



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-EIGHTH GENERAL ASSEMBLY**

**75TH LEGISLATIVE DAY**

**TUESDAY, DECEMBER 3, 2013**

**9:05 O'CLOCK A.M.**

**SENATE**  
**Daily Journal Index**  
**75th Legislative Day**

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**PERFUNCTORY SESSION**

The Senate met pursuant to the directive of the President.  
Pursuant to Senate Rule 2-5(c)2, the Secretary of the Senate conducted the perfunctory session.

**MESSAGES FROM THE PRESIDENT**

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

JOHN J. CULLERTON  
SENATE PRESIDENT

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

December 2, 2013

Mr. Tim Anderson  
Secretary of the Senate  
Room 403 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 2-10, I am scheduling a Perfunctory Session to convene on December 3, 2013.

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

cc: Senate Republican Leader Christine Radogno

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

JOHN J. CULLERTON  
SENATE PRESIDENT

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

December 3, 2013

Mr. Tim Anderson  
Secretary of the Senate  
Room 403 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Don Harmon to temporarily replace Senator James Clayborne as chairman of the Senate Committee on Assignments. In addition, I hereby appoint Senator Donne Trotter to temporarily replace Senator James Clayborne as a member of the Senate Committee on Assignments. These appointments will expire upon adjournment of the Senate on December 3, 2013.

Sincerely,

[December 3, 2013]

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

cc: Senate Republican Leader Christine Radogno

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

JOHN J. CULLERTON  
SENATE PRESIDENT

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

December 3, 2013

Mr. Tim Anderson  
Secretary of the Senate  
Room 403 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Mattie Hunter to temporarily replace Senator Kimberly Lightford as a member of the Senate Committee on Assignments. This appointment will automatically expire upon adjournment of the Senate Committee on Assignments.

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

cc: Senate Minority Leader Christine Radogno

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

JOHN J. CULLERTON  
SENATE PRESIDENT

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

December 3, 2013

Mr. Tim Anderson  
Secretary of the Senate  
Room 403 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Don Harmon to temporarily replace Senator Emil Jones, III, as a member of the Senate Revenue Committee. This appointment will automatically expire upon adjournment of the Senate Revenue Committee.

Sincerely,  
s/John J. Cullerton

[December 3, 2013]

John J. Cullerton  
Senate President

cc: Senate Minority Leader Christine Radogno

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

JOHN J. CULLERTON  
SENATE PRESIDENT

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

December 3, 2013

Mr. Tim Anderson  
Secretary of the Senate  
Room 403 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Tom Cullerton to temporarily replace Senator Dan Kotowski, as a member of the Senate Revenue Committee. This appointment will automatically expire upon adjournment of the Senate Revenue Committee.

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

cc: Senate Minority Leader Christine Radogno

**LEGISLATIVE MEASURES FILED**

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

Senate Floor Amendment No. 4 to House Bill 2536  
Senate Floor Amendment No. 5 to House Bill 2536  
Senate Floor Amendment No. 4 to House Bill 3271  
Senate Floor Amendment No. 5 to House Bill 3271

**REPORTS RECEIVED**

The Secretary placed before the Senate the following reports:

Annual Report on Public University Revenues and Expenditures - Fiscal Year 2013, submitted by the Illinois Board of Higher Education.

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

Kane County State's Attorney's report on number of lead poisoning cases referred for enforcement, submitted by the Kane County State's Attorney.

[December 3, 2013]

The Management Improvement Initiative Progress Report, September 2013, submitted by the Department of Human Services.

Final Report – SB2259 – September 1, 2013 through September 1, 2013, submitted by the Department of Human Services.

State’s Attorneys Appellate Prosecutor FY13 Annual Report, submitted by the State’s Attorneys Appellate Prosecutor.

IPCB 2013 Annual Report, submitted by the Illinois Pollution Control Board.

Violent Crimes Victim Assistance Program – 2013 Status and Updates, submitted by the Office of the Attorney General.

Illinois Automated Victim Notification (AVN) System – 2013 Status and Updates, submitted by the Office of the Attorney General.

Pilot Program – Fit to Stand Trial, Final Report, October 1, 2013, submitted by the Department of Human Services.

Illiana Expressway - Will, Kankakee (IL) and Lake (IN) Counties Legislative Report – November 1, 2013, submitted by the Department of Transportation.

Governor’s Commission on Environmental Justice October 2013 (First) Report, submitted by Environmental Justice Commission.

Illinois Film Office Quarterly Reports, FY2014 Q1 July 1, 2013 – September 30, 2013, submitted by the Illinois Film Office.

Recycling and Recycled Paper Procurement Update, Fiscal Year 2013, submitted by the Department of Central Management Services.

Report designating California Ridge Wind Energy II LLC as an Illinois High Impact Business, submitted by the Department of Commerce and Economic Opportunity.

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

## COMMUNICATION

**ILLINOIS STATE SENATE  
DON HARMON  
PRESIDENT PRO TEMPORE  
39TH DISTRICT**

DISCLOSURE TO THE SENATE

Date: 12/3/13

Legislative Measure(s): SB 1961

Venue:

Committee on \_\_\_\_\_  
 Full Senate

Due to a potential conflict of interest (or the potential appearance thereof), I abstained from voting (or voted “present”) on the above legislative measure(s).

[December 3, 2013]

Notwithstanding a potential conflict of interest (or the potential appearance thereof), I voted in favor of or against the above legislative measure(s) because I believe doing so is in the best interests of the State.

s/Don Harmon  
Senator Don Harmon

### **REPORT FROM COMMITTEE ON ASSIGNMENTS**

Senator Harmon, Chairperson of the Committee on Assignments, during its December 3, 2013 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Revenue: **Senate Floor Amendment No. 4 to House Bill 3271.**

Senator Harmon, Chairperson of the Committee on Assignments, during its December 3, 2013 meeting, reported that the following Legislative Measures have been approved for consideration:

**Senate Floor Amendment No. 4 to House Bill 2536**

**Senate Floor Amendment No. 5 to House Bill 2536**

**Senate Floor Amendment No. 5 to House Bill 3271**

The foregoing floor amendments were placed on the Secretary's Desk.

### **COMMITTEE MEETING ANNOUNCEMENT**

The Chair announced the following committee to meet at 10:10 o'clock a.m.:

Revenue in Room 400

At the hour of 9:06 o'clock a.m., the Chair announced the perfunctory session stand adjourned. Regular session will convene today at 11:00 o'clock a.m.

### **REGULAR SESSION 11:04 O'CLOCK A.M.**

The Senate met pursuant to the directive of the President.  
Senator John M. Sullivan, Rushville, Illinois, presiding.  
Prayer by Pastor Shaun Lewis, Capitol Commission, Springfield, Illinois.  
Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Thursday, November 7, 2013, be postponed, pending arrival of the printed Journal.

The motion prevailed.

### **MESSAGES FROM THE PRESIDENT**

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

JOHN J. CULLERTON  
SENATE PRESIDENT

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

[December 3, 2013]

November 27, 2013

The Honorable Tim Anderson  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to the provisions of Rule 2-10, I am scheduling a regular Senate session to convene at 11:00 a.m. on Tuesday, December 3, 2013.

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

cc: Republican Leader Christine Radogno

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

JOHN J. CULLERTON  
SENATE PRESIDENT

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

December 3, 2013

Mr. Tim Anderson  
Secretary of the Senate  
Room 403 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Gary Forby to temporarily replace Senator Iris Martinez as Chairman of the Senate Licensed Activities Committee. This appointment will automatically expire upon adjournment of the Senate Licensed Activities Committee.

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

cc: Senate Minority Leader Christine Radogno

**PRESENTATION OF RESOLUTIONS**

**SENATE RESOLUTION NO. 695**

Offered by Althoff and all Senators.  
Mourns the death of Lee Allen "Sam" Kurth of Harvard.

**SENATE RESOLUTION NO. 696**

Offered by Senator Mulroe and all Senators.  
Mourns the death of Jeanine Dorothy (nee Philpott) Lupo.

**SENATE RESOLUTION NO. 697**

Offered by Senator Haine and all Senators.

[December 3, 2013]



Mourns the death of Marilyn Bromaghim.

**SENATE RESOLUTION NO. 698**

Offered by Senator Koehler and all Senators.  
Mourns the death of Melba Colleen (nee Brush) Ripper of Canton.

**SENATE RESOLUTION NO. 699**

Offered by Senator Harmon and all Senators.  
Mourns the death of Elyssa Rosen.

**SENATE RESOLUTION NO. 700**

Offered by Senator Link and all Senators.  
Mourns the death of Harrison "Gene" Willis of Vernon Hills.

