 1 to Senate Bill 1262; Committee Amendment No. 1 to Senate Bill 1906; SENATE BILLS 88 and 666.**

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Connelly, **Senate Bill No. 73** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **Senate Bill No. 86** having been printed, was taken up, read by title a second time and ordered to a third reading.

[March 18, 2015]

On motion of Senator Haine, **Senate Bill No. 96** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 96

AMENDMENT NO. 1. Amend Senate Bill 96 by replacing everything after the enacting clause with the following:

"Section 5. The Fluorspar and Underground Limestone Mines Act is amended by changing Section 1 as follows:

(225 ILCS 710/1) (from Ch. 96 1/2, par. 4201)

Sec. 1. Application of Act; short title; definitions.

(a) This Act shall apply to all mines in the State of Illinois producing minerals within the meaning of that term, as hereinafter defined.

(b) This Act may be cited as the Fluorspar and Underground Limestone Mines Act.

(c) For the purpose of this Act the singular numbers when in reference to persons, acts, objects and things of whatsoever kind and description shall, whenever the context will permit, be taken and held to import and include the plural number and the plural number shall similarly be taken and held to import and include the singular, and terms that impart the masculine gender shall be taken to impart and include the feminine gender as well.

(d) The term "mine," when used in the Act, shall include prospects, openings and open-cuts and workings, and shall embrace any and all parts of the property of such "mine" and mining plant on the surface or underground, that contribute directly or indirectly to the mining and handling of minerals.

Provided, that when a group of workings in proximity to one another and under one management are administered as distinct units each working shall be considered a separate mine.

(e) The term "mineral" when used in this Act shall mean whatever is recognized by the standard authorities as mineral, whether metalliferous or non-metalliferous, but shall not be held to embrace or include silica, granite, marble, salt, sand, gravel, clay, rock, coal, lignite, gas, oil or any substance extracted in solution or in the molten state through bore holes.

(f) The term "operator" when used in this Act shall mean the person, firm, or body corporate, in immediate possession of any mine and its accessories as owner or lessee thereof, and as such responsible for the condition and management thereof.

(g) The term "superintendent" when used in this Act shall mean the person having the immediate supervision of the mine.

(h) The term "mine foreman" when used in this Act shall mean the person who at any one time is charged with the general direction of the underground work.

(i) The term "inspector" when used in this Act shall signify the official State Inspector.

(j) The words "excavation" and "workings" when used in this Act shall signify any and all parts of a mine excavated or being excavated, including shafts, raises, tunnels, adits, open-cuts, and all working places, whether abandoned or in use.

(k) Whenever the expression "number of men" or "average number of men" employed in a mine are used in this Act as defining or constituting classes of mines to which this Act or any specific section, clauses, provision or rule thereof, does or does not apply, such expressions shall be construed to mean the average number of individuals employed during the previous year as shown by the returns to the mine inspector or by the books or pay roll of the mine, or by all of such means and such average number shall be determined by dividing the total number of man shifts by the number of days the mine worked during such period.

(l) The term "explosive" or "explosives" as used in this Act shall be held to mean and to include any chemical or any mechanical mixture that contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effect on contiguous objects or of destroying life or limb.

(m) The term "person" when used in this Act shall be held to mean and include a firm or body corporate as well as natural persons.

(n) The term "underground" as used in this Act shall be held to mean "within the limits of" any mine working or excavation and shall not exclude such workings or excavations as may not be covered over by rock or earth.

[March 18, 2015]

(o) The term "employees" and "men employed" shall be held to mean all individuals receiving compensation from the operator, directly or indirectly, for labor or services performed in connection with the mine and shall include contractors, lessors, lessees, tributers, or any one similarly employed. (Source: P.A. 88-185.)

