



Sen. Dan Kotowski

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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 "Section 5. The Department of Commerce and Economic
5 Opportunity Law of the Civil Administrative Code of Illinois is
6 amended by changing Section 605-345 as follows:

7 (20 ILCS 605/605-345) (was 20 ILCS 605/46.67)

8 Sec. 605-345. Pollution control industry incentives.
9 Subject to appropriation, the ~~The~~ Department shall examine
10 policies and incentives that will attract industries involved
11 in the design, development, and construction of pollution
12 control devices and shall implement those policies and
13 incentives that the Department determines will attract those
14 businesses.

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

1 (20 ILCS 605/605-75 rep.)

2 Section 10. The Department of Commerce and Economic
3 Opportunity Law of the Civil Administrative Code of Illinois is
4 amended by repealing Section 605-75.

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

7 (20 ILCS 1105/3) (from Ch. 96 1/2, par. 7403)

8 Sec. 3. Powers and Duties.

9 (a) In addition to its other powers, the Department has the
10 following powers:

11 (1) To administer for the State any energy programs and
12 activities under federal law, regulations or guidelines,
13 and to coordinate such programs and activities with other
14 State agencies, units of local government, and educational
15 institutions.

16 (2) To represent the State in energy matters involving
17 the federal government, other states, units of local
18 government, and regional agencies.

19 (3) To prepare energy contingency plans for
20 consideration by the Governor and the General Assembly.
21 Such plans shall include procedures for determining when a
22 foreseeable danger exists of energy shortages, including
23 shortages of petroleum, coal, nuclear power, natural gas,
24 and other forms of energy, and shall specify the actions to

1 be taken to minimize hardship and maintain the general
2 welfare during such energy shortages.

3 (4) To cooperate with State colleges and universities
4 and their governing boards in energy programs and
5 activities.

6 (5) (Blank).

7 (6) To accept, receive, expend, and administer,
8 including by contracts and grants to other State agencies,
9 any energy-related gifts, grants, cooperative agreement
10 funds, and other funds made available to the Department by
11 the federal government and other public and private
12 sources.

13 (7) To investigate practical problems, seek and
14 utilize financial assistance, implement studies and
15 conduct research relating to the production, distribution
16 and use of alcohol fuels.

17 (8) To serve as a clearinghouse for information on
18 alcohol production technology; provide assistance,
19 information and data relating to the production and use of
20 alcohol; develop informational packets and brochures, and
21 hold public seminars to encourage the development and
22 utilization of the best available technology.

23 (9) To coordinate with other State agencies in order to
24 promote the maximum flow of information and to avoid
25 unnecessary overlapping of alcohol fuel programs. In order
26 to effectuate this goal, the Director of the Department or

1 his representative shall consult with the Directors, or
2 their representatives, of the Departments of Agriculture,
3 Central Management Services, Transportation, and Revenue,
4 the Office of the State Fire Marshal, and the Environmental
5 Protection Agency.

6 (10) To operate, within the Department, an Office of
7 Coal Development and Marketing for the promotion and
8 marketing of Illinois coal both domestically and
9 internationally. The Department may use monies
10 appropriated for this purpose for necessary administrative
11 expenses.

12 The Office of Coal Development and Marketing shall
13 develop and implement an initiative to assist the coal
14 industry in Illinois to increase its share of the
15 international coal market.

16 (11) To assist the Department of Central Management
17 Services in establishing and maintaining a system to
18 analyze and report energy consumption of facilities leased
19 by the Department of Central Management Services.

20 (12) To consult with the Departments of Natural
21 Resources and Transportation and the Illinois
22 Environmental Protection Agency for the purpose of
23 developing methods and standards that encourage the
24 utilization of coal combustion by-products as value added
25 products in productive and benign applications.

26 (13) To provide technical assistance and information

1 to sellers and distributors of storage hot water heaters
2 doing business in Illinois, pursuant to Section 1 of the
3 Hot Water Heater Efficiency Act.

4 (b) (Blank).

5 (c) (Blank).

6 (d) The Department shall develop a package of educational
7 materials regarding the necessity of waste reduction and
8 recycling to reduce dependence on landfills and to maintain
9 environmental quality. The materials developed shall be
10 suitable for instructional use in grades 3, 4 and 5. The
11 Department shall distribute such instructional material to all
12 public elementary and unit school districts no later than
13 November 1, of each year.

14 (e) (Blank). ~~The Department shall study the feasibility of~~
15 ~~requiring that wood and sawdust from construction waste,~~
16 ~~demolition projects, sawmills, or other projects or industries~~
17 ~~where wood is used in a large amount be shredded and composted,~~
18 ~~and that such wood be prohibited from being disposed of in a~~
19 ~~landfill. The Department shall report the results of this study~~
20 ~~to the General Assembly by January 1, 1991.~~

21 (f) (Blank).

22 (g) (Blank). ~~The Department shall develop a program~~
23 ~~designated to encourage the recycling of outdated telephone~~
24 ~~directories and to encourage the printing of new directories on~~
25 ~~recycled paper. The Department shall work in conjunction with~~
26 ~~printers and distributors of telephone directories distributed~~

1 ~~in the State to provide them with any technical assistance~~
2 ~~available in their efforts to procure appropriate recycled~~
3 ~~paper. The Department shall also encourage directory~~
4 ~~distributors to pick up outdated directories as they distribute~~
5 ~~new ones, and shall assist any distributor who is willing to do~~
6 ~~so in finding a recycler willing to purchase the old~~
7 ~~directories and in publicizing and promoting with citizens of~~
8 ~~the area the distributor's collection efforts and schedules.~~

9 (h) (Blank). ~~The Department shall assist, cooperate with~~
10 ~~and provide necessary staff and resources for the Interagency~~
11 ~~Energy Conservation Committee, which shall be chaired by the~~
12 ~~Director of the Department.~~

13 (i) (Blank).