**SENATE RESOLUTION NO. 701**

Offered by Senator Link and all Senators.  
Mourns the death of James P. Tentes of Waukegan.

**SENATE RESOLUTION NO. 702**

Offered by Senator Link and all Senators.  
Mourns the death of Ray Hagedorn of Gurnee.

**SENATE RESOLUTION NO. 703**

Offered by Senator Link and all Senators.  
Mourns the death of Michael Robert "Mickey" Pavelick of Waukegan.

**SENATE RESOLUTION NO. 704**

Offered by Senator Link and all Senators.  
Mourns the death of Kathie Vaglienty.

**SENATE RESOLUTION NO. 705**

Offered by Senator Link and all Senators.  
Mourns the death of Margaret M. McClellan of Forked River.

**SENATE RESOLUTION NO. 706**

Offered by Senator Kotowski and all Senators.  
Mourns the death of Janie Morrison of River Grove.

**SENATE RESOLUTION NO. 707**

Offered by Senator Van Pelt and all Senators.  
Mourns the death of Deverra Beverly of Chicago.

**SENATE RESOLUTION NO. 708**

Offered by President Cullerton and all Senators.  
Mourns the death of Deverra Beverly of Chicago.

**SENATE RESOLUTION NO. 709**

Offered by Senator McConaughay and all Senators.  
Mourns the death of Neil Kenneth Olson of Geneva.

**SENATE RESOLUTION NO. 710**

Offered by Senator McConaughay and all Senators.  
Mourns the death of Susan M. (nee Brazill) Tegeler of Geneva.

**SENATE RESOLUTION NO. 711**

Offered by Senator McConaughay and all Senators.  
Mourns the death of Gene L. Nottolini.

**SENATE RESOLUTION NO. 712**

Offered by Senator McConaughay and all Senators.  
Mourns the death of Jim Hansen.

**SENATE RESOLUTION NO. 713**

Offered by Senator Althoff and all Senators.  
Mourns the death of Bert W. Farm of McHenry.

**SENATE RESOLUTION NO. 714**

Offered by Senator Althoff and all Senators.  
Mourns the death of Lorraine L. Huffman of Crystal Lake.

**SENATE RESOLUTION NO. 715**

Offered by Senator Althoff and all Senators.  
Mourns the death of John E. May of Woodstock.

**SENATE RESOLUTION NO. 716**

Offered by Senator Althoff and all Senators.  
Mourns the death of Fay Ann Taylor Miller.

**SENATE RESOLUTION NO. 717**

Offered by Senator Althoff and all Senators.  
Mourns the death of Herman W. "Hershey" Krueger of Johnsbury.

**SENATE RESOLUTION NO. 718**

Offered by Senator Mulroe and all Senators.  
Mourns the death of Lillian N.(nee Narro) Mejia.

**SENATE RESOLUTION NO. 719**

Offered by Senator Haine and all Senators.  
Mourns the death of Arthur J. Lindsey of Wood River.

**SENATE RESOLUTION NO. 720**

Offered by Senator Haine and all Senators.  
Mourns the death of Billy G. Goessman.

**SENATE RESOLUTION NO. 721**

Offered by Senator Dillard and all Senators.  
Mourns the death of Rachel Myers Gibson.

**SENATE RESOLUTION NO. 722**

Offered by Senator Link and all Senators.  
Mourns the death of Delmer H. "Dusty" Powell, Jr. of Gurnee.

**SENATE RESOLUTION NO. 723**

Offered by Senator Link and all Senators.  
Mourns the death of Walter Schmidt of Waukegan.

**SENATE RESOLUTION NO. 724**

Offered by Senator Link and all Senators.  
Mourns the death of Frances H. (nee Marolt) Ogrin of Waukegan.

**SENATE RESOLUTION NO. 725**

Offered by Senator Link and all Senators.  
Mourns the death of Ronnie James Boddie of North Chicago.

**SENATE RESOLUTION NO. 726**

Offered by Senator Link and all Senators.  
Mourns the death of Daniel Andrew Ryckman of Waukegan.

**SENATE RESOLUTION NO. 727**

Offered by Senator Link and all Senators.  
Mourns the death of Barbara (nee Slobe) Donohue of Waukegan.

**SENATE RESOLUTION NO. 728**

Offered by Senator Link and all Senators.  
Mourns the death of the Reverend Carl Winfred Lawson, Jr. of Waukegan.

**SENATE RESOLUTION NO. 729**

Offered by Senator Link and all Senators.  
Mourns the death of Marlene A. Shields (nee Franz) of Waukegan.

**SENATE RESOLUTION NO. 730**

Offered by Senator McCann and all Senators.  
Mourns the death of Kenneth Howard Norton, Sr.

**SENATE RESOLUTION NO. 731**

Offered by President Cullerton-Forby and all Senators.  
Mourns the death of John Edward Rednour, Sr. of Du Quoin.

**SENATE RESOLUTION NO. 732**

Offered by Senator Manar and all Senators.  
Mourns the death of Bishop Larry Darnell Young of Decatur.

**SENATE RESOLUTION NO. 733**

Offered by Senator Manar and all Senators.  
Mourns the death of Bishop Emeritus Willie F. Newbon.

**SENATE RESOLUTION NO. 734**

Offered by Senator Manar and all Senators.  
Mourns the death of the Reverend Lloyd E. Jackson, Sr.

**SENATE RESOLUTION NO. 735**

Offered by Senator Manar and all Senators.  
Mourns the death of Virginia "Ginny" Clemonds of Plainview.

**SENATE RESOLUTION NO. 736**

Offered by Senator Manar and all Senators.  
Mourns the death of Pastor B. G. Nevitt of Decatur.

**SENATE RESOLUTION NO. 737**

Offered by Senator Manar and all Senators.  
Mourns the death of Pastor James Charles Rice of Decatur.

**SENATE RESOLUTION NO. 738**

Offered by Senator Koehler and all Senators.  
Mourns the death of John Robert "Bob" Bender of Manito.

**SENATE RESOLUTION NO. 739**

Offered by Senator McCann and all Senators.  
Mourns the death of Don Anthony "D.A." Joiner of Carlinville.

**SENATE RESOLUTION NO. 740**

Offered by Senator Haine and all Senators.  
Mourns the death of James R. "Jim" Holt.

**SENATE RESOLUTION NO. 741**

Offered by Senators Koehler-Sullivan and all Senators.  
Mourns the death of Alexander L. Van Meter of Galesburg.

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

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

**SENATE RESOLUTION NO. 742**

WHEREAS, The term "financial transaction" means a transaction involving the purchase or sale of a stock contract, futures contract, swap contract, credit default swap contract, or options contract; and

WHEREAS, The State of Illinois is home to 4 major financial exchanges and boards of trade: the Chicago Stock Exchange, the Chicago Mercantile Exchange, the Chicago Board of Trade, and the Chicago Board Options Exchange; and

WHEREAS, House Bill 1554 of the 98th General Assembly of the State of Illinois seeks to impose a .01% tax on each transaction conducted on those boards of trade; and

WHEREAS, A 2010 Tax Foundation study found that Illinois residents paid a higher amount of State and local taxes than residents of any of Illinois' neighboring states; and

WHEREAS, In 2011, Illinois increased this tax burden by raising income taxes 66%; and

WHEREAS, Any tax on all financial transactions would be detrimental to the overall economy in the State of Illinois and would hurt the overall job creation of the different companies involved on these various exchanges located in Illinois; and

WHEREAS, The financial sector and the overall economy for the State of Illinois would be significantly negatively impacted by a financial transaction tax; and

WHEREAS, A financial transaction tax would harm average investors who are saving for retirement; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we state our belief that the State of Illinois should not enact a tax on financial transactions; and be it further

RESOLVED, That suitable copies of this resolution be delivered to all Illinois constitutional officers, the Speaker and Minority Leader of the Illinois House of Representatives, and the President and Minority Leader of the Illinois Senate.