Section 10. The Surface-Mined Land Conservation and Reclamation Act is amended by changing Section 8 as follows:

(225 ILCS 715/8) (from Ch. 96 1/2, par. 4509)

Sec. 8. Bond of operator; amount; sufficiency of surety; violations; compliance. Any bond herein provided to be filed with the Department by the operator shall be in such form as the Director prescribes, payable to the People of the State of Illinois, conditioned that the operator shall faithfully perform all requirements of this Act and comply with all rules of the Department made in accordance with the provisions of this Act. Such bond shall be signed by the operator as principal, and by a good and sufficient corporate surety, licensed to do business in Illinois, as surety. The penalty of such bond shall be an amount between \$600 and ~~\$10,000~~ ~~\$5,000~~ per acre as determined by the Director for lands to be affected by surface mining, including slurry and gob disposal areas. Under circumstances where a written agreement between the operator and a third party require overburden to be removed, replaced, graded, and seeded in a manner that the necessary bond penalty exceeds \$10,000 per acre, the Department shall require a bond amount sufficient to ensure the completion of the reclamation plan specified in the approved permit in the event of forfeiture. In no case shall the bond for the entire area under one permit be less than \$600 per acre or \$3,000, whichever is greater. Areas used for the disposal of slurry and gob shall continue under bond so long as they are in active use. In lieu of such bonds, the operator may deposit any combination of cash, certificates of deposits, government securities, or irrevocable letters of credit with the Department in an amount equal to that of the required surety bond on conditions as prescribed in this Section. The penalty of the bond or amount of other security shall be increased or reduced from time to time as provided in this Act. Such bond or security shall remain in effect until the affected lands have been reclaimed, approved and released by the Department except that when the Department determines that grading and covering with materials capable of supporting vegetation in accordance with the plan has been satisfactorily completed, the Department shall release the bond or security except the amount of \$100 per acre which shall be retained by the Department until the reclamation according to Section 6 of this Act has been completed. Where an anticipated water impoundment has been approved by the Department in the reclamation plan, and the Department determines the impoundment will be satisfactorily completed upon completion of the operation, the bond covering such anticipated water impoundment area shall be released.

A bond filed as above prescribed shall not be cancelled by the surety except after not less than 90 days' notice to the Department.

If the license to do business in Illinois of any surety upon a bond filed with the Department pursuant to this Act shall be suspended or revoked, the operator, within 30 days after receiving notice thereof from the Department, shall substitute for such surety a good and sufficient corporate surety licensed to do business in Illinois. Upon failure of the operator to make substitution of surety as herein provided, the Department shall have the right to suspend the permit of the operator until such substitution has been made.

The Department shall give written notice to the operator of any violation of this Act or non-compliance with any of the rules and regulations promulgated by the Department hereunder and if corrective measures, approved by the Department, are not commenced within 45 days, the Department may proceed as provided in Section 11 of this Act to request forfeiture of the bond or security. The forfeiture shall be the amount of bond or security in effect at the time of default for each acre or portion thereof with respect to which the operator has defaulted. Such forfeiture shall fully satisfy all obligations of the operator to reclaim the affected land under the provisions of this Act.

The Department shall have the power to reclaim, in keeping with the provisions of this Act, any affected land with respect to which a bond has been forfeited.

Whenever an operator shall have completed all requirements under the provisions of this Act as to any affected land, he shall notify the Department thereof. If the Department determines that the operator has completed reclamation requirements and refuse disposal requirements and has achieved results appropriate to the use for which the area was reclaimed, the Department shall release the operator from further obligations regarding such affected land and the penalty of the bond shall be reduced proportionately.

Bonding aggregate mining operations under permit by the State is an exclusive power and function of the State. A home rule unit may not require bonding of aggregate mining operations under permit by the State. This provision is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution of 1970.

(Source: P.A. 91-938, eff. 1-11-01.)"

[March 18, 2015]

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 Haine, **Senate Bill No. 650** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Biss, **Senate Bill No. 681** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 681

AMENDMENT NO. 1. Amend Senate Bill 681 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Exotic Weed Act is amended by changing Sections 3 and 4 as follows:
(525 ILCS 10/3) (from Ch. 5, par. 933)

