



Rep. Barbara Flynn Currie

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1 AMENDMENT TO SENATE BILL 1621

2 AMENDMENT NO. _____. Amend Senate Bill 1621 by replacing
3 everything after the enacting clause with the following:

4 "(5 ILCS 390/Act rep.)

5 Section 5. The Supported Employees Act is repealed.

6 (20 ILCS 605/605-75 rep.)

7 Section 10. The Department of Commerce and Economic
8 Opportunity Law of the Civil Administrative Code of Illinois is
9 amended by repealing Section 605-75.

10 Section 15. The Energy Conservation and Coal Development
11 Act is amended by changing Section 3 as follows:

12 (20 ILCS 1105/3) (from Ch. 96 1/2, par. 7403)

13 Sec. 3. Powers and Duties.

14 (a) In addition to its other powers, the Department has the

1 following powers:

2 (1) To administer for the State any energy programs and
3 activities under federal law, regulations or guidelines,
4 and to coordinate such programs and activities with other
5 State agencies, units of local government, and educational
6 institutions.

7 (2) To represent the State in energy matters involving
8 the federal government, other states, units of local
9 government, and regional agencies.

10 (3) To prepare energy contingency plans for
11 consideration by the Governor and the General Assembly.
12 Such plans shall include procedures for determining when a
13 foreseeable danger exists of energy shortages, including
14 shortages of petroleum, coal, nuclear power, natural gas,
15 and other forms of energy, and shall specify the actions to
16 be taken to minimize hardship and maintain the general
17 welfare during such energy shortages.

18 (4) To cooperate with State colleges and universities
19 and their governing boards in energy programs and
20 activities.

21 (5) (Blank).

22 (6) To accept, receive, expend, and administer,
23 including by contracts and grants to other State agencies,
24 any energy-related gifts, grants, cooperative agreement
25 funds, and other funds made available to the Department by
26 the federal government and other public and private

1 sources.

2 (7) To investigate practical problems, seek and
3 utilize financial assistance, implement studies and
4 conduct research relating to the production, distribution
5 and use of alcohol fuels.

6 (8) To serve as a clearinghouse for information on
7 alcohol production technology; provide assistance,
8 information and data relating to the production and use of
9 alcohol; develop informational packets and brochures, and
10 hold public seminars to encourage the development and
11 utilization of the best available technology.

12 (9) To coordinate with other State agencies in order to
13 promote the maximum flow of information and to avoid
14 unnecessary overlapping of alcohol fuel programs. In order
15 to effectuate this goal, the Director of the Department or
16 his representative shall consult with the Directors, or
17 their representatives, of the Departments of Agriculture,
18 Central Management Services, Transportation, and Revenue,
19 the Office of the State Fire Marshal, and the Environmental
20 Protection Agency.

21 (10) To operate, within the Department, an Office of
22 Coal Development and Marketing for the promotion and
23 marketing of Illinois coal both domestically and
24 internationally. The Department may use monies
25 appropriated for this purpose for necessary administrative
26 expenses.

1 The Office of Coal Development and Marketing shall
2 develop and implement an initiative to assist the coal
3 industry in Illinois to increase its share of the
4 international coal market.

5 (11) To assist the Department of Central Management
6 Services in establishing and maintaining a system to
7 analyze and report energy consumption of facilities leased
8 by the Department of Central Management Services.

9 (12) To consult with the Departments of Natural
10 Resources and Transportation and the Illinois
11 Environmental Protection Agency for the purpose of
12 developing methods and standards that encourage the
13 utilization of coal combustion by-products as value added
14 products in productive and benign applications.

15 (13) To provide technical assistance and information
16 to sellers and distributors of storage hot water heaters
17 doing business in Illinois, pursuant to Section 1 of the
18 Hot Water Heater Efficiency Act.

19 (b) (Blank).

20 (c) (Blank).

21 (d) The Department shall develop a package of educational
22 materials regarding the necessity of waste reduction and
23 recycling to reduce dependence on landfills and to maintain
24 environmental quality. The materials developed shall be
25 suitable for instructional use in grades 3, 4 and 5. The
26 Department shall distribute such instructional material to all

1 public elementary and unit school districts no later than
2 November 1, of each year.

3 (e) (Blank). ~~The Department shall study the feasibility of~~
4 ~~requiring that wood and sawdust from construction waste,~~
5 ~~demolition projects, sawmills, or other projects or industries~~
6 ~~where wood is used in a large amount be shredded and composted,~~
7 ~~and that such wood be prohibited from being disposed of in a~~
8 ~~landfill. The Department shall report the results of this study~~
9 ~~to the General Assembly by January 1, 1991.~~

10 (f) (Blank).

11 (g) (Blank). ~~The Department shall develop a program~~
12 ~~designated to encourage the recycling of outdated telephone~~
13 ~~directories and to encourage the printing of new directories on~~
14 ~~recycled paper. The Department shall work in conjunction with~~
15 ~~printers and distributors of telephone directories distributed~~
16 ~~in the State to provide them with any technical assistance~~
17 ~~available in their efforts to procure appropriate recycled~~
18 ~~paper. The Department shall also encourage directory~~
19 ~~distributors to pick up outdated directories as they distribute~~
20 ~~new ones, and shall assist any distributor who is willing to do~~
21 ~~so in finding a recycler willing to purchase the old~~
22 ~~directories and in publicizing and promoting with citizens of~~
23 ~~the area the distributor's collection efforts and schedules.~~

24 (h) (Blank). ~~The Department shall assist, cooperate with~~
25 ~~and provide necessary staff and resources for the Interagency~~
26 ~~Energy Conservation Committee, which shall be chaired by the~~

1 ~~Director of the Department.~~

2 (i) (Blank).

3 (Source: P.A. 92-736, eff. 7-25-02.)