**REPORT FROM STANDING COMMITTEE**

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

Senate Amendment No. 4 to House Bill 3271

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

**INTRODUCTION OF BILLS**

**SENATE BILL NO. 2628.** Introduced by Senator Sandoval, a bill for AN ACT concerning State government.

[December 3, 2013]

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

**SENATE BILL NO. 2629.** Introduced by Senator Oberweis, a bill for AN ACT concerning transportation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

**SENATE BILL NO. 2630.** Introduced by Senator Silverstein, a bill for AN ACT concerning civil law.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

**SENATE BILL NO. 2631.** Introduced by Senator Silverstein, a bill for AN ACT concerning criminal law.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

**SENATE BILL NO. 2632.** Introduced by Senator Silverstein, a bill for AN ACT concerning transportation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

**SENATE BILL NO. 2633.** Introduced by Senator Koehler, a bill for AN ACT concerning State government.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

#### MESSAGES FROM THE HOUSE

A message from the House by

Mr. Mapes, Clerk:

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

#### HOUSE JOINT RESOLUTION NO. 52

WHEREAS, It is appropriate for us to remember the many sacrifices and contributions to the cause of freedom made by the outstanding men and women who served in the United States Armed Forces and gave the ultimate sacrifice defending America's freedom; and

WHEREAS, Corporal Aaron J. Ripperda was one of seven members of the 2nd Marine Division whose lives were lost on March 18, 2013, in an explosion during training at the Hawthorne Army Depot in western Nevada; he was the most senior of those lost on that day, both in age and rank; and

WHEREAS, Corporal Aaron J. Ripperda was born January 6, 1987 in Breese and graduated from Highland High School in 2005; during high school, he played football and was involved in the school's annual madrigal dinner; and

WHEREAS, After high school, Corporal Aaron J. Ripperda attended St. Xavier University in Chicago for a year and then enrolled in and graduated from the L'Ecole Culinaire School in St. Louis, Missouri; and

WHEREAS, Being an avid traveler, Corporal Aaron J. Ripperda felt a calling to explore the world by becoming a Marine in 2008; while at Camp Lejeune, he developed a passion for sailing, bought a two-person sailboat, and often took friends out on a bay near the base; and

[December 3, 2013]

WHEREAS, While enlisted in the Marine Corps, Corporal Aaron J. Ripperda traveled to several countries, including Haiti to help with recovery efforts after the 2010 earthquake, and Afghanistan; in April of 2011, he was promoted to the rank of corporal; among his numerous honors were a Navy Unit Commendation and a Humanitarian Service Medal; and

WHEREAS, Corporal Aaron J. Ripperda is survived by his father, Kent (Colleen) Ripperda; his mother, Tina (Jeff) Sutton; his sister, Kendall (significant other, Charlie Swaim) Ripperda; his paternal grandmother, Rita Ripperda; his maternal grandfather, Ronald (Jackie) Lesicko; his special friend, Jessica Iskrzycki; his aunts and uncles, Kurt (Lynn) Ripperda, Cara (significant other, John Zerkle) Tomasek, William (Beverly) Lesicko, Patrick (Julie) Lesicko; and his many cousins; and

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to the truly great individuals who have served our country and, in doing so, have gone above and beyond the call of duty to take part in truly heroic tasks; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the portion of Illinois Route 143 within the city limits of Highland as the Cpl. Aaron J. Ripperda Memorial Highway; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name of the Cpl. Aaron J. Ripperda Memorial Highway; and be it further

RESOLVED, That suitable copies of this resolution be presented to the family of Corporal Aaron J. Ripperda and the Secretary of the Illinois Department of Transportation.

Adopted by the House, November 6, 2013.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 52 was referred to the Committee on Assignments.

A message from the House by

Mr. Mapes, Clerk:

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

### **HOUSE JOINT RESOLUTION NO. 53**

WHEREAS, It is appropriate for us to remember the many sacrifices and contributions to the cause of freedom made by the outstanding men and women who serve in combat and give the ultimate sacrifice; and

WHEREAS, United States Marine Corps Staff Sergeant Jordan B. Emrick of Hoyleton was killed in action defending America's freedom in Afghanistan on November 5, 2010; and

WHEREAS, Staff Sergeant Jordan Emrick was born on December 19, 1983 in Centralia to Terry and Doris (nee Seeger) Emrick; and

WHEREAS, Staff Sergeant Jordan Emrick graduated from Nashville High School in 2002; he attended Trinity Lutheran Church and was an avid skydiver and enjoyed sailing; and

[December 3, 2013]

WHEREAS, Staff Sergeant Jordan Emrick served in the United States Marine Corps with the 1st Explosives Ordnance Disposal Company, a unit based in Camp Pendleton, California, that is currently serving in Afghanistan; and

WHEREAS, Staff Sergeant Jordan Emrick was a highly decorated Marine who enlisted shortly after the September 11th attacks; he had previously served one deployment in the Persian Gulf and 2 deployments in Iraq; and

WHEREAS, Staff Sergeant Jordan Emrick is survived by his parents, Terry and Doris; his brother; Brandon (Kimberly) Emrick; his sisters, Christi (Ryan) Payne and Brittany (Anthony) Aussieker; his grandmother, Edith Seeger; and his many aunts, uncles, nieces, and nephews; and

WHEREAS, Staff Sergeant Jordan Emrick will be remembered by all who knew and loved him for his selfless dedication to his Marine brethren by volunteering for ordinance disposal duty; and

WHEREAS, Staff Sergeant Jordan Emrick's patriotism and courage will be remembered fondly by his loving family, his fellow soldiers, and the citizens of our grateful nation; and

WHEREAS, It is highly fitting that we pay honor and respect to the truly great individuals who have served our country, and, in doing so, have gone above and beyond the call of duty to take part in truly heroic tasks; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate Illinois Route 177 between Hoyleton and New Minden the "SSgt. Jordan Emrick Memorial Highway"; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name of the "SSgt. Jordan Emrick Memorial Highway"; and be it further

RESOLVED, That suitable copies of this resolution be presented to the family of Staff Sergeant Jordan Emrick and to the Secretary of the Illinois Department of Transportation.

Adopted by the House, November 6, 2013.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 53 was referred to the Committee on Assignments.

## APPOINTMENT MESSAGES

### **Appointment Message No. 0363**

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

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

Title of Office: Member

Agency or Other Body: Charitable Trust Stabilization Committee

Start Date: October 1, 2013

End Date: October 1, 2019

[December 3, 2013]

Name: Pier C. Rogers, PhD

Residence: 6101 North Sheridan Road, #19D, Chicago, Illinois 60660

Annual Compensation: Unsalariated

Per diem: Not Applicable

Nominee's Senator: Senator Heather A. Steans

Most Recent Holder of Office: John Stremsterfer

Superseded Appointment Message: Not Applicable

**Appointment Message No. 0364**

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

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

Title of Office: Member

Agency or Other Body: Charitable Trust Stabilization Committee

Start Date: October 1, 2013

End Date: October 1, 2019

Name: Emilia DiMenco

Residence: 327 Phillippa Street, Hinsdale, Illinois 60521

Annual Compensation: Unsalariated

Per diem: Not Applicable

Nominee's Senator: Senator Kirk W. Dillard

Most Recent Holder of Office: Original Appointment

Superseded Appointment Message: Not Applicable

**Appointment Message No. 0365**

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

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

Title of Office: Member

Agency or Other Body: Workers' Compensation Medical Fee Advisory Board

[December 3, 2013]



Start Date: December 6, 2013

End Date: December 5, 2017

Name: Diana Alvarez

Residence: 3625 Oak Park Ave., Berwyn, IL 60402

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Steven M. Landek

Most Recent Holder of Office: John Smolk

Superseded Appointment Message: Not Applicable

**Appointment Message No. 0366**

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

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

Title of Office: Member

Agency or Other Body: Workers' Compensation Medical Fee Advisory Board

Start Date: December 6, 2013

End Date: December 5, 2017

Name: David Menchetti

Residence: 7036 N. Tahoma Ave., Chicago, IL 60646

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Ira I. Silverstein

Most Recent Holder of Office: Eric Dean

Superseded Appointment Message: Not Applicable

**Appointment Message No. 0367**

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

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

Title of Office: Member

[December 3, 2013]

Agency or Other Body: Quality Care Board

Start Date: November 8, 2013

End Date: September 18, 2017

Name: Neil Posner

Residence: 330 N. Clinton St., Apt. 406, Chicago, IL 60661

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Mattie Hunter

Most Recent Holder of Office: Edward Baker

Superseded Appointment Message: Not Applicable

**Appointment Message No. 0368**

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

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

Title of Office: Public Guardian and Public Administrator

Agency or Other Body: Crawford County

Start Date: November 8, 2013

End Date: December 5, 2016

Name: James Lane

Residence: 1504 N. Countryview Lane, Robinson, IL 62454

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator Dale A. Righter

Most Recent Holder of Office: Dana M. Tylka

Superseded Appointment Message: Not Applicable

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

At the hour of 11:12 o'clock a.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

[December 3, 2013]

**AFTER RECESS**

At the hour of 2:11 o'clock p.m., the Senate resumed consideration of business.  
 Senator Sullivan, presiding.