Sec. 3. Designated Exotic Weeds. Japanese honeysuckle (*Lonicera japonica*), multiflora rose (*Rosa multiflora*), purple loosestrife (*Lythrum salicaria*), common buckthorn (*Rhamnus cathartica*), glossy buckthorn (*Rhamnus frangula*), saw-toothed buckthorn (*Rhamnus arguta*), dahurian buckthorn (*Rhamnus davurica*), Japanese buckthorn (*Rhamnus japonica*), Chinese buckthorn (*Rhamnus utilis*), and kudzu (*Pueraria lobata*), exotic bush honeysuckles (*Lonicera maackii*, *Lonicera tatarica*, *Lonicera morrowii*, and *Lonicera fragrantissima*), exotic olives (*Elaeagnus umbellata*, *Elaeagnus pungens*, *Elaeagnus angustifolia*), salt cedar (all members of the *Tamarix* genus), poison hemlock (*Conium maculatum*), giant hogweed (*Heracleum mantegazzianum*), Oriental bittersweet (*Celastrus orbiculatus*), and lesser celandine (*Ficaria verna*), teasel (all members of the *Dipsacus* genus), and Japanese, giant, and Bohemian knotweed (*Fallopia japonica*, syn. *Polygonum cuspidatum*; *Fallopia sachalinensis*; and *Fallopia x bohemica*, resp.) are hereby designated exotic weeds. Upon petition the Director of Natural Resources, by rule, shall exempt varieties of any species listed in this Act that can be demonstrated by published or current research not to be an exotic weed as defined in Section 2.

(Source: P.A. 93-128, eff. 7-10-03.)

(525 ILCS 10/4) (from Ch. 5, par. 934)

Sec. 4. Control of Exotic Weeds.

(a) It shall be unlawful for any person, corporation, political subdivision, agency or department of the State to buy, sell, offer for sale, distribute or plant seeds, plants or plant parts of exotic weeds without a permit issued by the Department of Natural Resources. Such permits shall be issued only:

(1) for experiments into controlling and eradicating exotic weeds; or

(2) for research to demonstrate that a variety of a species listed in this Act is not an exotic weed as defined in Section 2; or

(3) for the use of exotic olive (*Elaeagnus umbellata*, *Elaeagnus pungens*, *Elaeagnus angustifolia*) berries in the manufacture of value added products, not to include the resale of whole berries or seeds. The exotic berry permit holder must register annually with the Department of Natural Resources and be able to demonstrate to the Department that seeds remaining post-manufacture are sterile or otherwise unviable.

(b) The commercial propagation of exotic weeds for sale outside Illinois, certified under the Insect Pest and Plant Disease Act, is exempted from the provisions of this Section.

(c) The Department of Natural Resources may adopt rules for the administration of this Section.

(Source: P.A. 89-445, eff. 2-7-96.)"

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 Murphy, **Senate Bill No. 689** having been printed, was taken up, read by title a second time.

Senator Murphy offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 689

AMENDMENT NO. 1. Amend Senate Bill 689 on page 1, line 15, by inserting ", or a physician assistant licensed under the Physician Assistant Practice Act of 1987," after "Act"; and

[March 18, 2015]

on page 4, line 8, by inserting ", or a physician assistant licensed under the Physician Assistant Practice Act of 1987," after "Act".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Holmes, **Senate Bill No. 740** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 740

AMENDMENT NO. 1. Amend Senate Bill 740 by replacing everything after the enacting clause with the following:

"Section 5. The Fire Hydrant Act is amended by adding Section 2 as follows:

(425 ILCS 20/2 new)

Sec. 2. Recovery of costs; fire hydrant.

(a) As used in this Section, "fire hydrant" means a water hydrant connected to a water supply system installed for the express purpose of providing water for fire suppression and that a fire department can connect to and from which it can pump or draw water. "Fire hydrant" does not include flush hydrants.

(b) Whoever fails to comply with any of the provisions of this Act within 30 days after written notice of noncompliance or violation should reasonably have been received from a fire protection district, township fire department, or municipality in whose jurisdiction a fire hydrant is located, shall be responsible for all reasonable costs that the fire protection district, township fire department, or municipality incurs to correct the noncompliance, including attorney's fees and legal expenses incurred by the fire protection district, township fire department, or municipality in recovering the costs from the responsible party.

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 Hastings, **Senate Bill No. 751** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 751

AMENDMENT NO. 1. Amend Senate Bill 751 on page 2, line 22, after "clinic", by inserting "or for that service in any way"; and

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

"(d) The changes to this Section made by this amendatory Act of the 99th General Assembly apply only to causes of action accruing on or after the effective date of this amendatory Act of the 99th General Assembly."

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 Bush, **Senate Bill No. 791** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bush, **Senate Bill No. 792** having been printed, was taken up, read by title a second time.