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

15 Section 25. The Illinois Emergency Management Agency Act is
16 amended by changing Section 18 as follows:

17 (20 ILCS 3305/18) (from Ch. 127, par. 1068)

18 Sec. 18. Orders, Rules and Regulations.

19 (a) The Governor shall file a copy of every rule,
20 regulation or order, and any amendment thereof made by the
21 Governor under the provisions of this Act in the office of the
22 Secretary of State. No rule, regulation or order, or any
23 amendment thereof shall be effective until 10 days after the
24 filing, provided, however, that upon the declaration of a

1 disaster by the Governor as is described in Section 7 the
2 provision relating to the effective date of any rule,
3 regulation, order or amendment issued under this Act and during
4 the state of disaster is abrogated, and the rule, regulation,
5 order or amendment shall become effective immediately upon
6 being filed with the Secretary of State accompanied by a
7 certificate stating the reason as required by the Illinois
8 Administrative Procedure Act.

9 (b) Every emergency services and disaster agency
10 established pursuant to this Act and the coordinators thereof
11 shall execute and enforce the orders, rules and regulations as
12 may be made by the Governor under authority of this Act. Each
13 emergency services and disaster agency shall have available for
14 inspection at its office all orders, rules and regulations made
15 by the Governor, or under the Governor's authority. The
16 Illinois Emergency Management Agency shall furnish on the
17 Department's website the orders, rules and regulations to each
18 such emergency services and disaster agency. Upon the written
19 request of an emergency services or disaster agency, copies
20 thereof shall be mailed to the emergency services or disaster
21 agency.

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

23 (20 ILCS 4020/Act rep.)

24 Section 27. The Prairie State 2000 Authority Act is
25 repealed.

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

3 (30 ILCS 105/5h)

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

5 (a) In order to meet cash flow deficits and to maintain
6 liquidity in the General Revenue Fund, the Healthcare Provider
7 Relief Fund, and the Common School Fund, on and after July 1,
8 2010 and through June 30, 2011, the State Treasurer and the
9 State Comptroller shall make transfers to the General Revenue
10 Fund, the Healthcare Provider Relief Fund, or the Common School
11 Fund, as directed by the Governor, out of special funds of the
12 State, to the extent allowed by federal law. No transfer may be
13 made from a fund under this Section that would have the effect
14 of reducing the available balance in the fund to an amount less
15 than the amount remaining unexpended and unreserved from the
16 total appropriation from that fund estimated to be expended for
17 that fiscal year. No such transfer may reduce the cumulative
18 balance of all of the special funds of the State to an amount
19 less than the total debt service payable during the 12 months
20 immediately following the date of the transfer on any bonded
21 indebtedness of the State and any certificates issued under the
22 Short Term Borrowing Act. Notwithstanding any other provision
23 of this Section, no such transfer may be made from any special
24 fund that is exclusively collected by or appropriated to any

1 other constitutional officer without the written approval of
2 that constitutional officer.

3 (b) If moneys have been transferred to the General Revenue
4 Fund, the Healthcare Provider Relief Fund, or the Common School
5 Fund pursuant to subsection (a) of this Section, this
6 amendatory Act of the 96th General Assembly shall constitute
7 the irrevocable and continuing authority for and direction to
8 the State Treasurer and State Comptroller to reimburse the
9 funds of origin from the General Revenue Fund, the Healthcare
10 Provider Relief Fund, or the Common School Fund, as
11 appropriate, by transferring to the funds of origin, at such
12 times and in such amounts as directed by the Governor when
13 necessary to support appropriated expenditures from the funds,
14 an amount equal to that transferred from them plus any interest
15 that would have accrued thereon had the transfer not occurred,
16 except that any moneys transferred pursuant to subsection (a)
17 of this Section shall be repaid to the fund of origin within 18
18 months after the date on which they were borrowed.

19 (c) On the first day of each quarterly period in each
20 fiscal year, until such time as a report indicates that all
21 moneys borrowed and interest pursuant to this Section have been
22 repaid, the Governor's Office of Management and Budget shall
23 provide to the President and the Minority Leader of the Senate,
24 the Speaker and the Minority Leader of the House of
25 Representatives, and the Commission on Government Forecasting
26 and Accountability a report on all transfers made pursuant to

1 this Section in the prior quarterly period. The report must be
2 provided in both written and electronic format. The report must
3 include all of the following:

4 (1) The date each transfer was made.

5 (2) The amount of each transfer.

6 (3) In the case of a transfer from the General Revenue
7 Fund, the Healthcare Provider Relief Fund, or the Common
8 School Fund to a fund of origin pursuant to subsection (b)
9 of this Section, the amount of interest being paid to the
10 fund of origin.

11 (4) The end of day balance of both the fund of origin
12 and the General Revenue Fund, the Healthcare Provider
13 Relief Fund, or the Common School Fund, whichever the case
14 may be, on the date the transfer was made.

15 (Source: P.A. 96-958, eff. 7-1-10; 96-1500, eff. 1-18-11;
16 97-72, eff. 7-1-11 (see also P.A. 97-613 regarding effective
17 date of P.A. 97-72).)