**MESSAGES FROM THE HOUSE**

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 114

A bill for AN ACT concerning government.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 114

House Amendment No. 2 to SENATE BILL NO. 114

Passed the House, as amended, December 3, 2013.

TIMOTHY D. MAPES, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 114**

AMENDMENT NO. 1. Amend Senate Bill 114 by replacing everything after the enacting clause with the following:

"Section 5. The Supported Employees Act is amended by changing Section 1 as follows:

(5 ILCS 390/1) (from Ch. 127, par. 3901)

Sec. 1. This Act may be cited as ~~the~~ the Supported Employees Act.

(Source: P.A. 86-1411)."

**AMENDMENT NO. 2 TO SENATE BILL 114**

AMENDMENT NO. 2. Amend Senate Bill 114, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 is amended by changing Section 31-5 as follows:

(225 ILCS 447/31-5)

(Section scheduled to be repealed on January 1, 2024)

Sec. 31-5. Exemptions.

(a) The provisions of this Act regarding fingerprint vendors do not apply to any of the following, if the person performing the service does not hold himself or herself out as a fingerprint vendor or fingerprint vendor agency:

(1) An employee of the United States, Illinois, or a political subdivision, including public school districts, of either while the employee is engaged in the performance of his or her official duties within the scope of his or her employment. However, any such person who offers his or her services as a fingerprint vendor or uses a similar title when these services are performed for compensation or other consideration, whether received directly or indirectly, is subject to this Act.

(2) A person employed exclusively by only one employer in connection with the exclusive activities of that employer, provided that person does not hold himself or herself out to the public as a fingerprint vendor.

(3) ~~Any Notwithstanding any other provisions of this Act, any member of local law enforcement in the performance of his or her duties for criminal justice purposes, notwithstanding whether the~~ ~~Nothing in this Act shall prohibit~~ local law

enforcement agency charges agencies from charging a reasonable fee related to the cost of offering fingerprinting services.

(b) The provisions of this Act regarding fingerprint vendors do not apply to any member of a local law enforcement agency, acting on behalf of the local law enforcement agency that is registered with the Department of State Police to provide fingerprinting services for non-criminal justice purposes.

[December 3, 2013]

notwithstanding whether the local law enforcement agency charges a reasonable fee related to the cost of offering fingerprinting services.

(Source: P.A. 98-294, eff. 8-9-13.)

Section 10. The Firearm Owners Identification Card Act is amended by changing Section 8.1 as follows: (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

Sec. 8.1. Notifications to the Department of State Police.

(a) The Circuit Clerk shall, in the form and manner required by the Supreme Court, notify the Department of State Police of all final dispositions of cases for which the Department has received information reported to it under Sections 2.1 and 2.2 of the Criminal Identification Act.

(b) Upon adjudication of any individual as a mentally disabled person as defined in Section 1.1 of this Act or a finding that a person has been involuntarily admitted, the court shall direct the circuit court clerk to immediately notify the Department of State Police, Firearm Owner's Identification (FOID) department, and shall forward a copy of the court order to the Department.

(c) The Department of Human Services shall, in the form and manner prescribed by the Department of State Police, report all information collected under subsection (b) of Section 12 of the Mental Health and Developmental Disabilities Confidentiality Act for the purpose of determining whether a person who may be or may have been a patient in a mental health facility is disqualified under State or federal law from receiving or retaining a Firearm Owner's Identification Card, or purchasing a weapon.

(d) If a person is determined to pose a clear and present danger to himself, herself, or to others:

~~(1) by a physician, clinical psychologist, or qualified examiner, law enforcement official, or school administrator, or is determined to be~~

developmentally disabled by a physician, clinical psychologist, or qualified examiner, whether employed by the State or ~~privately by a private mental health facility~~, then the physician, clinical psychologist, or qualified examiner shall, within 24 hours of making the determination, notify the Department of Human Services that the person poses a clear and present danger or is developmentally disabled; or

(2) by a law enforcement official or school administrator, then the law enforcement official or school administrator shall, within 24 hours of making the determination, notify the Department of State Police that the person poses a clear and present danger. The Department of Human Services shall immediately update its records and information

relating to mental health and developmental disabilities, and if appropriate, shall notify the Department of State Police in a form and manner prescribed by the Department of State Police. The Department of State Police shall determine whether to revoke the person's Firearm Owner's Identification Card under Section 8 of this Act. Any information disclosed under this subsection shall remain privileged and confidential, and shall not be redisclosed, except as required under subsection (e) of Section 3.1 of this Act, nor used for any other purpose. The method of providing this information shall guarantee that the information is not released beyond what is necessary for the purpose of this Section and shall be provided by rule by the Department of Human Services. The identity of the person reporting under this Section shall not be disclosed to the subject of the report. The physician, clinical psychologist, qualified examiner, law enforcement official, or school administrator making the determination and his or her employer shall not be held criminally, civilly, or professionally liable for making or not making the notification required under this subsection, except for willful or wanton misconduct.

(e) The Department of State Police shall adopt rules to implement this Section.

(Source: P.A. 97-1131, eff. 1-1-13; 98-63, eff. 7-9-13.)

Section 15. The Firearm Concealed Carry Act is amended by changing Sections 10, 15, 20, 40, 75, and 80 as follows:

(430 ILCS 66/10)

Sec. 10. Issuance of licenses to carry a concealed firearm.

(a) The Department shall issue a license to carry a concealed firearm under this Act to an applicant who:

- (1) meets the qualifications of Section 25 of this Act;
- (2) has provided the application and documentation required in Section 30 of this Act;
- (3) has submitted the requisite fees; and
- (4) does not pose a danger to himself, herself, or others, or a threat to public safety as determined by the Concealed Carry Licensing Review Board in accordance with Section 20.

(b) The Department shall issue a renewal, corrected, or duplicate license as provided in this Act.

(c) A license shall be valid throughout the State for a period of 5 years from the date of issuance. A license shall permit the licensee to:

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- (1) carry a loaded or unloaded concealed firearm, fully concealed or partially concealed, on or about his or her person; and
- (2) keep or carry a loaded or unloaded concealed firearm on or about his or her person within a vehicle.

(d) The Department shall make applications for a license available no later than 180 days after the effective date of this Act. The Department shall establish rules for the availability and submission of applications in accordance with this Act.

(e) An application for a license submitted to the Department that contains all the information and materials required by this Act, including the requisite fee, shall be deemed completed. Except as otherwise provided in this Act, no later than 90 days after receipt of a completed application, the Department shall issue or deny the applicant a license.

(f) The Department shall deny the applicant a license if the applicant fails to meet the requirements under this Act or the Department receives a determination from the Board that the applicant is ineligible for a license. The Department must notify the applicant stating the grounds for the denial. The notice of denial must inform the applicant of his or her right to an appeal through administrative and judicial review.

(g) A licensee shall possess a license at all times the licensee carries a concealed firearm except:

- (1) when the licensee is carrying or possessing a concealed firearm on his or her land or in his or her abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission;
- (2) when the person is authorized to carry a firearm under Section 24-2 of the Criminal Code of 2012, except subsection (a-5) of that Section; or
- (3) when the handgun is broken down in a non-functioning state, is not immediately accessible, or is unloaded and enclosed in a case.

(h) If an officer of a law enforcement agency initiates an investigative stop, including but not limited to a traffic stop, of a licensee or a non-resident carrying a concealed firearm under subsection (e) of Section 40 of this Act who is carrying a concealed firearm, upon the request of the officer the licensee or non-resident shall disclose to the officer that he or she is in possession of a concealed firearm under this Act, present the license upon the request of the officer if he or she is a licensee or present upon the request of the officer evidence under paragraph (2) of subsection (e) of Section 40 of this Act that he or she is a non-resident qualified to carry under that subsection, and identify the location of the concealed firearm. During a traffic stop, any passenger within the vehicle who is a licensee or a non-resident carrying under subsection (e) of Section 40 of this Act must comply with the requirements of this subsection (h).

(i) The Department shall maintain a database of license applicants and licensees. The database shall be available to all federal, State, and local law enforcement agencies, State's Attorneys, the Attorney General, and authorized court personnel. Within 180 days after the effective date of this Act, the database shall be searchable and provide all information included in the application, including the applicant's previous addresses within the 10 years prior to the license application and any information related to violations of this Act. No law enforcement agency, State's Attorney, Attorney General, or member or staff of the judiciary shall provide any information to a requester who is not entitled to it by law.