[March 18, 2015]

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

AMENDMENT NO. 1 TO SENATE BILL 792

AMENDMENT NO. 1. Amend Senate Bill 792 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 18-75 as follows:
(35 ILCS 200/18-75)

Sec. 18-75. Notice; place of publication. If the taxing district is located entirely in one county, the notice shall be published in an English language newspaper of general circulation published in the taxing district, or if there is no such newspaper, in an English language newspaper of general circulation published in the county and having circulation in the taxing district.

If the taxing district is located primarily in one county but extends into smaller portions of adjoining counties, the notice shall be published in a newspaper of general circulation published in the taxing district, or if there is no such newspaper, in a newspaper of general circulation published in each county in which any part of the district is located.

If the taxing district includes all or a large portion of 2 or more counties, the notice shall be published in a newspaper of general circulation published in each county in which any part of the district is located.

If a taxing district has a website maintained by the full-time staff of the taxing district, then the notice shall be posted on the website in addition to the other requirements of this Section. The failure of a taxing district to post the notice on its website shall not invalidate the notice or any action taken on the tax levy. (Source: P.A. 86-957; 88-455.)"

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 Haine, **Senate Bill No. 804** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 835** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **Senate Bill No. 837** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **Senate Bill No. 842** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **Senate Bill No. 1252** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bennett, **Senate Bill No. 1339** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1339

AMENDMENT NO. 1. Amend Senate Bill 1339 by replacing everything after the enacting clause with the following:

"Section 5. The Open Meetings Act is amended by adding Section 2.07 as follows:
(5 ILCS 120/2.07 new)

Sec. 2.07. Video of meetings; posting of agendas.

(a) This Section shall apply to only public bodies to which the Governor makes at least one appointment to the body that is subject to the advice and consent of the Senate.

(b) Each public body shall post video of its meetings on the public body's official website within 24 hours after the scheduled beginning of the meeting. This requirement shall not apply to portions of the meeting that are closed pursuant to this Act. Each public body must keep the video of each meeting on its official website for a period of 2 years after the meeting date or until the meeting has been reduced to

[March 18, 2015]

detailed minutes or transcripts, whichever is later. After the video is removed from the official website, the public body must retain the video of each meeting for a period of at least 5 years after the meeting date. Such video shall be available to the public upon request.

(c) Each public body must post its meeting agenda on its official website at least 72 hours prior to the meeting. In the case of an emergency meeting, each public body must post that agenda as soon as it is able.

(d) The failure of a public body to provide video or to post meeting agendas due to technical difficulties shall not invalidate any meeting or any actions taken at the meeting.

(e) The requirements of this Section shall not apply to any public body meetings occurring before the effective date of this amendatory Act of the 99th General Assembly.

Section 99. Effective date. This Act takes effect January 1, 2016."

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 Anderson, **Senate Bill No. 1340** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Morrison, **Senate Bill No. 1369** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1369

AMENDMENT NO. 1. Amend Senate Bill 1369 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Governmental Ethics Act is amended by adding Section 3A-45 as follows:

(5 ILCS 420/3A-45 new)

Sec. 3A-45. Late term executive appointees.

(a) As used in this Section, "late term executive appointee" means a person who is appointed, contracted with, or employed as a director, executive director, or other similar executive management position by any public body 90 or fewer days before the end of the then-serving Governor's term, when the then-serving Governor does not succeed himself or herself as Governor. For purposes of this Section only, "public body" means a board, commission, authority, task force, or other similar group authorized or created by State law where the Governor appoints one or more members of the board, commission, authority, task force, or other similar body.

(b) A late term executive appointee shall serve no longer than the 60th day of the term of office of the succeeding Governor. A late term executive appointee may be retained by appointment, contract, or employment after the 60th day only if the public body takes official action at an open meeting of that public body which occurs after the succeeding Governor has taken office.

Section 90. The State Mandates Act is amended by adding Section 8.39 as follows:

(30 ILCS 805/8.39 new)

Sec. 8.39. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 99th General Assembly.

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 Bush, **Senate Bill No. 1444** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1444

[March 18, 2015]

AMENDMENT NO. 1. Amend Senate Bill 1444 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Governmental Ethics Act is amended by adding Article 3B as follows:

(5 ILCS 420/Art. 3B heading new)

ARTICLE 3B. BOARDS AND COMMISSIONS

(5 ILCS 420/3B-5 new)

Sec. 3B-5. Definition. As used in this Article:

"Board" includes a board, commission, authority, task force, or other similar body to which one or more members are appointed by the Governor and where the member receives any form of compensation on a per meeting basis; this does not include reimbursement for actual travel or other expenses necessarily incurred in discharging the duties of the office.