18 (30 ILCS 105/6z-17) (from Ch. 127, par. 142z-17)

19 Sec. 6z-17. Of the money paid into the State and Local
20 Sales Tax Reform Fund: (i) subject to appropriation to the
21 Department of Revenue, Municipalities having 1,000,000 or more
22 inhabitants shall receive 20% and may expend such amount to
23 fund and establish a program for developing and coordinating
24 public and private resources targeted to meet the affordable
25 housing needs of low-income and very low-income households

1 within such municipality, (ii) 10% shall be transferred into
 2 the Regional Transportation Authority Occupation and Use Tax
 3 Replacement Fund, a special fund in the State treasury which is
 4 hereby created, (iii) until July 1, 2013, subject to
 5 appropriation to the Department of Transportation, the ~~The~~
 6 Madison County Mass Transit District shall receive .6%, and
 7 beginning on July 1, 2013, subject to appropriation to the
 8 Department of Revenue, 0.6% shall be distributed each month out
 9 of the Fund to the Madison County Mass Transit District, (iv)
 10 the following amounts, plus any cumulative deficiency in such
 11 transfers for prior months, shall be transferred monthly into
 12 the Build Illinois Fund and credited to the Build Illinois Bond
 13 Account therein:

Fiscal Year	Amount
1990	\$2,700,000
1991	1,850,000
1992	2,750,000
1993	2,950,000

19 From Fiscal Year 1994 through Fiscal Year 2025 the transfer
 20 shall total \$3,150,000 monthly, plus any cumulative deficiency
 21 in such transfers for prior months, and (v) the remainder of
 22 the money paid into the State and Local Sales Tax Reform Fund
 23 shall be transferred into the Local Government Distributive
 24 Fund and, except for municipalities with 1,000,000 or more
 25 inhabitants which shall receive no portion of such remainder,
 26 shall be distributed, subject to appropriation, in the manner

1 provided by Section 2 of "An Act in relation to State revenue
2 sharing with local government entities", approved July 31,
3 1969, as now or hereafter amended. Municipalities with more
4 than 50,000 inhabitants according to the 1980 U.S. Census and
5 located within the Metro East Mass Transit District receiving
6 funds pursuant to provision (v) of this paragraph may expend
7 such amounts to fund and establish a program for developing and
8 coordinating public and private resources targeted to meet the
9 affordable housing needs of low-income and very low-income
10 households within such municipality.

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

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

14 (30 ILCS 270/5)

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

16 Sec. 5. Federal stimulus tracking.

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

21 (b) Each quarterly ~~monthly~~ report shall list the amount of
22 the State's federal stimulus spending, by category, based on
23 available federal and State data. The reports may also list any
24 required matching funds required by the State to be eligible

1 for federal stimulus funding. The reports may make
2 recommendations (i) concerning ways for Illinois to maximize
3 its share of federal stimulus spending or (ii) suggesting
4 changes to Illinois law that could help to maximize its share
5 of federal stimulus spending. A final report compiling data
6 from the quarterly ~~monthly~~ reports shall be available online at
7 the conclusion of the American Recovery and Reinvestment Act
8 program or by December 31, 2014, whichever occurs first.

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

12 (d) The General Assembly may by resolution request that
13 specific data, findings, or analyses be included in a monthly
14 report. The Commission on Government Forecasting and
15 Accountability shall provide the Governor's Office technical,
16 analytical, and substantive assistance in preparing the
17 requested data, findings, or analyses.

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

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

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

22 (30 ILCS 330/11) (from Ch. 127, par. 661)

23 Sec. 11. Sale of Bonds. Except as otherwise provided in
24 this Section, Bonds shall be sold from time to time pursuant to

1 notice of sale and public bid or by negotiated sale in such
2 amounts and at such times as is directed by the Governor, upon
3 recommendation by the Director of the Governor's Office of
4 Management and Budget. At least 25%, based on total principal
5 amount, of all Bonds issued each fiscal year shall be sold
6 pursuant to notice of sale and public bid. At all times during
7 each fiscal year, no more than 75%, based on total principal
8 amount, of the Bonds issued each fiscal year, shall have been
9 sold by negotiated sale. Failure to satisfy the requirements in
10 the preceding 2 sentences shall not affect the validity of any
11 previously issued Bonds; provided that all Bonds authorized by
12 Public Act 96-43 and this amendatory Act of the 96th General
13 Assembly shall not be included in determining compliance for
14 any fiscal year with the requirements of the preceding 2
15 sentences; and further provided that refunding Bonds
16 satisfying the requirements of Section 16 of this Act and sold
17 during fiscal year 2009, 2010, or 2011 shall not be subject to
18 the requirements in the preceding 2 sentences.

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

24 If Bonds are to be sold pursuant to notice of sale and
25 public bid, the Director of the Governor's Office of Management
26 and Budget ~~may shall~~, from time to time, as Bonds are to be

1 sold, advertise the sale of the Bonds in at least 2 daily
2 newspapers, one of which is published in the City of
3 Springfield and one in the City of Chicago. The sale of the
4 Bonds shall also be advertised in the volume of the Illinois
5 Procurement Bulletin that is published by the Department of
6 Central Management Services, and ~~. Each of the advertisements~~
7 ~~for proposals~~ shall be published once at least 10 days prior to
8 the date fixed for the opening of the bids. The Director of the
9 Governor's Office of Management and Budget may reschedule the
10 date of sale upon the giving of such additional notice as the
11 Director deems adequate to inform prospective bidders of such
12 change; provided, however, that all other conditions of the
13 sale shall continue as originally advertised.