(j) No later than 10 days after receipt of a completed application, the Department shall enter the relevant information about the applicant into the database under subsection (i) of this Section which is accessible by law enforcement agencies.

(Source: P.A. 98-63, eff. 7-9-13.)

(430 ILCS 66/15)

Sec. 15. Objections by law enforcement agencies.

(a) Any law enforcement agency may submit an objection to a license applicant based upon a reasonable suspicion that the applicant is a danger to himself or herself or others, or a threat to public safety. The objection shall be made by the chief law enforcement officer of the law enforcement agency, or his or her designee, and must include any information relevant to the objection. If a law enforcement agency submits an objection within 30 days after the entry of an applicant into the database, the Department shall submit the objection and all information available to the Board under State and federal law related to the application to the Board within 10 days of completing all necessary background checks.

(b) If an applicant has 5 or more arrests for any reason, that have been entered into the Criminal History Records Information (CHRI) System, within the 7 years preceding the date of application for a license, or has 3 or more arrests within the 7 years preceding the date of application for a license for any combination of gang-related offenses, the Department shall object and submit the applicant's arrest record to the extent the Board is allowed to receive that information under State and federal law, the application materials, and any additional information submitted by a law enforcement agency to the Board. For purposes of this subsection, "gang-related offense" is an offense described in Section 12-6.4, Section 24-1.8, Section 25-

5, Section 33-4, or Section 33G-4, or in paragraph (1) of subsection (a) of Section 12-6.2, paragraph (2) of subsection (b) of Section 16-30, paragraph (2) of subsection (b) of Section 31-4, or item (iii) of paragraph (1.5) of subsection (i) of Section 48-1 of the Criminal Code of 2012.

(c) The referral of an objection under this Section to the Board shall toll the 90-day period for the Department to issue or deny the applicant a license under subsection (e) of Section 10 of this Act, during the period of review and until the Board issues its decision.

(d) If no objection is made by a law enforcement agency or the Department under this Section, the Department shall process the application in accordance with this Act.

(Source: P.A. 98-63, eff. 7-9-13.)

(430 ILCS 66/20)

Sec. 20. Concealed Carry Licensing Review Board.

(a) There is hereby created within the Department of State Police a Concealed Carry Licensing Review Board to consider any objection to an applicant's eligibility to obtain a license under this Act submitted by a law enforcement agency or the Department under Section 15 of this Act. The Board shall consist of 7 commissioners to be appointed by the Governor, with the advice and consent of the Senate, with 3 commissioners residing within the First Judicial District and one commissioner residing within each of the 4 remaining Judicial Districts. No more than 4 commissioners shall be members of the same political party. The Governor shall designate one commissioner as the Chairperson. The Board shall consist of:

(1) one commissioner with at least 5 years of service as a federal judge;

(2) 2 commissioners with at least 5 years of experience serving as an attorney with the United States Department of Justice;

(3) 3 commissioners with at least 5 years of experience as a federal agent or employee with investigative experience or duties related to criminal justice under the United States Department of Justice, Drug Enforcement Administration, Department of Homeland Security, or Federal Bureau of Investigation; and

(4) one member with at least 5 years of experience as a licensed physician or clinical psychologist with expertise in the diagnosis and treatment of mental illness.

(b) The initial terms of the commissioners shall end on January 12, 2015. Thereafter, the commissioners shall hold office for 4 years, with terms expiring on the second Monday in January of the fourth year. Commissioners may be reappointed. Vacancies in the office of commissioner shall be filled in the same manner as the original appointment, for the remainder of the unexpired term. The Governor may remove a commissioner for incompetence, neglect of duty, malfeasance, or inability to serve. Commissioners shall receive compensation in an amount equal to the compensation of members of the Executive Ethics Commission and may be reimbursed for reasonable expenses actually incurred in the performance of their Board duties, from funds appropriated for that purpose.

(c) The Board shall meet at the call of the chairperson as often as necessary to consider objections to applications for a license under this Act. If necessary to ensure the participation of a commissioner, the Board shall allow a commissioner to participate in a Board meeting by electronic communication. Any commissioner participating electronically shall be deemed present for purposes of establishing a quorum and voting.

(d) The Board shall adopt rules for the review of objections and the conduct of hearings. The Board shall maintain a record of its decisions and all materials considered in making its decisions. All Board decisions and voting records shall be kept confidential and all materials considered by the Board shall be exempt from inspection except upon order of a court.

(e) In considering an objection of a law enforcement agency or the Department, the Board shall review the materials received with the objection from the law enforcement agency or the Department. By a vote of at least 4 commissioners, the Board may request additional information from the law enforcement agency, Department, or the applicant, or the testimony of the law enforcement agency, Department, or the applicant. The Board may require that the applicant submit electronic fingerprints to the Department for an updated background check where the Board determines it lacks sufficient information to determine eligibility. The Board may only consider information submitted by the Department, a law enforcement agency, or the applicant. The Board shall review each objection and determine by a majority of commissioners whether an applicant is eligible for a license.

(f) The Board shall issue a decision within 30 days of receipt of the objection from the Department. However, the Board need not issue a decision within 30 days if:

(1) the Board requests information from the applicant, including but not limited to electronic fingerprints to be submitted to the Department, in accordance with subsection (e)

of this Section, in which case the Board shall make a decision within 30 days of receipt of the required information from the applicant;

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(2) the applicant agrees, in writing, to allow the Board additional time to consider an objection; or

(3) the Board notifies the applicant and the Department that the Board needs an additional 30 days to issue a decision.

(g) If the Board determines by a preponderance of the evidence that the applicant poses a danger to himself or herself or others, or is a threat to public safety, then the Board shall affirm the objection of the law enforcement agency or the Department and shall notify the Department that the applicant is ineligible for a license. If the Board does not determine by a preponderance of the evidence that the applicant poses a danger to himself or herself or others, or is a threat to public safety, then the Board shall notify the Department that the applicant is eligible for a license.

(h) Meetings of the Board shall not be subject to the Open Meetings Act and records of the Board shall not be subject to the Freedom of Information Act.

(i) The Board shall report monthly to the Governor and the General Assembly on the number of objections received and provide details of the circumstances in which the Board has determined to deny licensure based on law enforcement or Department objections under Section 15 of this Act. The report shall not contain any identifying information about the applicants.

(Source: P.A. 98-63, eff. 7-9-13.)

(430 ILCS 66/40)

Sec. 40. Non-resident license applications.

(a) For the purposes of this Section, "non-resident" means a person who has not resided within this State for more than 30 days and resides in another state or territory.

(b) The Department shall by rule allow for non-resident license applications from any state or territory of the United States with laws related to firearm ownership, possession, and carrying, that are substantially similar to the requirements to obtain a license under this Act.

(c) A resident of a state or territory approved by the Department under subsection (b) of this Section may apply for a non-resident license. The applicant shall apply to the Department and must meet all of the qualifications established in Section 25 of this Act, except for the Illinois residency requirement in item (xiv) of paragraph (2) of subsection (a) of Section 4 of the Firearm Owners Identification Card Act. The applicant shall submit:

(1) the application and documentation required under Section 30 of this Act and the applicable fee;

(2) a notarized document stating that the applicant:

(A) is eligible under federal law and the laws of his or her state or territory of residence to own or possess a firearm;

(B) if applicable, has a license or permit to carry a firearm or concealed firearm issued by his or her state or territory of residence and attach a copy of the license or permit to the application;

(C) understands Illinois laws pertaining to the possession and transport of firearms, and

(D) acknowledges that the applicant is subject to the jurisdiction of the Department and Illinois courts for any violation of this Act; and

(3) a photocopy of any certificates or other evidence of compliance with the training requirements under Section 75 of this Act; and

(4) a head and shoulder color photograph in a size specified by the Department taken within the 30 days preceding the date of the application.

(d) In lieu of an Illinois driver's license or Illinois identification card, a non-resident applicant shall provide similar documentation from his or her state or territory of residence. In lieu of a valid Firearm Owner's Identification Card, the applicant shall submit documentation and information required by the Department to obtain a Firearm Owner's Identification Card, including an affidavit that the non-resident meets the mental health standards to obtain a firearm under Illinois law, and the Department shall ensure that the applicant would meet the eligibility criteria to obtain a Firearm Owner's Identification card if he or she was a resident of this State.

(e) Nothing in this Act shall prohibit a non-resident from transporting a concealed firearm within his or her vehicle in Illinois, if the concealed firearm remains within his or her vehicle and the non-resident:

(1) is not prohibited from owning or possessing a firearm under federal law;

(2) is eligible to carry a firearm in public under the laws of his or her state or territory of residence, as evidenced by the possession of a concealed carry license or permit issued by his or her state of residence, if applicable; and

(3) is not in possession of a license under this Act.