(5 ILCS 420/3B-10 new)

Sec. 3B-10. Per meeting compensation and meetings. Notwithstanding any other provision of law, a board member shall not receive per meeting compensation for more than one meeting held during any 7 consecutive day period unless: (i) each meeting is more than 4 hours long, or (ii) in the case of a bona fide emergency."

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 Althoff, **Senate Bill No. 1457** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Anderson, **Senate Bill No. 1484** 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 1484

AMENDMENT NO. 1. Amend Senate Bill 1484 as follows:

on page 1, line 7, by deleting "The third Saturday"; and

on page 1, line 8, by deleting "in"; and

on page 1, line 8, after "September", by inserting "19".

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 Cunningham, **Senate Bill No. 1488** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cunningham, **Senate Bill No. 1549** 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 1549

AMENDMENT NO. 1. Amend Senate Bill 1549 on page 1, by replacing lines 8 and 9 with the following:

"Children's Checkoff. For taxable years beginning on or after January 1, 2015, the Department shall print on its standard individual"; and

on page 1, line 10, by replacing "from" with "form"; and

on page 2, line 3, by replacing "an" with "and".

[March 18, 2015]

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 Manar, **Senate Bill No. 1561** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1571** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **Senate Bill No. 1588** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1588

AMENDMENT NO. 1. Amend Senate Bill 1588 on page 1, line 20, replacing "1" with "2"; and on page 1, by deleting lines 21 and 22; and on page 3, line 8, by inserting after the period the following: "The court shall cause an official record of the in camera hearing to be made, which shall be kept under seal."; and on page 3, line 11, by inserting "by a preponderance of the evidence" after "finds"; and on page 3, line 13, by replacing "could" with "would likely".

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 Althoff, **Senate Bill No. 1612** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **Senate Bill No. 1440** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1440

AMENDMENT NO. 1. Amend Senate Bill 1440 by replacing everything after the enacting clause with the following:

"Section 5. The Real Estate License Act of 2000 is amended by changing Sections 1-10 and 5-32 as follows:

(225 ILCS 454/1-10)

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

Sec. 1-10. Definitions. In this Act, unless the context otherwise requires:

"Act" means the Real Estate License Act of 2000.

"Address of Record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address, and those changes must be made either through the Department's website or by contacting the Department.

"Advisory Council" means the Real Estate Education Advisory Council created under Section 30-10 of this Act.

"Agency" means a relationship in which a real estate broker or licensee, whether directly or through an affiliated licensee, represents a consumer by the consumer's consent, whether express or implied, in a real property transaction.

"Applicant" means any person, as defined in this Section, who applies to the Department for a valid license as a real estate broker, real estate salesperson, or leasing agent.

[March 18, 2015]

"Blind advertisement" means any real estate advertisement that does not include the sponsoring broker's business name and that is used by any licensee regarding the sale or lease of real estate, including his or her own, licensed activities, or the hiring of any licensee under this Act. The broker's business name in the case of a franchise shall include the franchise affiliation as well as the name of the individual firm.

"Board" means the Real Estate Administration and Disciplinary Board of the Department as created by Section 25-10 of this Act.

"Branch office" means a sponsoring broker's office other than the sponsoring broker's principal office.

"Broker" means an individual, partnership, limited liability company, corporation, or registered limited liability partnership other than a real estate salesperson or leasing agent who, whether in person or through any media or technology, for another and for compensation, or with the intention or expectation of receiving compensation, either directly or indirectly:

- (1) Sells, exchanges, purchases, rents, or leases real estate.
- (2) Offers to sell, exchange, purchase, rent, or lease real estate.
- (3) Negotiates, offers, attempts, or agrees to negotiate the sale, exchange, purchase, rental, or leasing of real estate.
- (4) Lists, offers, attempts, or agrees to list real estate for sale, lease, or exchange.
- (5) Buys, sells, offers to buy or sell, or otherwise deals in options on real estate or improvements thereon.
- (6) Supervises the collection, offer, attempt, or agreement to collect rent for the use of real estate.
- (7) Advertises or represents himself or herself as being engaged in the business of buying, selling, exchanging, renting, or leasing real estate.
- (8) Assists or directs in procuring or referring of leads or prospects, intended to result in the sale, exchange, lease, or rental of real estate.
- (9) Assists or directs in the negotiation of any transaction intended to result in the sale, exchange, lease, or rental of real estate.
- (10) Opens real estate to the public for marketing purposes.
- (11) Sells, leases, or offers for sale or lease real estate at auction.
- (12) Prepares or provides a broker price opinion or comparative market analysis as those terms are defined in this Act, pursuant to the provisions of Section 10-45 of this Act.

"Brokerage agreement" means a written or oral agreement between a sponsoring broker and a consumer for licensed activities to be provided to a consumer in return for compensation or the right to receive compensation from another. Brokerage agreements may constitute either a bilateral or a unilateral agreement between the broker and the broker's client depending upon the content of the brokerage agreement. All exclusive brokerage agreements shall be in writing.

"Broker price opinion" means an estimate or analysis of the probable selling price of a particular interest in real estate, which may provide a varying level of detail about the property's condition, market, and neighborhood and information on comparable sales. The activities of a real estate broker or managing broker engaging in the ordinary course of business as a broker, as defined in this Section, shall not be considered a broker price opinion if no compensation is paid to the broker or managing broker, other than compensation based upon the sale or rental of real estate.

"Client" means a person who is being represented by a licensee.

"Comparative market analysis" is an analysis or opinion regarding pricing, marketing, or financial aspects relating to a specified interest or interests in real estate that may be based upon an analysis of comparative market data, the expertise of the real estate broker or managing broker, and such other factors as the broker or managing broker may deem appropriate in developing or preparing such analysis or opinion. The activities of a real estate broker or managing broker engaging in the ordinary course of business as a broker, as defined in this Section, shall not be considered a comparative market analysis if no compensation is paid to the broker or managing broker, other than compensation based upon the sale or rental of real estate.

"Compensation" means the valuable consideration given by one person or entity to another person or entity in exchange for the performance of some activity or service. Compensation shall include the transfer of valuable consideration, including without limitation the following:

- (1) commissions;
- (2) referral fees;
- (3) bonuses;
- (4) prizes;
- (5) merchandise;
- (6) finder fees;

[March 18, 2015]

- (7) performance of services;
- (8) coupons or gift certificates;
- (9) discounts;
- (10) rebates;
- (11) a chance to win a raffle, drawing, lottery, or similar game of chance not prohibited by any other law or statute;
- (12) retainer fee; or
- (13) salary.

"Confidential information" means information obtained by a licensee from a client during the term of a brokerage agreement that (i) was made confidential by the written request or written instruction of the client, (ii) deals with the negotiating position of the client, or (iii) is information the disclosure of which could materially harm the negotiating position of the client, unless at any time:

- (1) the client permits the disclosure of information given by that client by word or conduct;
- (2) the disclosure is required by law; or
- (3) the information becomes public from a source other than the licensee.

"Confidential information" shall not be considered to include material information about the physical condition of the property.

"Consumer" means a person or entity seeking or receiving licensed activities.

"Continuing education school" means any person licensed by the Department as a school for continuing education in accordance with Section 30-15 of this Act.

"Coordinator" means the Coordinator of Real Estate created in Section 25-15 of this Act.

"Credit hour" means 50 minutes of classroom instruction in course work that meets the requirements set forth in rules adopted by the Department.

"Customer" means a consumer who is not being represented by the licensee but for whom the licensee is performing ministerial acts.

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

"Designated agency" means a contractual relationship between a sponsoring broker and a client under Section 15-50 of this Act in which one or more licensees associated with or employed by the broker are designated as agent of the client.

"Designated agent" means a sponsored licensee named by a sponsoring broker as the legal agent of a client, as provided for in Section 15-50 of this Act.

"Dual agency" means an agency relationship in which a licensee is representing both buyer and seller or both landlord and tenant in the same transaction. When the agency relationship is a designated agency, the question of whether there is a dual agency shall be determined by the agency relationships of the designated agent of the parties and not of the sponsoring broker.