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

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

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

21 (30 ILCS 425/8) (from Ch. 127, par. 2808)

22 Sec. 8. Sale of Bonds. Bonds, except as otherwise provided
23 in this Section, shall be sold from time to time pursuant to
24 notice of sale and public bid or by negotiated sale in such

1 amounts and at such times as are directed by the Governor, upon
2 recommendation by the Director of the Governor's Office of
3 Management and Budget. At least 25%, based on total principal
4 amount, of all Bonds issued each fiscal year shall be sold
5 pursuant to notice of sale and public bid. At all times during
6 each fiscal year, no more than 75%, based on total principal
7 amount, of the Bonds issued each fiscal year shall have been
8 sold by negotiated sale. Failure to satisfy the requirements in
9 the preceding 2 sentences shall not affect the validity of any
10 previously issued Bonds; and further provided that refunding
11 Bonds satisfying the requirements of Section 15 of this Act and
12 sold during fiscal year 2009, 2010, or 2011 shall not be
13 subject to the requirements in the preceding 2 sentences.

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

19 If Bonds are to be sold pursuant to notice of sale and
20 public bid, the Director of the Governor's Office of Management
21 and Budget ~~may shall~~, from time to time, as Bonds are to be
22 sold, advertise the sale of the Bonds in at least 2 daily
23 newspapers, one of which is published in the City of
24 Springfield and one in the City of Chicago. The sale of the
25 Bonds shall also be advertised in the volume of the Illinois
26 Procurement Bulletin that is published by the Department of

1 Central Management Services, and ~~. Each of the advertisements~~
2 ~~for proposals~~ shall be published once at least 10 days prior to
3 the date fixed for the opening of the bids. The Director of the
4 Governor's Office of Management and Budget may reschedule the
5 date of sale upon the giving of such additional notice as the
6 Director deems adequate to inform prospective bidders of the
7 change; provided, however, that all other conditions of the
8 sale shall continue as originally advertised. Executed Bonds
9 shall, upon payment therefor, be delivered to the purchaser,
10 and the proceeds of Bonds shall be paid into the State Treasury
11 as directed by Section 9 of this Act. The Governor or the
12 Director of the Governor's Office of Management and Budget is
13 hereby authorized and directed to execute and deliver contracts
14 of sale with underwriters and to execute and deliver such
15 certificates, indentures, agreements and documents, including
16 any supplements or amendments thereto, and to take such actions
17 and do such things as shall be necessary or desirable to carry
18 out the purposes of this Act. Any action authorized or
19 permitted to be taken by the Director of the Governor's Office
20 of Management and Budget pursuant to this Act is hereby
21 authorized to be taken by any person specifically designated by
22 the Governor to take such action in a certificate signed by the
23 Governor and filed with the Secretary of State.

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

25 Section 50. The Industrial Development Assistance Law is

1 amended by changing Section 3 as follows:

2 (30 ILCS 720/3) (from Ch. 85, par. 893)

3 Sec. 3. Definitions. "Department" means the Department of
4 Commerce and Economic Opportunity.

5 "Governing bodies" means, as to any county, municipality or
6 township, the body empowered to enact ordinances or to adopt
7 resolutions for the governance of such county, municipality or
8 township.

9 "Industrial development agency" means any nonprofit
10 corporation, organization, association or agency which shall
11 be designated by proper resolution of the governing body of any
12 county, concurred in by resolution of the governing bodies of
13 municipalities or townships within said county having in the
14 aggregate over 50% of the population of said county, as
15 determined by the last preceding decennial United States
16 Census, as the agency authorized to make application to and
17 receive grants, subject to appropriation, from the Department
18 of Commerce and Economic Opportunity for the purposes specified
19 in this Act. Any two or more counties may, by the procedures
20 provided in this Act, designate a single industrial development
21 agency to represent such counties for the purposes of this Act.
22 (Source: P.A. 94-793, eff. 5-19-06.)

23 Section 55. The Build Illinois Act is amended by changing
24 Section 9-4.5 as follows:

1 (30 ILCS 750/9-4.5)

2 Sec. 9-4.5. Community economic development project.

3 (a) Subject to appropriation, the ~~The~~ Department shall
4 establish a comprehensive community economic development
5 project. The project shall provide technical assistance to 5
6 communities for the following purposes:

7 (1) To develop a comprehensive understanding of the
8 community.

9 (2) To plan for industrial retention and development.

10 (3) To establish an early warning network to warn of
11 potential business closings.

12 (4) To provide on-going technical assistance in areas
13 including, but not limited to, succession planning;
14 acquisition of companies by local entrepreneurs, with
15 special encouragement for minorities, women, and groups of
16 employees; job training; and technology improvement.

17 (b) Subject to appropriation, the ~~The~~ Department shall
18 select the communities that participate in the project through
19 a competitive process open to all communities in Illinois. For
20 purposes of this Section, "community" includes municipalities,
21 other units of local government, and neighborhoods and regions
22 within municipalities or other units of local government.
23 Community direction of the project and the capacity of the
24 community to fulfill project goals established by the
25 Department shall be prerequisites for participation. The

1 Department shall issue rules establishing the competitive
2 process.

3 (Source: P.A. 88-191; 88-670, eff. 12-2-94.)