4 Section 20. The Illinois Emergency Management Agency Act is
5 amended by changing Section 18 as follows:

6 (20 ILCS 3305/18) (from Ch. 127, par. 1068)

7 Sec. 18. Orders, Rules and Regulations.

8 (a) The Governor shall file a copy of every rule,
9 regulation or order, and any amendment thereof made by the
10 Governor under the provisions of this Act in the office of the
11 Secretary of State. No rule, regulation or order, or any
12 amendment thereof shall be effective until 10 days after the
13 filing, provided, however, that upon the declaration of a
14 disaster by the Governor as is described in Section 7 the
15 provision relating to the effective date of any rule,
16 regulation, order or amendment issued under this Act and during
17 the state of disaster is abrogated, and the rule, regulation,
18 order or amendment shall become effective immediately upon
19 being filed with the Secretary of State accompanied by a
20 certificate stating the reason as required by the Illinois
21 Administrative Procedure Act.

22 (b) Every emergency services and disaster agency
23 established pursuant to this Act and the coordinators thereof
24 shall execute and enforce the orders, rules and regulations as

1 may be made by the Governor under authority of this Act. Each
2 emergency services and disaster agency shall have available for
3 inspection at its office all orders, rules and regulations made
4 by the Governor, or under the Governor's authority. The
5 Illinois Emergency Management Agency shall furnish on the
6 Department's website the orders, rules and regulations to each
7 such emergency services and disaster agency. Upon the written
8 request of an emergency services or disaster agency, copies
9 thereof shall be mailed to the emergency services or disaster
10 agency.

11 (Source: P.A. 92-73, eff. 1-1-02.)

12 (20 ILCS 4020/Act rep.)

13 Section 25. The Prairie State 2000 Authority Act is
14 repealed.

15 Section 30. The State Finance Act is amended by changing
16 Sections 5h and 6z-17 as follows:

17 (30 ILCS 105/5h)

18 Sec. 5h. Cash flow borrowing and general funds liquidity.

19 (a) In order to meet cash flow deficits and to maintain
20 liquidity in the General Revenue Fund, the Healthcare Provider
21 Relief Fund, and the Common School Fund, on and after July 1,
22 2010 and through June 30, 2011, the State Treasurer and the
23 State Comptroller shall make transfers to the General Revenue

1 Fund, the Healthcare Provider Relief Fund, or the Common School
2 Fund, as directed by the Governor, out of special funds of the
3 State, to the extent allowed by federal law. No transfer may be
4 made from a fund under this Section that would have the effect
5 of reducing the available balance in the fund to an amount less
6 than the amount remaining unexpended and unreserved from the
7 total appropriation from that fund estimated to be expended for
8 that fiscal year. No such transfer may reduce the cumulative
9 balance of all of the special funds of the State to an amount
10 less than the total debt service payable during the 12 months
11 immediately following the date of the transfer on any bonded
12 indebtedness of the State and any certificates issued under the
13 Short Term Borrowing Act. Notwithstanding any other provision
14 of this Section, no such transfer may be made from any special
15 fund that is exclusively collected by or appropriated to any
16 other constitutional officer without the written approval of
17 that constitutional officer.

18 (b) If moneys have been transferred to the General Revenue
19 Fund, the Healthcare Provider Relief Fund, or the Common School
20 Fund pursuant to subsection (a) of this Section, this
21 amendatory Act of the 96th General Assembly shall constitute
22 the irrevocable and continuing authority for and direction to
23 the State Treasurer and State Comptroller to reimburse the
24 funds of origin from the General Revenue Fund, the Healthcare
25 Provider Relief Fund, or the Common School Fund, as
26 appropriate, by transferring to the funds of origin, at such

1 times and in such amounts as directed by the Governor when
2 necessary to support appropriated expenditures from the funds,
3 an amount equal to that transferred from them plus any interest
4 that would have accrued thereon had the transfer not occurred,
5 except that any moneys transferred pursuant to subsection (a)
6 of this Section shall be repaid to the fund of origin within 18
7 months after the date on which they were borrowed.

8 (c) On the first day of each quarterly period in each
9 fiscal year, until such time as a report indicates that all
10 moneys borrowed and interest pursuant to this Section have been
11 repaid, the Governor's Office of Management and Budget shall
12 provide to the President and the Minority Leader of the Senate,
13 the Speaker and the Minority Leader of the House of
14 Representatives, and the Commission on Government Forecasting
15 and Accountability a report on all transfers made pursuant to
16 this Section in the prior quarterly period. The report must be
17 provided in both written and electronic format. The report must
18 include all of the following:

19 (1) The date each transfer was made.

20 (2) The amount of each transfer.

21 (3) In the case of a transfer from the General Revenue
22 Fund, the Healthcare Provider Relief Fund, or the Common
23 School Fund to a fund of origin pursuant to subsection (b)
24 of this Section, the amount of interest being paid to the
25 fund of origin.

26 (4) The end of day balance of both the fund of origin

1 and the General Revenue Fund, the Healthcare Provider
2 Relief Fund, or the Common School Fund, whichever the case
3 may be, on the date the transfer was made.

4 (Source: P.A. 96-958, eff. 7-1-10; 96-1500, eff. 1-18-11;
5 97-72, eff. 7-1-11 (see also P.A. 97-613 regarding effective
6 date of P.A. 97-72).)