If the non-resident leaves his or her vehicle unattended, he or she shall store the firearm within a locked vehicle or locked container within the vehicle in accordance with subsection (b) of Section 65 of this Act. (Source: P.A. 98-63, eff. 7-9-13.)

(430 ILCS 66/75)

Sec. 75. Applicant firearm training.

(a) Within 60 days of the effective date of this Act, the Department shall begin approval of firearm training courses and shall make a list of approved courses available on the Department's website.

(b) An applicant for a new license shall provide proof of completion of a firearms training course or combination of courses approved by the Department of at least 16 hours, which includes range qualification time under subsection (c) of this Section, that covers the following:

- (1) firearm safety;
- (2) the basic principles of marksmanship;
- (3) care, cleaning, loading, and unloading of a concealable firearm;
- (4) all applicable State and federal laws relating to the ownership, storage, carry, and transportation of a firearm; and
- (5) instruction on the appropriate and lawful interaction with law enforcement while transporting or carrying a concealed firearm.

(c) An applicant for a new license shall provide proof of certification by a certified instructor that the applicant passed a live fire exercise with a concealable firearm consisting of:

- (1) a minimum of 30 rounds; and
- (2) 10 rounds from a distance of 5 yards; 10 rounds from a distance of 7 yards; and 10 rounds from a distance of 10 yards at a B-27 silhouette target approved by the Department.

(d) An applicant for renewal of a license shall provide proof of completion of a firearms training course or combination of courses approved by the Department of at least 3 hours.

(e) A certificate of completion for an applicant's firearm training course shall not be issued to a student who:

- (1) does not follow the orders of the certified firearms instructor;
- (2) in the judgment of the certified instructor, handles a firearm in a manner that poses a danger to the student or to others; or
- (3) during the range firing portion of testing fails to hit the target with 70% of the rounds fired.

(f) An instructor shall maintain a record of each student's performance for at least 5 years, and shall make all records available upon demand of authorized personnel of the Department.

(g) ~~The Department and certified firearms instructors~~ shall recognize up to 8 hours of training already completed toward the 16 hour training requirement under this Section if the training course is submitted to and approved by the Department and recognized under the laws of another state. Any remaining hours that the applicant completes must at least cover the classroom subject matter of paragraph (4) of subsection (b) of this Section, and the range qualification in subsection (c) of this Section.

(h) A person who has qualified to carry a firearm as an active law enforcement or corrections officer, who has successfully completed firearms training as required by his or her law enforcement agency and is authorized by his or her agency to carry a firearm; a person currently certified as a firearms instructor by this Act or by the Illinois Law Enforcement Training Standards Board; or a person who has completed the required training and has been issued a firearm control card by the Department of Financial and Professional Regulation shall be exempt from the requirements of this Section.

(i) ~~The Department and certified firearms instructors~~ shall recognize ~~accept~~ 8 hours of training as completed toward the 16 hour training requirement under this Section, if the applicant is an active, retired, or honorably discharged member of the United States Armed Forces. Any remaining hours that the applicant completes must at least cover the classroom subject matter of paragraph (4) of subsection (b) of this Section, and the range qualification in subsection (c) of this Section.

(j) ~~The Department and certified firearms instructors~~ shall recognize up to 8 hours of training already completed toward the 16 hour training requirement under this Section if the training course is approved by the Department and was completed in connection with the applicant's previous employment as a law enforcement or corrections officer. Any remaining hours that the applicant completes must at least cover the classroom subject matter of paragraph (4) of subsection (b) of this Section, and the range qualification in subsection (c) of this Section. A former law enforcement or corrections officer seeking credit under this subsection (j) shall provide evidence that he or she separated from employment in good standing from each law enforcement agency where he or she was employed. An applicant who was discharged from a law enforcement agency for misconduct or disciplinary reasons is not eligible for credit under this subsection (j).



(Source: P.A. 98-63, eff. 7-9-13.)

(430 ILCS 66/80)

Sec. 80. Certified firearms instructors ~~Firearms instructor training.~~

(a) Within 60 days of the effective date of this Act, the Department shall begin approval of certified firearms instructors and enter certified firearms instructors into an online registry on the Department's website.

(b) A person who is not a certified firearms instructor shall not teach applicant training courses or advertise or otherwise represent courses they teach as qualifying their students to meet the requirements to receive a license under this Act. Each violation of this subsection is a business offense with a fine of at least \$1,000 per violation.

(c) A person seeking to become a certified firearms instructor shall:

(1) be at least 21 years of age;

(2) be a legal resident of the United States; and

(3) meet the requirements of Section 25 of this Act, except for the Illinois residency requirement in item (xiv) of paragraph (2) of subsection (a) of Section 4 of the Firearm Owners Identification Card Act; and any additional uniformly

applied requirements established by the Department.

(d) A person seeking to become a certified firearms instructor ~~trainer~~, in addition to the requirements of subsection (c) of this Section, shall:

(1) possess a high school diploma or GED certificate; and

(2) have at least one of the following valid firearms instructor certifications:

(A) certification from a law enforcement agency;

(B) certification from a firearm instructor course offered by a State or federal governmental agency;

(C) certification from a firearm instructor qualification course offered by the Illinois Law Enforcement Training Standards Board; or

(D) certification from an entity approved by the Department that offers firearm instructor education and training in the use and safety of firearms.

(e) A person may have his or her firearms instructor certification denied or revoked if he or she does not meet the requirements to obtain a license under this Act, provides false or misleading information to the Department, or has had a prior instructor certification revoked or denied by the Department.

(Source: P.A. 98-63, eff. 7-9-13.)

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

Under the rules, the foregoing **Senate Bill No. 114**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1955

A bill for AN ACT concerning State government.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 1955

House Amendment No. 3 to SENATE BILL NO. 1955

House Amendment No. 4 to SENATE BILL NO. 1955

Passed the House, as amended, December 3, 2013.

TIMOTHY D. MAPES, Clerk of the House

**AMENDMENT NO. 2 TO SENATE BILL 1955**

AMENDMENT NO. 2. Amend Senate Bill 1955 by replacing everything after the enacting clause with the following:

[December 3, 2013]

"Section 5. The Compassionate Use of Medical Cannabis Pilot Program Act is amended by changing Sections 10, 30, 55, 60, 65, 75, 85, 105, 115, 120, 125, 140, 165, 170, 175, and 185 and by adding Sections 105.5 and 130.5 as follows:

(410 ILCS 130/10)

(Section scheduled to be repealed on January 1, 2018)

Sec. 10. Definitions. The following terms, as used in this Act, shall have the meanings set forth in this Section:

(a) "Adequate supply" means:

(1) 2.5 ounces of usable cannabis during a period of 14 days and that is derived solely from an intrastate source.

(2) Subject to the rules of the Department of Public Health, a patient may apply for a waiver where a physician provides a substantial medical basis in a signed, written statement asserting that, based on the patient's medical history, in the physician's professional judgment, 2.5 ounces is an insufficient adequate supply for a 14-day period to properly alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

(3) This subsection may not be construed to authorize the possession of more than 2.5 ounces at any time without authority from the Department of Public Health.

(4) The pre-mixed weight of medical cannabis used in making a cannabis infused product shall apply toward the limit on the total amount of medical cannabis a registered qualifying patient may possess at any one time.

(b) "Cannabis" has the meaning given that term in Section 3 of the Cannabis Control Act.

(c) "Cannabis plant monitoring system" means a system that includes, but is not limited to, testing and data collection established and maintained by the registered cultivation center and available to the Department of Agriculture for the purposes of documenting each cannabis plant and for monitoring plant development throughout the life cycle of a cannabis plant cultivated for the intended use by a qualifying patient from seed planting to final packaging.

(d) "Cardholder" means a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card by the Department of Public Health.

(e) "Cultivation center" means a facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

(f) "Cultivation center agent" means a principal officer, board member, employee, or agent of a registered cultivation center who is 21 years of age or older and has not been convicted of an excluded offense.

(g) "Cultivation center agent identification card" means a document issued by the Department of Agriculture that identifies a person as a cultivation center agent.