4 (50 ILCS 330/5 rep.)

5 Section 57. The Illinois Municipal Budget Law is amended by
6 repealing Section 5.

7 Section 60. The Illinois Banking Act is amended by changing
8 Section 5 as follows:

9 (205 ILCS 5/5) (from Ch. 17, par. 311)

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

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

17 (2) To have a corporate seal, which may be altered at
18 pleasure, and to use the same by causing it or a facsimile
19 thereof to be impressed or affixed or in any manner reproduced,
20 provided that the affixing of a corporate seal to an instrument
21 shall not give the instrument additional force or effect, or
22 change the construction thereof, and the use of a corporate
23 seal is not mandatory.

1 (3) To make, alter, amend, and repeal bylaws, not
2 inconsistent with its charter or with law, for the
3 administration of the affairs of the bank. If this Act does not
4 provide specific guidance in matters of corporate governance,
5 the provisions of the Business Corporation Act of 1983 may be
6 used if so provided in the bylaws, and if the bank is a limited
7 liability company, the provisions of the Limited Liability
8 Company Act shall be used.

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

11 (5) To adopt and operate reasonable bonus plans,
12 profit-sharing plans, stock-bonus plans, stock-option plans,
13 pension plans and similar incentive plans for its directors,
14 officers and employees.

15 (5.1) To manage, operate and administer a fund for the
16 investment of funds by a public agency or agencies, including
17 any unit of local government or school district, or any person.
18 The fund for a public agency shall invest in the same type of
19 investments and be subject to the same limitations provided for
20 the investment of public funds. The fund for public agencies
21 shall maintain a separate ledger showing the amount of
22 investment for each public agency in the fund. "Public funds"
23 and "public agency" as used in this Section shall have the
24 meanings ascribed to them in Section 1 of the Public Funds
25 Investment Act.

26 (6) To make reasonable donations for the public welfare or

1 for charitable, scientific, religious or educational purposes.

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

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

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

8 (c) to secure deposits of public money of the United
9 States, whenever required by the laws of the United States,
10 including without being limited to, revenues and funds the
11 deposit of which is subject to the control or regulation of
12 the United States or any of its officers, agents, or
13 employees and Postal Savings funds;

14 (d) to secure deposits of public money of any state or
15 of any political corporation or subdivision thereof
16 including, without being limited to, revenues and funds the
17 deposit of which is subject to the control or regulation of
18 any state or of any political corporation or subdivisions
19 thereof or of any of their officers, agents, or employees;

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

22 (f) (blank); and

23 (g) to secure trust funds commingled with the bank's
24 funds, whether deposited by the bank or an affiliate of the
25 bank, pursuant to Section 2-8 of the Corporate Fiduciary
26 Act.

1 (8) To own, possess, and carry as assets all or part of the
2 real estate necessary in or with which to do its banking
3 business, either directly or indirectly through the ownership
4 of all or part of the capital stock, shares or interests in any
5 corporation, association, trust engaged in holding any part or
6 parts or all of the bank premises, engaged in such business and
7 in conducting a safe deposit business in the premises or part
8 of them, or engaged in any activity that the bank is permitted
9 to conduct in a subsidiary pursuant to paragraph (12) of this
10 Section 5.

11 (9) To own, possess, and carry as assets other real estate
12 to which it may obtain title in the collection of its debts or
13 that was formerly used as a part of the bank premises, but
14 title to any real estate except as herein permitted shall not
15 be retained by the bank, either directly or by or through a
16 subsidiary, as permitted by subsection (12) of this Section for
17 a total period of more than 10 years after acquiring title,
18 either directly or indirectly.

19 (10) To do any act, including the acquisition of stock,
20 necessary to obtain insurance of its deposits, or part thereof,
21 and any act necessary to obtain a guaranty, in whole or in
22 part, of any of its loans or investments by the United States
23 or any agency thereof, and any act necessary to sell or
24 otherwise dispose of any of its loans or investments to the
25 United States or any agency thereof, and to acquire and hold
26 membership in the Federal Reserve System.

1 (11) Notwithstanding any other provisions of this Act or
2 any other law, to do any act and to own, possess, and carry as
3 assets property of the character, including stock, that is at
4 the time authorized or permitted to national banks by an Act of
5 Congress, but subject always to the same limitations and
6 restrictions as are applicable to national banks by the
7 pertinent federal law and subject to applicable provisions of
8 the Financial Institutions Insurance Sales Law.

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

12 (a) holding title to and administering assets acquired
13 as a result of the collection or liquidating of loans,
14 investments, or discounts; or

15 (b) holding title to and administering personal
16 property acquired by the bank, directly or indirectly
17 through a subsidiary, for the purpose of leasing to others,
18 provided the lease or leases and the investment of the
19 bank, directly or through a subsidiary, in that personal
20 property otherwise comply with Section 35.1 of this Act; or

21 (c) carrying on or administering any of the activities
22 excepting the receipt of deposits or the payment of checks
23 or other orders for the payment of money in which a bank
24 may engage in carrying on its general banking business;
25 provided, however, that nothing contained in this
26 paragraph (c) shall be deemed to permit a bank organized

1 under this Act or subject hereto to do, either directly or
2 indirectly through any subsidiary, any act, including the
3 making of any loan or investment, or to own, possess, or
4 carry as assets any property that if done by or owned,
5 possessed, or carried by the State bank would be in
6 violation of or prohibited by any provision of this Act.