7 (30 ILCS 105/6z-17) (from Ch. 127, par. 142z-17)

8 Sec. 6z-17. Of the money paid into the State and Local
9 Sales Tax Reform Fund: (i) subject to appropriation to the
10 Department of Revenue, Municipalities having 1,000,000 or more
11 inhabitants shall receive 20% and may expend such amount to
12 fund and establish a program for developing and coordinating
13 public and private resources targeted to meet the affordable
14 housing needs of low-income and very low-income households
15 within such municipality, (ii) 10% shall be transferred into
16 the Regional Transportation Authority Occupation and Use Tax
17 Replacement Fund, a special fund in the State treasury which is
18 hereby created, (iii) until July 1, 2013, subject to
19 appropriation to the Department of Transportation, the ~~The~~
20 Madison County Mass Transit District shall receive .6%, and
21 beginning on July 1, 2013, subject to appropriation to the
22 Department of Revenue, 0.6% shall be distributed each month out
23 of the Fund to the Madison County Mass Transit District, (iv)
24 the following amounts, plus any cumulative deficiency in such
25 transfers for prior months, shall be transferred monthly into

1 the Build Illinois Fund and credited to the Build Illinois Bond
2 Account therein:

3 Fiscal Year	Amount
4 1990	\$2,700,000
5 1991	1,850,000
6 1992	2,750,000
7 1993	2,950,000

8 From Fiscal Year 1994 through Fiscal Year 2025 the transfer
9 shall total \$3,150,000 monthly, plus any cumulative deficiency
10 in such transfers for prior months, and (v) the remainder of
11 the money paid into the State and Local Sales Tax Reform Fund
12 shall be transferred into the Local Government Distributive
13 Fund and, except for municipalities with 1,000,000 or more
14 inhabitants which shall receive no portion of such remainder,
15 shall be distributed, subject to appropriation, in the manner
16 provided by Section 2 of "An Act in relation to State revenue
17 sharing with local government entities", approved July 31,
18 1969, as now or hereafter amended. Municipalities with more
19 than 50,000 inhabitants according to the 1980 U.S. Census and
20 located within the Metro East Mass Transit District receiving
21 funds pursuant to provision (v) of this paragraph may expend
22 such amounts to fund and establish a program for developing and
23 coordinating public and private resources targeted to meet the
24 affordable housing needs of low-income and very low-income
25 households within such municipality.

26 (Source: P.A. 95-708, eff. 1-18-08.)

1 Section 35. The Federal Stimulus Tracking Act is amended by
2 changing Section 5 as follows:

3 (30 ILCS 270/5)

4 (Section scheduled to be repealed on January 1, 2015)

5 Sec. 5. Federal stimulus tracking.

6 (a) The Governor's Office, or a designated State agency,
7 shall track and report by means of a quarterly ~~monthly~~ report
8 the State's spending of the federal stimulus moneys provided
9 pursuant to the American Recovery and Reinvestment Act of 2009.

10 (b) Each quarterly ~~monthly~~ report shall list the amount of
11 the State's federal stimulus spending, by category, based on
12 available federal and State data. The reports may also list any
13 required matching funds required by the State to be eligible
14 for federal stimulus funding. The reports may make
15 recommendations (i) concerning ways for Illinois to maximize
16 its share of federal stimulus spending or (ii) suggesting
17 changes to Illinois law that could help to maximize its share
18 of federal stimulus spending. A final report compiling data
19 from the quarterly ~~monthly~~ reports shall be available online at
20 the conclusion of the American Recovery and Reinvestment Act
21 program or by December 31, 2014, whichever occurs first.

22 (c) The reports shall be available on a State of Illinois
23 website and filed with the Speaker and Minority Leader of the
24 House and the President and Minority Leader of the Senate.

1 (d) The General Assembly may by resolution request that
2 specific data, findings, or analyses be included in a monthly
3 report. The Commission on Government Forecasting and
4 Accountability shall provide the Governor's Office technical,
5 analytical, and substantive assistance in preparing the
6 requested data, findings, or analyses.

7 (e) This Act is repealed on January 1, 2015.

8 (Source: P.A. 96-169, eff. 8-10-09.)

9 Section 40. The General Obligation Bond Act is amended by
10 changing Section 11 as follows:

11 (30 ILCS 330/11) (from Ch. 127, par. 661)

12 Sec. 11. Sale of Bonds. Except as otherwise provided in
13 this Section, Bonds shall be sold from time to time pursuant to
14 notice of sale and public bid or by negotiated sale in such
15 amounts and at such times as is directed by the Governor, upon
16 recommendation by the Director of the Governor's Office of
17 Management and Budget. At least 25%, based on total principal
18 amount, of all Bonds issued each fiscal year shall be sold
19 pursuant to notice of sale and public bid. At all times during
20 each fiscal year, no more than 75%, based on total principal
21 amount, of the Bonds issued each fiscal year, shall have been
22 sold by negotiated sale. Failure to satisfy the requirements in
23 the preceding 2 sentences shall not affect the validity of any
24 previously issued Bonds; provided that all Bonds authorized by

1 Public Act 96-43 and this amendatory Act of the 96th General
2 Assembly shall not be included in determining compliance for
3 any fiscal year with the requirements of the preceding 2
4 sentences; and further provided that refunding Bonds
5 satisfying the requirements of Section 16 of this Act and sold
6 during fiscal year 2009, 2010, or 2011 shall not be subject to
7 the requirements in the preceding 2 sentences.

8 If any Bonds, including refunding Bonds, are to be sold by
9 negotiated sale, the Director of the Governor's Office of
10 Management and Budget shall comply with the competitive request
11 for proposal process set forth in the Illinois Procurement Code
12 and all other applicable requirements of that Code.

13 If Bonds are to be sold pursuant to notice of sale and
14 public bid, the Director of the Governor's Office of Management
15 and Budget may ~~shall~~, from time to time, as Bonds are to be
16 sold, advertise the sale of the Bonds in at least 2 daily
17 newspapers, one of which is published in the City of
18 Springfield and one in the City of Chicago. The sale of the
19 Bonds shall also be advertised in the volume of the Illinois
20 Procurement Bulletin that is published by the Department of
21 Central Management Services, and ~~. Each of the advertisements~~
22 ~~for proposals~~ shall be published once at least 10 days prior to
23 the date fixed for the opening of the bids. The Director of the
24 Governor's Office of Management and Budget may reschedule the
25 date of sale upon the giving of such additional notice as the
26 Director deems adequate to inform prospective bidders of such

1 change; provided, however, that all other conditions of the
2 sale shall continue as originally advertised.

3 Executed Bonds shall, upon payment therefor, be delivered
4 to the purchaser, and the proceeds of Bonds shall be paid into
5 the State Treasury as directed by Section 12 of this Act.