(h) "Debilitating medical condition" means one or more of the following:

(1) cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation of Alzheimer's disease, cachexia/wasting syndrome, muscular dystrophy, severe fibromyalgia, spinal cord disease, including but not limited to arachnoiditis, Tarlov cysts, hydromyelia, syringomyelia, Rheumatoid arthritis, fibrous dysplasia, spinal cord injury, traumatic brain injury and post-concussion syndrome, Multiple Sclerosis, Arnold-Chiari malformation and Syringomyelia, Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's, Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, ~~RSD (Complex Regional Pain Syndromes Type I)~~, Causalgia, ~~CRPS (Complex Regional Pain Syndromes Type II)~~, Neurofibromatosis, Chronic Inflammatory Demyelinating Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella syndrome, residual limb pain, or the treatment of these conditions; or

(2) any other debilitating medical condition or its treatment that is added by the Department of Public Health by rule as provided in Section 45.

(i) "Designated caregiver" means a person who: (1) is at least 21 years of age; (2) has agreed to assist with a patient's medical use of cannabis; (3) has not been convicted of an excluded offense; and (4) assists no more than one registered qualifying patient with his or her medical use of cannabis.

(j) "Dispensing organization agent identification card" means a document issued by the Department of Financial and Professional Regulation that identifies a person as a medical cannabis dispensing organization agent.

(k) "Enclosed, locked facility" means a room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a cultivation center's agents or a dispensing organization's agent working for the registered cultivation center or the registered dispensing organization to cultivate, store, and distribute cannabis for registered qualifying patients.

[December 3, 2013]

(l) "Excluded offense" means:

(1) a violent crime defined in Section 3 of the Rights of Crime Victims and Witnesses Act or a substantially similar offense that was classified as a felony in the jurisdiction where the person was convicted; or

(2) a violation of a state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted, except that the registering Department may waive this restriction if the person demonstrates to the registering Department's satisfaction that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use. This exception does not apply if the conviction was under state law and involved a violation of an existing medical cannabis law.

(m) "Medical cannabis cultivation center registration" means a registration issued by the Department of Agriculture.

(n) "Medical cannabis container" means a sealed, traceable, food compliant, tamper resistant, tamper evident container, or package used for the purpose of containment of medical cannabis from a cultivation center to a dispensing organization.

(o) "Medical cannabis dispensing organization", or "dispensing organization", or "dispensary organization" means a facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

(p) "Medical cannabis dispensing organization agent" or "dispensing organization agent" means a principal officer, owner, partner, board member, employee, or agent of a registered medical cannabis dispensing organization who is 21 years of age or older and has not been convicted of an excluded offense.

(q) "Medical cannabis infused product" means food, oils, ointments, or other products containing usable cannabis that are not smoked.

(r) "Medical use" means the acquisition; administration; delivery; possession; transfer; transportation; or use of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

(s) "Physician" means a doctor of medicine or doctor of osteopathy licensed under the Medical Practice Act of 1987 to practice medicine and who has a controlled substances license under Article III of the Illinois Controlled Substances Act. It does not include a licensed practitioner under any other Act including but not limited to the Illinois Dental Practice Act.

(t) "Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition.

(u) "Registered" means licensed, permitted, or otherwise certified by the Department of Agriculture, Department of Public Health, or Department of Financial and Professional Regulation.

(v) "Registry identification card" means a document issued by the Department of Public Health that identifies a person as a registered qualifying patient or registered designated caregiver.

(w) "Usable cannabis" means the seeds, leaves, buds, extracted resin, and flowers of the cannabis plant and any mixture or preparation thereof, but does not include the stalks, and roots of the plant. It does not include the weight of any non-cannabis ingredients combined with cannabis, such as ingredients added to prepare a topical administration, food, or drink.

(x) "Verification system" means a Web-based system established and maintained by the Department of Public Health that is available to the Department of Agriculture, the Department of Financial and Professional Regulation, law enforcement personnel, and registered medical cannabis dispensing organization agents on a 24-hour basis for the verification of registry identification cards, the tracking of delivery of medical cannabis to medical cannabis dispensing organizations, and the tracking of the date of sale, amount, and price of medical cannabis purchased by a registered qualifying patient.

(x-5) "Veterans Affairs facility" or "VA facility" means (1) any hospital, Veterans Home, outpatient clinic, community-based outpatient facility, or any other medical facility operating under the auspices of the United States Veterans Health Administration, the United States Department of Veterans Affairs, or the Illinois Department of Veterans' Affairs or (2) any other facility certified by the United States Department of Veterans Affairs Medical Center in the State of Illinois.

(y) "Written certification" means a document dated and signed by a physician, stating (1) that in the physician's professional opinion the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition; (2) that the qualifying patient has a debilitating medical condition and specifying the debilitating medical condition the qualifying patient has; and (3) that the patient is under the physician's care for the debilitating medical condition. A written certification shall be

made only in the course of a bona fide physician-patient relationship, after the physician has completed an assessment of the qualifying patient's medical history, reviewed relevant records related to the patient's debilitating condition, and conducted a physical examination.

A veteran who has received treatment at a VA facility hospital shall be deemed to have a bona fide physician-patient relationship with a VA physician at a VA facility if the patient has been seen for his or her debilitating medical condition at the VA facility Hospital in accordance with VA facility Hospital protocols.

A bona fide physician-patient relationship under this subsection is a privileged communication within the meaning of Section 8-802 of the Code of Civil Procedure.

(Source: P.A. 98-122, eff. 1-1-14.)

(410 ILCS 130/30)

(Section scheduled to be repealed on January 1, 2018)

Sec. 30. Limitations and penalties.

(a) This Act does not permit any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for engaging in, the following conduct:

(1) Undertaking any task under the influence of cannabis, when doing so would constitute negligence, professional malpractice, or professional misconduct;

(2) Possessing cannabis:

(A) in a school bus;

(B) on the grounds of any preschool or primary or secondary school;

(C) in any correctional facility;

(D) in a vehicle under Section 11-502.1 of the Illinois Vehicle Code;

(E) in a vehicle not open to the public unless the medical cannabis is in a reasonably secured, sealed, tamper-evident container and reasonably inaccessible while the vehicle is moving; or

(F) in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;

(3) Using cannabis:

(A) in a school bus;

(B) on the grounds of any preschool or primary or secondary school;

(C) in any correctional facility;

(D) in any motor vehicle;

(E) in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;

(F) in any public place. "Public place" as used in this subsection means any place where an individual could reasonably be expected to be observed by others. A "public place" includes all parts of buildings owned in whole or in part, or leased, by the State or a local unit of government. A "public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. For purposes of this subsection, a "public place" does not include a health care facility. For purposes of this Section, a "health care facility" includes, but is not limited to, hospitals, nursing homes, hospice care centers, and long-term care facilities;

(G) knowingly in close physical proximity to anyone under the age of 18 years of age;

(4) Smoking medical cannabis in any public place where an individual could reasonably be expected to be observed by others, in a health care facility, or any other place where smoking is prohibited under the Smoke Free Illinois Act;

(5) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or motorboat while using or under the influence of cannabis in violation of Sections 11-501 and 11-502.1 of the Illinois Vehicle Code;

(6) Using or possessing cannabis if that person does not have a debilitating medical condition and is not a registered qualifying patient or caregiver;

(7) Allowing any person who is not allowed to use cannabis under this Act to use cannabis that a cardholder is allowed to possess under this Act;

(8) Transferring cannabis to any person contrary to the provisions of this Act;

(9) The use of medical cannabis by an active duty law enforcement officer, correctional officer, correctional probation officer, emergency medical technician, or firefighter; or

(10) The use of medical cannabis by a person who has a school bus permit or a Commercial Driver's License.

(b) Nothing in this Act shall be construed to prevent the arrest or prosecution of a registered qualifying patient for reckless driving or driving under the influence of cannabis where probable cause exists.

(c) Notwithstanding any other criminal penalties related to the unlawful possession of cannabis, knowingly making a misrepresentation to a law enforcement official of any fact or circumstance relating to the medical use of cannabis to avoid arrest or prosecution is a petty offense punishable by a fine of up to \$1,000, which shall be in addition to any other penalties that may apply for making a false statement or for the use of cannabis other than use undertaken under this Act.

(d) Notwithstanding any other criminal penalties related to the unlawful possession of cannabis, any person who makes a misrepresentation of a medical condition to a physician or fraudulently provides material misinformation to a physician in order to obtain a written certification is guilty of a petty offense punishable by a fine of up to \$1,000.

(e) Any cardholder or registered caregiver who sells cannabis shall have his or her registry identification card revoked and is subject to other penalties for the unauthorized sale of cannabis.

(f) Any registered qualifying patient who commits a violation of Section 11-502.1 of the Illinois Vehicle Code or refuses a properly requested test related to operating a motor vehicle while under the influence of cannabis shall have his or her registry identification card revoked.