7 The provisions of this subsection (12) shall not apply to
8 and shall not be deemed to limit the powers of a State bank
9 with respect to the ownership, possession, and carrying of
10 stock that a State bank is permitted to own, possess, or carry
11 under this Act.

12 Any bank intending to establish a subsidiary under this
13 subsection (12) shall give written notice to the Commissioner
14 60 days prior to the subsidiary's commencing of business or, as
15 the case may be, prior to acquiring stock in a corporation that
16 has already commenced business. After receiving the notice, the
17 Commissioner may waive or reduce the balance of the 60 day
18 notice period. The Commissioner may specify the form of the
19 notice, may designate the types of subsidiaries not subject to
20 this notice requirement, and may promulgate rules and
21 regulations to administer this subsection (12).

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

1 (14) To own and lease personal property acquired by the
2 bank at the request of a prospective lessee and upon the
3 agreement of that person to lease the personal property
4 provided that the lease, the agreement with respect thereto,
5 and the amount of the investment of the bank in the property
6 comply with Section 35.1 of this Act.

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

10 (b) To establish and maintain, after May 31, 1997,
11 branches in another state that may conduct any activity in
12 that state that is authorized or permitted for any bank
13 that has a banking charter issued by that state, subject to
14 the same limitations and restrictions that are applicable
15 to banks chartered by that state.

16 (16) (Blank).

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

19 (18) To establish and maintain temporary service booths at
20 any International Fair held in this State which is approved by
21 the United States Department of Commerce, for the duration of
22 the international fair for the sole purpose of providing a
23 convenient place for foreign trade customers at the fair to
24 exchange their home countries' currency into United States
25 currency or the converse. This power shall not be construed as
26 establishing a new place or change of location for the bank

1 providing the service booth.

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

5 (20) To own, possess, and carry as assets stock of, or be
6 or become a member of, any corporation, mutual company,
7 association, trust, or other entity formed exclusively for the
8 purpose of providing directors' and officers' liability and
9 bankers' blanket bond insurance or reinsurance to and for the
10 benefit of the stockholders, members, or beneficiaries, or
11 their assets or businesses, or their officers, directors,
12 employees, or agents, and not to or for the benefit of any
13 other person or entity or the public generally.

14 (21) To make debt or equity investments in corporations or
15 projects, whether for profit or not for profit, designed to
16 promote the development of the community and its welfare,
17 provided that the aggregate investment in all of these
18 corporations and in all of these projects does not exceed 10%
19 of the unimpaired capital and unimpaired surplus of the bank
20 and provided that this limitation shall not apply to
21 creditworthy loans by the bank to those corporations or
22 projects. Upon written application to the Commissioner, a bank
23 may make an investment that would, when aggregated with all
24 other such investments, exceed 10% of the unimpaired capital
25 and unimpaired surplus of the bank. The Commissioner may
26 approve the investment if he is of the opinion and finds that

1 the proposed investment will not have a material adverse effect
2 on the safety and soundness of the bank.

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

6 (23) With respect to affiliate facilities:

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

11 (b) to authorize a commonly owned bank to conduct for
12 and on behalf of it any of the transactions it is
13 authorized or permitted to perform at one or more affiliate
14 facilities.

15 Any bank intending to conduct or to authorize a commonly
16 owned bank to conduct at an affiliate facility any of the
17 transactions specified in this paragraph (23) shall give
18 written notice to the Commissioner at least 30 days before any
19 such transaction is conducted at the affiliate facility.

20 (24) To act as the agent for any fire, life, or other
21 insurance company authorized by the State of Illinois, by
22 soliciting and selling insurance and collecting premiums on
23 policies issued by such company; and to receive for services so
24 rendered such fees or commissions as may be agreed upon between
25 the bank and the insurance company for which it may act as
26 agent; provided, however, that no such bank shall in any case

1 assume or guarantee the payment of any premium on insurance
2 policies issued through its agency by its principal; and
3 provided further, that the bank shall not guarantee the truth
4 of any statement made by an assured in filing his application
5 for insurance.

6 (25) Notwithstanding any other provisions of this Act or
7 any other law, to offer any product or service that is at the
8 time authorized or permitted to any insured savings association
9 or out-of-state bank by applicable law, provided that powers
10 conferred only by this subsection (25):

11 (a) shall always be subject to the same limitations and
12 restrictions that are applicable to the insured savings
13 association or out-of-state bank for the product or service
14 by such applicable law;

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

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

20 (d) shall not be construed to include the establishment
21 or maintenance of a branch, nor shall they be construed to
22 limit the establishment or maintenance of a branch pursuant
23 to subsection (11).

24 Not less than 30 days before engaging in any activity under
25 the authority of this subsection, a bank shall provide written
26 notice to the Commissioner of its intent to engage in the

1 activity. The notice shall indicate the specific federal or
2 state law, rule, regulation, or interpretation the bank intends
3 to use as authority to engage in the activity.

4 (Source: P.A. 92-483, eff. 8-23-01; 92-811, eff. 8-21-02;
5 93-561; eff.1-1-04.)