6 (Source: P.A. 96-18, eff. 6-26-09; 96-43, eff. 7-15-09;
7 96-1497, eff. 1-14-11.)

8 Section 45. The Build Illinois Bond Act is amended by
9 changing Section 8 as follows:

10 (30 ILCS 425/8) (from Ch. 127, par. 2808)

11 Sec. 8. Sale of Bonds. Bonds, except as otherwise provided
12 in this Section, shall be sold from time to time pursuant to
13 notice of sale and public bid or by negotiated sale in such
14 amounts and at such times as are directed by the Governor, upon
15 recommendation by the Director of the Governor's Office of
16 Management and Budget. At least 25%, based on total principal
17 amount, of all Bonds issued each fiscal year shall be sold
18 pursuant to notice of sale and public bid. At all times during
19 each fiscal year, no more than 75%, based on total principal
20 amount, of the Bonds issued each fiscal year shall have been
21 sold by negotiated sale. Failure to satisfy the requirements in
22 the preceding 2 sentences shall not affect the validity of any
23 previously issued Bonds; and further provided that refunding
24 Bonds satisfying the requirements of Section 15 of this Act and

1 sold during fiscal year 2009, 2010, or 2011 shall not be
2 subject to the requirements in the preceding 2 sentences.

3 If any Bonds are to be sold pursuant to notice of sale and
4 public bid, the Director of the Governor's Office of Management
5 and Budget shall comply with the competitive request for
6 proposal process set forth in the Illinois Procurement Code and
7 all other applicable requirements of that Code.

8 If Bonds are to be sold pursuant to notice of sale and
9 public bid, the Director of the Governor's Office of Management
10 and Budget may ~~shall~~, from time to time, as Bonds are to be
11 sold, advertise the sale of the Bonds in at least 2 daily
12 newspapers, one of which is published in the City of
13 Springfield and one in the City of Chicago. The sale of the
14 Bonds shall also be advertised in the volume of the Illinois
15 Procurement Bulletin that is published by the Department of
16 Central Management Services, and ~~. Each of the advertisements~~
17 ~~for proposals~~ shall be published once at least 10 days prior to
18 the date fixed for the opening of the bids. The Director of the
19 Governor's Office of Management and Budget may reschedule the
20 date of sale upon the giving of such additional notice as the
21 Director deems adequate to inform prospective bidders of the
22 change; provided, however, that all other conditions of the
23 sale shall continue as originally advertised. Executed Bonds
24 shall, upon payment therefor, be delivered to the purchaser,
25 and the proceeds of Bonds shall be paid into the State Treasury
26 as directed by Section 9 of this Act. The Governor or the

1 Director of the Governor's Office of Management and Budget is
2 hereby authorized and directed to execute and deliver contracts
3 of sale with underwriters and to execute and deliver such
4 certificates, indentures, agreements and documents, including
5 any supplements or amendments thereto, and to take such actions
6 and do such things as shall be necessary or desirable to carry
7 out the purposes of this Act. Any action authorized or
8 permitted to be taken by the Director of the Governor's Office
9 of Management and Budget pursuant to this Act is hereby
10 authorized to be taken by any person specifically designated by
11 the Governor to take such action in a certificate signed by the
12 Governor and filed with the Secretary of State.

13 (Source: P.A. 96-18, eff. 6-26-09.)

14 (50 ILCS 330/5 rep.)

15 Section 50. The Illinois Municipal Budget Law is amended by
16 repealing Section 5.

17 Section 55. The School Code is amended by changing Section
18 14-8.04 as follows:

19 (105 ILCS 5/14-8.04) (from Ch. 122, par. 14-8.04)

20 Sec. 14-8.04. Supported employment. The school board that
21 is the governing body of any secondary school in this State
22 that provides special education services and facilities for
23 children with disabilities shall include, as part of preparing

1 the transition planning for disabled children who are 16 years
2 of age or more, consideration of a supported employment
3 component with experiences in integrated community settings
4 for those eligible children with disabilities who have been
5 determined at an IEP meeting to be in need of participation in
6 the supported employment services offered pursuant to this
7 Section.

8 Supported employment services made available as part of
9 transition planning under this Section shall be designed and
10 developed for school boards by the State Board of Education, in
11 consultation with programs such as Project CHOICES (Children
12 Have Opportunities In Integrated Community Environments),
13 parents and advocates of children with disabilities, and the
14 Departments of Central Management Services and Human Services,
15 ~~and shall be maintained and operated in such manner as to~~
16 ~~coordinate with supported employee programs administered under~~
17 ~~the Supported Employees Act.~~

18 (Source: P.A. 89-397, eff. 8-20-95; 89-507, eff. 7-1-97.)

19 (105 ILCS 55/Act rep.)

20 Section 60. The School Employee Benefit Act is repealed.

21 Section 65. The Illinois Banking Act is amended by changing
22 Section 5 as follows:

23 (205 ILCS 5/5) (from Ch. 17, par. 311)

1 Sec. 5. General corporate powers. A bank organized under
2 this Act or subject hereto shall be a body corporate and
3 politic and shall, without specific mention thereof in the
4 charter, have all the powers conferred by this Act and the
5 following additional general corporate powers:

6 (1) To sue and be sued, complain, and defend in its
7 corporate name.

8 (2) To have a corporate seal, which may be altered at
9 pleasure, and to use the same by causing it or a facsimile
10 thereof to be impressed or affixed or in any manner reproduced,
11 provided that the affixing of a corporate seal to an instrument
12 shall not give the instrument additional force or effect, or
13 change the construction thereof, and the use of a corporate
14 seal is not mandatory.

15 (3) To make, alter, amend, and repeal bylaws, not
16 inconsistent with its charter or with law, for the
17 administration of the affairs of the bank. If this Act does not
18 provide specific guidance in matters of corporate governance,
19 the provisions of the Business Corporation Act of 1983 may be
20 used if so provided in the bylaws, and if the bank is a limited
21 liability company, the provisions of the Limited Liability
22 Company Act shall be used.