"Employee" or other derivative of the word "employee", when used to refer to, describe, or delineate the relationship between a real estate broker and a real estate salesperson, another real estate broker, or a leasing agent, shall be construed to include an independent contractor relationship, provided that a written agreement exists that clearly establishes and states the relationship. All responsibilities of a broker shall remain.

"Escrow moneys" means all moneys, promissory notes or any other type or manner of legal tender or financial consideration deposited with any person for the benefit of the parties to the transaction. A transaction exists once an agreement has been reached and an accepted real estate contract signed or lease agreed to by the parties. Escrow moneys includes without limitation earnest moneys and security deposits, except those security deposits in which the person holding the security deposit is also the sole owner of the property being leased and for which the security deposit is being held.

"Electronic means of proctoring" means a methodology providing assurance that the person taking a test and completing the answers to questions is the person seeking licensure or credit for continuing education and is doing so without the aid of a third party or other device.

"Exclusive brokerage agreement" means a written brokerage agreement that provides that the sponsoring broker has the sole right, through one or more sponsored licensees, to act as the exclusive designated agent or representative of the client and that meets the requirements of Section 15-75 of this Act.

"Grandfathered auctioneer" means a person who is exempt from holding a license under paragraph (13) of Section 5-20 of this Act.

"Inoperative" means a status of licensure where the licensee holds a current license under this Act, but the licensee is prohibited from engaging in licensed activities because the licensee is unsponsored or the

license of the sponsoring broker with whom the licensee is associated or by whom he or she is employed is currently expired, revoked, suspended, or otherwise rendered invalid under this Act.

"Interactive delivery method" means delivery of a course by an instructor through a medium allowing for 2-way communication between the instructor and a student in which either can initiate or respond to questions.

"Leads" means the name or names of a potential buyer, seller, lessor, lessee, or client of a licensee.

"Leasing Agent" means a person who is employed by a real estate broker to engage in licensed activities limited to leasing residential real estate who has obtained a license as provided for in Section 5-5 of this Act.

"License" means the document issued by the Department certifying that the person named thereon has fulfilled all requirements prerequisite to licensure under this Act.

"Licensed activities" means those activities listed in the definition of "broker" under this Section.

"Licensee" means any person, as defined in this Section, who holds a valid unexpired license as a real estate broker, real estate salesperson, or leasing agent.

"Listing presentation" means a communication between a real estate broker or salesperson and a consumer in which the licensee is attempting to secure a brokerage agreement with the consumer to market the consumer's real estate for sale or lease.

"Managing broker" means a broker who has supervisory responsibilities for licensees in one or, in the case of a multi-office company, more than one office and who has been appointed as such by the sponsoring broker.

"Medium of advertising" means any method of communication intended to influence the general public to use or purchase a particular good or service or real estate.

"Ministerial acts" means those acts that a licensee may perform for a consumer that are informative or clerical in nature and do not rise to the level of active representation on behalf of a consumer. Examples of these acts include without limitation (i) responding to phone inquiries by consumers as to the availability and pricing of brokerage services, (ii) responding to phone inquiries from a consumer concerning the price or location of property, (iii) attending an open house and responding to questions about the property from a consumer, (iv) setting an appointment to view property, (v) responding to questions of consumers walking into a licensee's office concerning brokerage services offered or particular properties, (vi) accompanying an appraiser, inspector, contractor, or similar third party on a visit to a property, (vii) describing a property or the property's condition in response to a consumer's inquiry, (viii) completing business or factual information for a consumer on an offer or contract to purchase on behalf of a client, (ix) showing a client through a property being sold by an owner on his or her own behalf, or (x) referral to another broker or service provider.

"Office" means a real estate broker's place of business where the general public is invited to transact business and where records may be maintained and licenses displayed, whether or not it is the broker's principal place of business.

"Person" means and includes individuals, entities, corporations, limited liability companies, registered limited liability partnerships, and partnerships, foreign or domestic, except that when the context otherwise requires, the term may refer to a single individual or other described entity.

"Personal assistant" means a licensed or unlicensed person who has been hired for the purpose of aiding or assisting a sponsored licensee in the performance of the sponsored licensee's job.

"Pocket card" means the card issued by the Department to signify that the person named on the card is currently licensed under this Act.

"Pre-license school" means a school licensed by the Department offering courses in subjects related to real estate transactions, including the subjects upon which an applicant is examined in determining fitness to receive a license.