6 Section 65. The Savings Bank Act is amended by changing
7 Section 8006 as follows:

8 (205 ILCS 205/8006) (from Ch. 17, par. 7308-6)

9 Sec. 8006. Merger; Secretary's certificate. The executed
10 merger agreement together with copies of the resolutions of the
11 members or stockholders of each merging depository institution
12 approving it, certified by the president or vice president, and
13 attested to by the secretary of the savings bank, shall be
14 filed with the Secretary. The Secretary shall then issue to the
15 continuing savings bank a certificate of merger, setting forth
16 the name of each merging depository institution, the name of
17 the continuing savings bank, and the articles of incorporation
18 of the continuing savings bank. The merger takes effect upon
19 the issuance of the certificate of merger ~~recording of the~~
20 ~~certificate in the same manner as the articles of incorporation~~
21 ~~in each county in which the business office of any of the~~
22 ~~merging depository institutions was located and in the county~~
23 ~~in which the business office of the continuing savings bank is~~
24 ~~located. When duly recorded, the certificate shall be~~

1 ~~conclusive evidence of the merger and of the correctness of the~~
2 ~~proceedings therefor except against the State.~~

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

4 Section 70. The Sales Finance Agency Act is amended by
5 changing Section 13 as follows:

6 (205 ILCS 660/13) (from Ch. 17, par. 5231)

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

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

17 Section 75. The Consumer Installment Loan Act is amended by
18 changing Section 22 as follows:

19 (205 ILCS 670/22) (from Ch. 17, par. 5428)

20 Sec. 22. Rules and regulations. The Department may make and
21 enforce such reasonable rules, regulations, directions,
22 orders, decisions, and findings as the execution and

1 enforcement of the provisions of this Act require, and as are
2 not inconsistent therewith. In addition, the Department may
3 promulgate rules in connection with the activities of licensees
4 that are necessary and appropriate for the protection of
5 consumers in this State. All rules, regulations and directions
6 of a general character shall be sent electronically to ~~printed~~
7 ~~and copies thereof mailed to~~ all licensees.

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

9 Section 80. The Illinois Chemical Safety Act is amended by
10 changing Section 3 as follows:

11 (430 ILCS 45/3) (from Ch. 111 1/2, par. 953)

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

13 "Agency" means the Illinois Environmental Protection
14 Agency.

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

22 2295 Coated fabrics, not rubberized;

23 2491 Wood preserving;

24 2671 Packaging paper and plastics film, coated and

1 laminated;

2 2672 Coated and laminated paper, not elsewhere classified;

3 2812 Alkalies and chlorine;

4 2813 Industrial gases;

5 2819 Industrial inorganic chemicals, not elsewhere

6 classified;

7 2821 Plastic materials, synthetic resins, and

8 non-vulcanizable elastomers;

9 2834 Pharmaceutical preparations;

10 2842 Specialty cleaning, polishing and sanitation

11 preparations;

12 2851 Paints, varnishes, lacquers, enamels, and allied

13 products;

14 2865 Cyclic (coal tar) crudes, and cyclic intermediaries,

15 dyes and organic pigments (lakes and toners);

16 2869 Industrial organic chemicals, not elsewhere

17 classified;

18 2873 Nitrogenous fertilizer;

19 2874 Phosphatic fertilizers;

20 2879 Pesticides and agricultural chemicals, not elsewhere

21 classified;

22 2891 Adhesives and sealants;

23 2892 Explosives;

24 2911 Petroleum refining;

25 2952 Asphalt felts and coatings;

26 2999 Products of petroleum and coal, not elsewhere

1 classified;

2 3081 Unsupported plastics, film and sheet;

3 3082 Unsupported plastics profile shapes;

4 3083 Laminated plastics plate, sheet and profile shapes;

5 3084 Plastic pipe;

6 3085 Plastic bottles;

7 3086 Plastic foam products;

8 3087 Custom compounding of purchased plastic resin;

9 3088 Plastic plumbing fixtures;

10 3089 Plastic products, not elsewhere classified;

11 3111 Leather tanning and finishing;

12 3339 Primary smelting and refining of nonferrous metals,
13 except copper and aluminum;

14 3432 Plumbing fixture fittings and trim;

15 3471 Electroplating, plating, polishing, anodizing and
16 coloring;

17 4953 Refuse systems;

18 5085 Industrial supplies;

19 5162 Plastic materials and basic forms and shapes;

20 5169 Chemicals and allied products, not elsewhere
21 classified;

22 5171 Petroleum bulk stations and terminals;

23 5172 Petroleum and petroleum products, wholesalers, except
24 bulk stations and terminals.

25 For the purposes of this Act, the SIC Code that a business
26 uses for determining its coverage under The Unemployment

1 Insurance Act shall be the SIC Code for determining the
2 applicability of this Act. ~~On an annual basis, the Department~~
3 ~~of Employment Security shall provide the IEMA with a list of~~
4 ~~those regulated facilities covered by the above mentioned SIC~~
5 ~~codes.~~

6 "Business" also means any facility not covered by the above
7 SIC codes that is subject to the provisions of Section 302 of
8 the federal Emergency Planning and Community Right-to-Know Act
9 of 1986 and that is found by the Agency to use, store, or
10 manufacture a chemical substance in a quantity that poses a
11 threat to the environment or public health. Such a
12 determination shall be based on an on-site inspection conducted
13 by the Agency and certified to the IEMA. The Agency shall also
14 conduct inspections at the request of IEMA or upon a written
15 request setting forth a justification to the IEMA from the
16 chairman of the local emergency planning committee upon
17 recommendation of the committee. The IEMA shall transmit a copy
18 of the request to the Agency. The Agency may, in the event of a
19 reportable release that occurs at any facility operated or
20 owned by a business not covered by the above SIC codes, conduct
21 inspections if the site hazard appears to warrant such action.
22 The above notwithstanding, any farm operation shall not be
23 considered as a facility subject to this definition.