23 (4) To elect or appoint and remove officers and agents of
24 the bank and define their duties and fix their compensation.

25 (5) To adopt and operate reasonable bonus plans,
26 profit-sharing plans, stock-bonus plans, stock-option plans,

1 pension plans and similar incentive plans for its directors,
2 officers and employees.

3 (5.1) To manage, operate and administer a fund for the
4 investment of funds by a public agency or agencies, including
5 any unit of local government or school district, or any person.
6 The fund for a public agency shall invest in the same type of
7 investments and be subject to the same limitations provided for
8 the investment of public funds. The fund for public agencies
9 shall maintain a separate ledger showing the amount of
10 investment for each public agency in the fund. "Public funds"
11 and "public agency" as used in this Section shall have the
12 meanings ascribed to them in Section 1 of the Public Funds
13 Investment Act.

14 (6) To make reasonable donations for the public welfare or
15 for charitable, scientific, religious or educational purposes.

16 (7) To borrow or incur an obligation; and to pledge its
17 assets:

18 (a) to secure its borrowings, its lease of personal or
19 real property or its other nondeposit obligations;

20 (b) to enable it to act as agent for the sale of
21 obligations of the United States;

22 (c) to secure deposits of public money of the United
23 States, whenever required by the laws of the United States,
24 including without being limited to, revenues and funds the
25 deposit of which is subject to the control or regulation of
26 the United States or any of its officers, agents, or

1 employees and Postal Savings funds;

2 (d) to secure deposits of public money of any state or
3 of any political corporation or subdivision thereof
4 including, without being limited to, revenues and funds the
5 deposit of which is subject to the control or regulation of
6 any state or of any political corporation or subdivisions
7 thereof or of any of their officers, agents, or employees;

8 (e) to secure deposits of money whenever required by
9 the National Bankruptcy Act;

10 (f) (blank); and

11 (g) to secure trust funds commingled with the bank's
12 funds, whether deposited by the bank or an affiliate of the
13 bank, pursuant to Section 2-8 of the Corporate Fiduciary
14 Act.

15 (8) To own, possess, and carry as assets all or part of the
16 real estate necessary in or with which to do its banking
17 business, either directly or indirectly through the ownership
18 of all or part of the capital stock, shares or interests in any
19 corporation, association, trust engaged in holding any part or
20 parts or all of the bank premises, engaged in such business and
21 in conducting a safe deposit business in the premises or part
22 of them, or engaged in any activity that the bank is permitted
23 to conduct in a subsidiary pursuant to paragraph (12) of this
24 Section 5.

25 (9) To own, possess, and carry as assets other real estate
26 to which it may obtain title in the collection of its debts or

1 that was formerly used as a part of the bank premises, but
2 title to any real estate except as herein permitted shall not
3 be retained by the bank, either directly or by or through a
4 subsidiary, as permitted by subsection (12) of this Section for
5 a total period of more than 10 years after acquiring title,
6 either directly or indirectly.

7 (10) To do any act, including the acquisition of stock,
8 necessary to obtain insurance of its deposits, or part thereof,
9 and any act necessary to obtain a guaranty, in whole or in
10 part, of any of its loans or investments by the United States
11 or any agency thereof, and any act necessary to sell or
12 otherwise dispose of any of its loans or investments to the
13 United States or any agency thereof, and to acquire and hold
14 membership in the Federal Reserve System.

15 (11) Notwithstanding any other provisions of this Act or
16 any other law, to do any act and to own, possess, and carry as
17 assets property of the character, including stock, that is at
18 the time authorized or permitted to national banks by an Act of
19 Congress, but subject always to the same limitations and
20 restrictions as are applicable to national banks by the
21 pertinent federal law and subject to applicable provisions of
22 the Financial Institutions Insurance Sales Law.

23 (12) To own, possess, and carry as assets stock of one or
24 more corporations that is, or are, engaged in one or more of
25 the following businesses:

26 (a) holding title to and administering assets acquired

1 as a result of the collection or liquidating of loans,
2 investments, or discounts; or

3 (b) holding title to and administering personal
4 property acquired by the bank, directly or indirectly
5 through a subsidiary, for the purpose of leasing to others,
6 provided the lease or leases and the investment of the
7 bank, directly or through a subsidiary, in that personal
8 property otherwise comply with Section 35.1 of this Act; or

9 (c) carrying on or administering any of the activities
10 excepting the receipt of deposits or the payment of checks
11 or other orders for the payment of money in which a bank
12 may engage in carrying on its general banking business;
13 provided, however, that nothing contained in this
14 paragraph (c) shall be deemed to permit a bank organized
15 under this Act or subject hereto to do, either directly or
16 indirectly through any subsidiary, any act, including the
17 making of any loan or investment, or to own, possess, or
18 carry as assets any property that if done by or owned,
19 possessed, or carried by the State bank would be in
20 violation of or prohibited by any provision of this Act.

21 The provisions of this subsection (12) shall not apply to
22 and shall not be deemed to limit the powers of a State bank
23 with respect to the ownership, possession, and carrying of
24 stock that a State bank is permitted to own, possess, or carry
25 under this Act.

26 Any bank intending to establish a subsidiary under this

1 subsection (12) shall give written notice to the Commissioner
2 60 days prior to the subsidiary's commencing of business or, as
3 the case may be, prior to acquiring stock in a corporation that
4 has already commenced business. After receiving the notice, the
5 Commissioner may waive or reduce the balance of the 60 day
6 notice period. The Commissioner may specify the form of the
7 notice, may designate the types of subsidiaries not subject to
8 this notice requirement, and may promulgate rules and
9 regulations to administer this subsection (12).

10 (13) To accept for payment at a future date not exceeding
11 one year from the date of acceptance, drafts drawn upon it by
12 its customers; and to issue, advise, or confirm letters of
13 credit authorizing the holders thereof to draw drafts upon it
14 or its correspondents.