"Pre-renewal period" means the period between the date of issue of a currently valid license and the license's expiration date.

"Proctor" means any person, including, but not limited to, an instructor, who has a written agreement to administer examinations fairly and impartially with a licensed pre-license school or a licensed continuing education school.

"Real estate" means and includes leaseholds as well as any other interest or estate in land, whether corporeal, incorporeal, freehold, or non-freehold, including timeshare interests, and whether the real estate is situated in this State or elsewhere.

"Regular employee" means a person working an average of 20 hours per week for a person or entity who would be considered as an employee under the Internal Revenue Service eleven main tests in three categories being behavioral control, financial control and the type of relationship of the parties, formerly the twenty factor test.

[March 18, 2015]

"Salesperson" means any individual, other than a real estate broker or leasing agent, who is employed by a real estate broker or is associated by written agreement with a real estate broker as an independent contractor and participates in any activity described in the definition of "broker" under this Section.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation, or a person authorized by the Secretary to act in the Secretary's stead.

"Sponsoring broker" means the broker who has issued a sponsor card to a licensed salesperson, another licensed broker, or a leasing agent.

"Sponsor card" means the temporary permit issued by the sponsoring real estate broker certifying that the real estate broker, real estate salesperson, or leasing agent named therein is employed by or associated by written agreement with the sponsoring real estate broker, as provided for in Section 5-40 of this Act. (Source: P.A. 98-531, eff. 8-23-13; 98-1109, eff. 1-1-15.)

(225 ILCS 454/5-32)

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

Sec. 5-32. Real estate auction certification.

(a) An auctioneer licensed under the Auction License Act who does not possess a valid and active broker's or managing broker's license under this Act, or who is not otherwise exempt from licensure, may not engage in the practice of auctioning real estate, except as provided in this Section.

(b) The Department shall issue a real estate auction certification to applicants who:

(1) possess a valid auctioneer's license under the Auction License Act;

(2) successfully complete a real estate auction course of at least 30 hours approved by the Department, which shall cover the scope of activities that may be engaged in by a person holding a real estate auction certification and the activities for which a person must hold a real estate license, as well as other material as provided by the Department;

(3) provide documentation of the completion of the real estate auction course; and

(4) successfully complete any other reasonable requirements as provided by rule.

(c) The auctioneer's role shall be limited to establishing the time, place, and method of the real estate auction, placing advertisements regarding the auction, and crying or calling the auction; any other real estate brokerage activities must be performed by a person holding a valid and active real estate broker's or managing broker's license under the provisions of this Act or by a grandfathered auctioneer ~~a person who is exempt from holding a license under paragraph (13) of Section 5-20 who has a certificate under this Section. A grandfathered auctioneer must only be certified under this Section if the grandfathered auctioneer sells or leases real estate at auction in a transaction in which a licensed auctioneer with a real estate certification is providing the limited services provided for in this subsection (c).~~

(d) An auctioneer who conducts any real estate auction activities in violation of this Section is guilty of unlicensed practice under Section 20-10 of this Act.

(e) The Department may revoke, suspend, or otherwise discipline the real estate auction certification of an auctioneer who is adjudicated to be in violation of the provisions of this Section or Section 20-15 of the Auction License Act.

(f) Advertising for the real estate auction must contain the name and address of the licensed real estate broker, managing broker, or a licensed auctioneer under paragraph (13) of Section 5-20 of this Act who is providing brokerage services for the transaction.

~~(g) (Blank). The requirement to hold a real estate auction certification shall not apply to a person exempt from this Act under the provisions of paragraph (13) of Section 5-20 of this Act, unless that person is performing licensed activities in a transaction in which a licensed auctioneer with a real estate certification is providing the limited services provided for in subsection (c) of this Section.~~

(h) Nothing in this Section shall require a person licensed under this Act as a real estate broker or managing broker to obtain a real estate auction certification in order to auction real estate.

(i) The Department may adopt rules to implement this Section.

(Source: P.A. 98-553, eff. 1-1-14; 98-756, eff. 7-16-14.)

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.

At the hour of 12:43 o'clock p.m., the Chair announced the Senate stand adjourned until Thursday, March 19, 2015, at 12:00 o'clock noon.

[March 18, 2015]