24 Notwithstanding the above, for purposes of this Act,
25 "business" does not mean any facility for which the
26 requirements promulgated at Part 1910.119 of Title 29 of the

1 Code of Federal Regulations are applicable or which has
2 completed and submitted the plan required by Part 68 of Title
3 40 of the Code of Federal Regulations, provided that such
4 business conducts and documents in writing an assessment for
5 any instance where the Agency provides notice that a
6 significant release of a chemical substance has occurred at a
7 facility. Such assessment shall explain the nature, cause and
8 known effects of the release, any mitigating actions taken, and
9 preventive measures that can be employed to avoid a future
10 release. Such assessment shall be available at the facility for
11 review within 30 days after the Agency notifies the facility
12 that a significant release has occurred. The Agency may provide
13 written comments to the business following an on-site review of
14 an assessment.

15 "Chemical name" means the scientific designation of a
16 chemical in accordance with the nomenclature system developed
17 by the International Union of Pure and Applied Chemistry
18 (IUPAC) or the American Chemical Society's Chemical Abstracts
19 Service (CAS) rules of nomenclature, or a name that will
20 clearly identify the chemical for hazard evaluation purposes.

21 "Chemical substance" means any "extremely hazardous
22 substance" listed in Appendix A of 40 C.F.R. Part 355 that is
23 present at a facility in an amount in excess of its threshold
24 planning quantity, any "hazardous substance" listed in 40
25 C.F.R. Section 302.4 that is present at a facility in an amount
26 in excess of its reportable quantity or in excess of its

1 threshold planning quantity if it is also an "extremely
2 hazardous substance", and any petroleum including crude oil or
3 any fraction thereof that is present at a facility in an amount
4 exceeding 100 pounds unless it is specifically listed as a
5 "hazardous substance" or an "extremely hazardous substance".
6 "Chemical substance" does not mean any substance to the extent
7 it is used for personal, family, or household purposes or to
8 the extent it is present in the same form and concentration as
9 a product packaged for distribution to and use by the general
10 public.

11 "IEMA" means the Illinois Emergency Management Agency.

12 "Facility" means the buildings and all real property
13 contiguous thereto, and the equipment at a single location used
14 for the conduct of business.

15 "Local emergency planning committee" means the committee
16 that is appointed for an emergency planning district under the
17 provisions of Section 301 of the federal Emergency Planning and
18 Community Right-to-Know Act of 1986.

19 "Release" means any sudden spilling, leaking, pumping,
20 pouring, emitting, escaping, emptying, discharging, injecting,
21 leaching, dumping, or disposing into the environment beyond the
22 boundaries of a facility, but excludes the following:

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

26 (b) Emissions from the engine exhaust of a motor

1 vehicle, rolling stock, aircraft, vessel, or pipeline
2 pumping station engine.

3 (c) Release of source, byproduct, or special nuclear
4 material from a nuclear incident, as those terms are
5 defined in the Atomic Energy Act of 1954, if the release is
6 subject to requirements with respect to financial
7 protection established by the Nuclear Regulatory
8 Commission under Section 170 of the Atomic Energy Act of
9 1954.

10 (d) The normal application of fertilizer.

11 "Significant release" means any release which is so
12 designated in writing by the Agency or the IEMA based upon an
13 inspection at the site of an emergency incident, or any release
14 which results in any evacuation, hospitalization, or
15 fatalities of the public.

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

17 (625 ILCS 5/15-115 rep.)

18 Section 85. The Illinois Vehicle Code is amended by
19 repealing Section 15-115.

20 Section 90. The Payday Loan Reform Act is amended by
21 changing Section 4-30 as follows:

22 (815 ILCS 122/4-30)

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

1 (a) The Department may make and enforce such reasonable
2 rules, regulations, directions, orders, decisions, and
3 findings as the execution and enforcement of the provisions of
4 this Act require, and as are not inconsistent therewith. All
5 rules, regulations, and directions of a general character shall
6 be sent electronically to ~~printed and copies thereof mailed to~~
7 all licensees.

8 (b) Within 6 months after the effective date of this Act,
9 the Department shall promulgate reasonable rules regarding the
10 issuance of payday loans by banks, savings banks, savings and
11 loan associations, credit unions, and insurance companies.
12 These rules shall be consistent with this Act and shall be
13 limited in scope to the actual products and services offered by
14 lenders governed by this Act.

15 (c) After the effective date of this Act, the Department
16 shall, over a 3-year period, conduct a study of the payday loan
17 industry to determine the impact and effectiveness of this Act.
18 The Department shall report its findings to the General
19 Assembly within 3 months of the third anniversary of the
20 effective date of this Act. The study shall determine the
21 effect of this Act on the protection of consumers in this State
22 and on the fair and reasonable regulation of the payday loan
23 industry. The study shall include, but shall not be limited to,
24 an analysis of the ability of the industry to use private
25 reporting tools that:

26 (1) ensure substantial compliance with this Act,

1 including real time reporting of outstanding payday loans;
2 and

3 (2) provide data to the Department in an appropriate
4 form and with appropriate content to allow the Department
5 to adequately monitor the industry.

6 The report of the Department shall, if necessary, identify
7 and recommend specific amendments to this Act to further
8 protect consumers and to guarantee fair and reasonable
9 regulation of the payday loan industry.

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

11 Section 999. Effective date. This Act takes effect upon
12 becoming law."