15 (14) To own and lease personal property acquired by the
16 bank at the request of a prospective lessee and upon the
17 agreement of that person to lease the personal property
18 provided that the lease, the agreement with respect thereto,
19 and the amount of the investment of the bank in the property
20 comply with Section 35.1 of this Act.

21 (15) (a) To establish and maintain, in addition to the main
22 banking premises, branches offering any banking services
23 permitted at the main banking premises of a State bank.

24 (b) To establish and maintain, after May 31, 1997,
25 branches in another state that may conduct any activity in
26 that state that is authorized or permitted for any bank

1 that has a banking charter issued by that state, subject to
2 the same limitations and restrictions that are applicable
3 to banks chartered by that state.

4 (16) (Blank).

5 (17) To establish and maintain terminals, as authorized by
6 the Electronic Fund Transfer Act.

7 (18) To establish and maintain temporary service booths at
8 any International Fair held in this State which is approved by
9 the United States Department of Commerce, for the duration of
10 the international fair for the sole purpose of providing a
11 convenient place for foreign trade customers at the fair to
12 exchange their home countries' currency into United States
13 currency or the converse. This power shall not be construed as
14 establishing a new place or change of location for the bank
15 providing the service booth.

16 (19) To indemnify its officers, directors, employees, and
17 agents, as authorized for corporations under Section 8.75 of
18 the Business Corporation Act of 1983.

19 (20) To own, possess, and carry as assets stock of, or be
20 or become a member of, any corporation, mutual company,
21 association, trust, or other entity formed exclusively for the
22 purpose of providing directors' and officers' liability and
23 bankers' blanket bond insurance or reinsurance to and for the
24 benefit of the stockholders, members, or beneficiaries, or
25 their assets or businesses, or their officers, directors,
26 employees, or agents, and not to or for the benefit of any

1 other person or entity or the public generally.

2 (21) To make debt or equity investments in corporations or
3 projects, whether for profit or not for profit, designed to
4 promote the development of the community and its welfare,
5 provided that the aggregate investment in all of these
6 corporations and in all of these projects does not exceed 10%
7 of the unimpaired capital and unimpaired surplus of the bank
8 and provided that this limitation shall not apply to
9 creditworthy loans by the bank to those corporations or
10 projects. Upon written application to the Commissioner, a bank
11 may make an investment that would, when aggregated with all
12 other such investments, exceed 10% of the unimpaired capital
13 and unimpaired surplus of the bank. The Commissioner may
14 approve the investment if he is of the opinion and finds that
15 the proposed investment will not have a material adverse effect
16 on the safety and soundness of the bank.

17 (22) To own, possess, and carry as assets the stock of a
18 corporation engaged in the ownership or operation of a travel
19 agency or to operate a travel agency as a part of its business.

20 (23) With respect to affiliate facilities:

21 (a) to conduct at affiliate facilities for and on
22 behalf of another commonly owned bank, if so authorized by
23 the other bank, all transactions that the other bank is
24 authorized or permitted to perform; and

25 (b) to authorize a commonly owned bank to conduct for
26 and on behalf of it any of the transactions it is

1 authorized or permitted to perform at one or more affiliate
2 facilities.

3 Any bank intending to conduct or to authorize a commonly
4 owned bank to conduct at an affiliate facility any of the
5 transactions specified in this paragraph (23) shall give
6 written notice to the Commissioner at least 30 days before any
7 such transaction is conducted at the affiliate facility.

8 (24) To act as the agent for any fire, life, or other
9 insurance company authorized by the State of Illinois, by
10 soliciting and selling insurance and collecting premiums on
11 policies issued by such company; and to receive for services so
12 rendered such fees or commissions as may be agreed upon between
13 the bank and the insurance company for which it may act as
14 agent; provided, however, that no such bank shall in any case
15 assume or guarantee the payment of any premium on insurance
16 policies issued through its agency by its principal; and
17 provided further, that the bank shall not guarantee the truth
18 of any statement made by an assured in filing his application
19 for insurance.

20 (25) Notwithstanding any other provisions of this Act or
21 any other law, to offer any product or service that is at the
22 time authorized or permitted to any insured savings association
23 or out-of-state bank by applicable law, provided that powers
24 conferred only by this subsection (25):

25 (a) shall always be subject to the same limitations and
26 restrictions that are applicable to the insured savings

1 association or out-of-state bank for the product or service
2 by such applicable law;

3 (b) shall be subject to applicable provisions of the
4 Financial Institutions Insurance Sales Law;

5 (c) shall not include the right to own or conduct a
6 real estate brokerage business for which a license would be
7 required under the laws of this State; and

8 (d) shall not be construed to include the establishment
9 or maintenance of a branch, nor shall they be construed to
10 limit the establishment or maintenance of a branch pursuant
11 to subsection (11).

12 Not less than 30 days before engaging in any activity under
13 the authority of this subsection, a bank shall provide written
14 notice to the Commissioner of its intent to engage in the
15 activity. The notice shall indicate the specific federal or
16 state law, rule, regulation, or interpretation the bank intends
17 to use as authority to engage in the activity.

18 (Source: P.A. 92-483, eff. 8-23-01; 92-811, eff. 8-21-02;
19 93-561; eff.1-1-04.)

20 Section 70. The Savings Bank Act is amended by changing
21 Section 8006 as follows:

22 (205 ILCS 205/8006) (from Ch. 17, par. 7308-6)

23 Sec. 8006. Merger; Secretary's certificate. The executed
24 merger agreement together with copies of the resolutions of the

1 members or stockholders of each merging depository institution
2 approving it, certified by the president or vice president, and
3 attested to by the secretary of the savings bank, shall be
4 filed with the Secretary. The Secretary shall then issue to the
5 continuing savings bank a certificate of merger, setting forth
6 the name of each merging depository institution, the name of
7 the continuing savings bank, and the articles of incorporation
8 of the continuing savings bank. The merger takes effect upon
9 the issuance of the certificate of merger ~~recording of the~~
10 ~~certificate in the same manner as the articles of incorporation~~
11 ~~in each county in which the business office of any of the~~
12 ~~merging depository institutions was located and in the county~~
13 ~~in which the business office of the continuing savings bank is~~
14 ~~located. When duly recorded, the certificate shall be~~
15 ~~conclusive evidence of the merger and of the correctness of the~~
16 ~~proceedings therefor except against the State.~~

17 (Source: P.A. 97-492, eff. 1-1-12.)

18 Section 75. The Sales Finance Agency Act is amended by
19 changing Section 13 as follows:

20 (205 ILCS 660/13) (from Ch. 17, par. 5231)

21 Sec. 13. Rules. The Department may make and enforce such
22 reasonable rules, regulations, directions, orders, decisions
23 and findings as the execution and enforcement of this Act
24 require, and as are not inconsistent therewith. In addition,

1 the Department may promulgate rules in connection with the
2 activities of licensees that are necessary and appropriate for
3 the protection of consumers in this State. All rules and
4 regulations shall be sent electronically to ~~printed and copies~~
5 ~~thereof mailed to~~ all licensees.

6 (Source: P.A. 90-437, eff. 1-1-98; 91-698, eff. 5-6-00.)

7 Section 80. The Consumer Installment Loan Act is amended by
8 changing Section 22 as follows:

9 (205 ILCS 670/22) (from Ch. 17, par. 5428)

10 Sec. 22. Rules and regulations. The Department may make and
11 enforce such reasonable rules, regulations, directions,
12 orders, decisions, and findings as the execution and
13 enforcement of the provisions of this Act require, and as are
14 not inconsistent therewith. In addition, the Department may
15 promulgate rules in connection with the activities of licensees
16 that are necessary and appropriate for the protection of
17 consumers in this State. All rules, regulations and directions
18 of a general character shall be sent electronically to ~~printed~~
19 ~~and copies thereof mailed to~~ all licensees.

20 (Source: P.A. 90-437, eff. 1-1-98; 91-698, eff. 5-6-00.)

21 Section 85. The Illinois Chemical Safety Act is amended by
22 changing Section 3 as follows:

1 (430 ILCS 45/3) (from Ch. 111 1/2, par. 953)

2 Sec. 3. Definitions. For the purposes of this Act:

3 "Agency" means the Illinois Environmental Protection
4 Agency.

5 "Business" means any individual, partnership, corporation,
6 or association in the State engaged in a business operation
7 that has 5 or more full-time employees, or 20 or more part-time
8 employees, and that is properly assigned or included within one
9 of the following Standard Industrial Classifications (SIC), as
10 designated in the Standard Industrial Classification Manual
11 prepared by the Federal Office of Management and Budget:

12 2295 Coated fabrics, not rubberized;

13 2491 Wood preserving;

14 2671 Packaging paper and plastics film, coated and
15 laminated;

16 2672 Coated and laminated paper, not elsewhere classified;

17 2812 Alkalies and chlorine;

18 2813 Industrial gases;

19 2819 Industrial inorganic chemicals, not elsewhere
20 classified;

21 2821 Plastic materials, synthetic resins, and
22 non-vulcanizable elastomers;

23 2834 Pharmaceutical preparations;

24 2842 Specialty cleaning, polishing and sanitation
25 preparations;

26 2851 Paints, varnishes, lacquers, enamels, and allied

1 products;

2 2865 Cyclic (coal tar) crudes, and cyclic intermediaries,
3 dyes and organic pigments (lakes and toners);

4 2869 Industrial organic chemicals, not elsewhere
5 classified;

6 2873 Nitrogenous fertilizer;

7 2874 Phosphatic fertilizers;

8 2879 Pesticides and agricultural chemicals, not elsewhere
9 classified;

10 2891 Adhesives and sealants;

11 2892 Explosives;

12 2911 Petroleum refining;

13 2952 Asphalt felts and coatings;

14 2999 Products of petroleum and coal, not elsewhere
15 classified;

16 3081 Unsupported plastics, film and sheet;

17 3082 Unsupported plastics profile shapes;

18 3083 Laminated plastics plate, sheet and profile shapes;

19 3084 Plastic pipe;

20 3085 Plastic bottles;

21 3086 Plastic foam products;

22 3087 Custom compounding of purchased plastic resin;

23 3088 Plastic plumbing fixtures;

24 3089 Plastic products, not elsewhere classified;

25 3111 Leather tanning and finishing;

26 3339 Primary smelting and refining of nonferrous metals,

1 except copper and aluminum;

2 3432 Plumbing fixture fittings and trim;

3 3471 Electroplating, plating, polishing, anodizing and
4 coloring;

5 4953 Refuse systems;

6 5085 Industrial supplies;

7 5162 Plastic materials and basic forms and shapes;

8 5169 Chemicals and allied products, not elsewhere
9 classified;

10 5171 Petroleum bulk stations and terminals;

11 5172 Petroleum and petroleum products, wholesalers, except
12 bulk stations and terminals.

13 For the purposes of this Act, the SIC Code that a business
14 uses for determining its coverage under The Unemployment
15 Insurance Act shall be the SIC Code for determining the
16 applicability of this Act. ~~On an annual basis, the Department~~
17 ~~of Employment Security shall provide the IEMA with a list of~~
18 ~~those regulated facilities covered by the above mentioned SIC~~
19 ~~codes.~~

20 "Business" also means any facility not covered by the above
21 SIC codes that is subject to the provisions of Section 302 of
22 the federal Emergency Planning and Community Right-to-Know Act
23 of 1986 and that is found by the Agency to use, store, or
24 manufacture a chemical substance in a quantity that poses a
25 threat to the environment or public health. Such a
26 determination shall be based on an on-site inspection conducted

1 by the Agency and certified to the IEMA. The Agency shall also
2 conduct inspections at the request of IEMA or upon a written
3 request setting forth a justification to the IEMA from the
4 chairman of the local emergency planning committee upon
5 recommendation of the committee. The IEMA shall transmit a copy
6 of the request to the Agency. The Agency may, in the event of a
7 reportable release that occurs at any facility operated or
8 owned by a business not covered by the above SIC codes, conduct
9 inspections if the site hazard appears to warrant such action.
10 The above notwithstanding, any farm operation shall not be
11 considered as a facility subject to this definition.

12 Notwithstanding the above, for purposes of this Act,
13 "business" does not mean any facility for which the
14 requirements promulgated at Part 1910.119 of Title 29 of the
15 Code of Federal Regulations are applicable or which has
16 completed and submitted the plan required by Part 68 of Title
17 40 of the Code of Federal Regulations, provided that such
18 business conducts and documents in writing an assessment for
19 any instance where the Agency provides notice that a
20 significant release of a chemical substance has occurred at a
21 facility. Such assessment shall explain the nature, cause and
22 known effects of the release, any mitigating actions taken, and
23 preventive measures that can be employed to avoid a future
24 release. Such assessment shall be available at the facility for
25 review within 30 days after the Agency notifies the facility
26 that a significant release has occurred. The Agency may provide

1 written comments to the business following an on-site review of
2 an assessment.

3 "Chemical name" means the scientific designation of a
4 chemical in accordance with the nomenclature system developed
5 by the International Union of Pure and Applied Chemistry
6 (IUPAC) or the American Chemical Society's Chemical Abstracts
7 Service (CAS) rules of nomenclature, or a name that will
8 clearly identify the chemical for hazard evaluation purposes.

9 "Chemical substance" means any "extremely hazardous
10 substance" listed in Appendix A of 40 C.F.R. Part 355 that is
11 present at a facility in an amount in excess of its threshold
12 planning quantity, any "hazardous substance" listed in 40
13 C.F.R. Section 302.4 that is present at a facility in an amount
14 in excess of its reportable quantity or in excess of its
15 threshold planning quantity if it is also an "extremely
16 hazardous substance", and any petroleum including crude oil or
17 any fraction thereof that is present at a facility in an amount
18 exceeding 100 pounds unless it is specifically listed as a
19 "hazardous substance" or an "extremely hazardous substance".
20 "Chemical substance" does not mean any substance to the extent
21 it is used for personal, family, or household purposes or to
22 the extent it is present in the same form and concentration as
23 a product packaged for distribution to and use by the general
24 public.

25 "IEMA" means the Illinois Emergency Management Agency.

26 "Facility" means the buildings and all real property

1 contiguous thereto, and the equipment at a single location used
2 for the conduct of business.

3 "Local emergency planning committee" means the committee
4 that is appointed for an emergency planning district under the
5 provisions of Section 301 of the federal Emergency Planning and
6 Community Right-to-Know Act of 1986.

7 "Release" means any sudden spilling, leaking, pumping,
8 pouring, emitting, escaping, emptying, discharging, injecting,
9 leaching, dumping, or disposing into the environment beyond the
10 boundaries of a facility, but excludes the following:

11 (a) Any release that results in exposure to persons
12 solely within a workplace, with respect to a claim that
13 such persons may assert against their employer.

14 (b) Emissions from the engine exhaust of a motor
15 vehicle, rolling stock, aircraft, vessel, or pipeline
16 pumping station engine.

17 (c) Release of source, byproduct, or special nuclear
18 material from a nuclear incident, as those terms are
19 defined in the Atomic Energy Act of 1954, if the release is
20 subject to requirements with respect to financial
21 protection established by the Nuclear Regulatory
22 Commission under Section 170 of the Atomic Energy Act of
23 1954.

24 (d) The normal application of fertilizer.

25 "Significant release" means any release which is so
26 designated in writing by the Agency or the IEMA based upon an

1 inspection at the site of an emergency incident, or any release
2 which results in any evacuation, hospitalization, or
3 fatalities of the public.

4 (Source: P.A. 97-333, eff. 8-12-11.)

5 (625 ILCS 5/15-115 rep.)

6 Section 90. The Illinois Vehicle Code is amended by
7 repealing Section 15-115.

8 Section 95. The Payday Loan Reform Act is amended by
9 changing Section 4-30 as follows:

10 (815 ILCS 122/4-30)

11 Sec. 4-30. Rulemaking; industry review.

12 (a) The Department may make and enforce such reasonable
13 rules, regulations, directions, orders, decisions, and
14 findings as the execution and enforcement of the provisions of
15 this Act require, and as are not inconsistent therewith. All
16 rules, regulations, and directions of a general character shall
17 be sent electronically to ~~printed and copies thereof mailed to~~
18 all licensees.

19 (b) Within 6 months after the effective date of this Act,
20 the Department shall promulgate reasonable rules regarding the
21 issuance of payday loans by banks, savings banks, savings and
22 loan associations, credit unions, and insurance companies.
23 These rules shall be consistent with this Act and shall be

1 limited in scope to the actual products and services offered by
2 lenders governed by this Act.

3 (c) After the effective date of this Act, the Department
4 shall, over a 3-year period, conduct a study of the payday loan
5 industry to determine the impact and effectiveness of this Act.
6 The Department shall report its findings to the General
7 Assembly within 3 months of the third anniversary of the
8 effective date of this Act. The study shall determine the
9 effect of this Act on the protection of consumers in this State
10 and on the fair and reasonable regulation of the payday loan
11 industry. The study shall include, but shall not be limited to,
12 an analysis of the ability of the industry to use private
13 reporting tools that:

14 (1) ensure substantial compliance with this Act,
15 including real time reporting of outstanding payday loans;
16 and

17 (2) provide data to the Department in an appropriate
18 form and with appropriate content to allow the Department
19 to adequately monitor the industry.

20 The report of the Department shall, if necessary, identify
21 and recommend specific amendments to this Act to further
22 protect consumers and to guarantee fair and reasonable
23 regulation of the payday loan industry.

24 (Source: P.A. 94-13, eff. 12-6-05.)

25 Section 999. Effective date. This Act takes effect upon

1 becoming law.".