(g) No registered qualifying patient or designated caregiver shall knowingly obtain, seek to obtain, or possess, individually or collectively, an amount of usable cannabis from a registered medical cannabis dispensing organization that would cause him or her to exceed the authorized adequate supply under subsection (a) of Section 10.

(h) Nothing in this Act shall prevent a private business from restricting or prohibiting the medical use of cannabis on its property.

(i) Nothing in this Act shall prevent a university, college, or other institution of post-secondary education from restricting or prohibiting the use of medical cannabis on its property.

(Source: P.A. 98-122, eff. 1-1-14.)

(410 ILCS 130/55)

(Section scheduled to be repealed on January 1, 2018)

Sec. 55. Registration of qualifying patients and designated caregivers.

(a) The Department of Public Health shall issue registry identification cards to qualifying patients and designated caregivers who submit a completed application, and at minimum, the following, in accordance with Department of Public Health rules:

(1) A written certification, on a form developed by the Department of Public Health and issued by a physician, within 90 days immediately preceding the date of an application; however, if the applicant is a veteran receiving treatment at a VA facility, the applicant need not submit a written certification, but the Department of Public Health shall verify that the applicant is (i) a veteran, (ii) an Illinois resident, (iii) currently receiving any aspect of his or her treatment at a VA facility, and (iv) being treated for a debilitating medical condition.

(2) upon the execution of applicable privacy waivers, the patient's medical documentation related to his or her debilitating condition and any other information that may be reasonably required by the Department of Public Health to confirm that the physician and patient have a bona fide physician-patient relationship, that the qualifying patient is in the physician's care for any aspect of his or her debilitating medical condition, and to substantiate the patient's diagnosis;

(3) the application or renewal fee as set by rule;

(4) the name, address, date of birth, and social security number of the qualifying patient, except that if the applicant is homeless no address is required;

(5) the name, address, and telephone number of the qualifying patient's physician;

(6) the name, address, and date of birth of the designated caregiver, if any, chosen by the qualifying patient;

(7) ~~(blank) the name of the registered medical cannabis dispensing organization the qualifying patient designates;~~

(8) signed statements from the patient and designated caregiver asserting that they will not divert medical cannabis; and

(9) completed background checks for the patient and designated caregiver.

(b) In addition to the requirements of subsection (a) of this Section the Department of Public Health, as part of its application process, shall provide each qualifying patient applying for a registry identification card a notice that states, at a minimum, the following information:

(1) the patient understands that possession of a registry identification card does not permit the patient to drive while impaired by the use of cannabis;

(2) the patient understands that by accepting the issuance of a registry identification card he or she consents to performing standardized field sobriety tests at the request of any law enforcement officer that has reasonable suspicion to believe the patient is driving or in actual physical control of a motor vehicle while impaired by the use of cannabis;

(3) refusal to submit to standardized field sobriety tests and the results of standardized field sobriety tests are admissible in administrative hearings and civil and criminal courts of law for the purpose of establishing that the patient was impaired by the use of cannabis; and

(4) refusal to submit to standardized field sobriety tests shall result in the suspension of the patient's driver's license for a period of 12 months; failure of field sobriety tests shall result in the suspension of the patient's driver's license for a period of 6 months; and refusal or failure shall result in the revocation of the patient's registry identification card.

The patient must sign and date this notice as part of the application process prior to the issuance of a registry identification card by the Department of Public Health.

(Source: P.A. 98-122, eff. 1-1-14.)

(410 ILCS 130/60)

(Section scheduled to be repealed on January 1, 2018)

Sec. 60. Issuance of registry identification cards.

(a) Except as provided in subsection (b), the Department of Public Health shall:

(1) verify the information contained in an application or renewal for a registry identification card submitted under this Act, and approve or deny an application or renewal, within 30 days of receiving a completed application or renewal application and all supporting documentation specified in Section 55;

(2) issue registry identification cards to a qualifying patient and his or her designated caregiver, if any, within 15 business days of approving the application or renewal;

(3) enter the registry identification number of the registered dispensing organization the patient designates into the verification system; and

(4) allow for an electronic application process, and provide a confirmation by electronic or other methods that an application has been submitted.

(b) The Department of Public Health may not issue a registry identification card to a qualifying patient who is under 18 years of age.

(c) A veteran who has received treatment at a VA facility hospital is deemed to have a bona fide physician-patient relationship with a VA physician at a VA facility if the patient has been seen for his or her debilitating medical condition at the VA facility hospital in accordance with VA facility hospital protocols. All reasonable inferences regarding the existence of a bona fide physician-patient relationship shall be drawn in favor of an applicant who is a veteran and has undergone treatment at a VA facility hospital.

(d) Upon the approval of the registration and issuance of a registry card under this Section, the Department of Public Health shall forward the designated caregiver or registered qualified patient's driver's registration number to the Secretary of State and certify that the individual is permitted to engage in the medical use of cannabis. For the purposes of law enforcement, the Secretary of State shall make a notation on the person's driving record stating the person is a registered qualifying patient who is entitled to the lawful medical use of cannabis. If the person no longer holds a valid registry card, the Department shall notify the Secretary of State and the Secretary of State shall remove the notation from the person's driving record. The Department and the Secretary of State may establish a system by which the information may be shared electronically.

(Source: P.A. 98-122, eff. 1-1-14.)

(410 ILCS 130/65)

(Section scheduled to be repealed on January 1, 2018)

Sec. 65. Denial of registry identification cards.

(a) The Department of Public Health may deny an application or renewal of a qualifying patient's registry identification card only if the applicant:

(1) did not provide the required information and materials;

(2) previously had a registry identification card revoked;

(3) did not meet the requirements of this Act; or

(4) provided false or falsified information.

(a-5) Notwithstanding the provisions of subsection (a) of this Section, the Department of Public Health may deny an application or renewal of a qualifying patient's registry identification card if, in the case of an applicant submitting an application without a written certification because the applicant is a veteran receiving treatment for a debilitating medical condition at a VA facility, the Department of Public Health

could not verify through reasonable means that the applicant is (i) a veteran, (ii) an Illinois resident, (iii) currently receiving any aspect of his or her treatment at a VA facility, and (iv) being treated for a debilitating medical condition.

(b) No person who has been convicted of a felony under the Illinois Controlled Substances Act, Cannabis Control Act, or Methamphetamine Control and Community Protection Act, or similar provision in a local ordinance or other jurisdiction is eligible to receive a registry identification card.

(c) The Department of Public Health may deny an application or renewal for a designated caregiver chosen by a qualifying patient whose registry identification card was granted only if:

- (1) the designated caregiver does not meet the requirements of subsection (i) of Section 10;
- (2) the applicant did not provide the information required;
- (3) the prospective patient's application was denied;
- (4) the designated caregiver previously had a registry identification card revoked; or
- (5) the applicant or the designated caregiver provided false or falsified information.

(d) The Department of Public Health through the Illinois State Police shall conduct a fingerprint-based criminal background check of the prospective qualifying patient and designated caregiver in order to carry out this provision. Each prospective patient and designated caregiver shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall charge a fee for conducting a criminal history record check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the record check. The Department of State Police shall furnish, pursuant to positive identification, all Illinois conviction information to the Department of Public Health. The Department of State Police shall be reimbursed for the cost of the background check by the Department of Public Health. Each person applying as a qualifying patient or a designated caregiver shall submit a full set of fingerprints to the Department of Public Health for the purpose of obtaining a state and federal criminal records check. The Department of Public Health may exchange this data with the Department of State Police or the Federal Bureau of Investigation without disclosing that the records check is related to this Act. The Department of Public Health shall destroy each set of fingerprints after the criminal records check is completed. The Department of Public Health may waive the submission of a qualifying patient's complete fingerprints based on (1) the severity of the patient's illness and (2) the inability of the qualifying patient to obtain those fingerprints, provided that a complete criminal background check is conducted by the Department of State Police prior to the issuance of a registry identification card.

(e) The Department of Public Health shall notify the qualifying patient who has designated someone to serve as his or her designated caregiver if a registry identification card will not be issued to the designated caregiver.

(f) Denial of an application or renewal is considered a final Department action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the Circuit Court.

(Source: P.A. 98-122, eff. 1-1-14.)

(410 ILCS 130/75)

(Section scheduled to be repealed on January 1, 2018)

Sec. 75. Notifications to Department of Public Health and responses; civil penalty.

(a) The following notifications and Department of Public Health responses are required:

(1) A registered qualifying patient shall notify the Department of Public Health of any change in his or her name or address, or if the registered qualifying patient ceases to have his or her debilitating medical condition, within 10 days of the change.

(2) A registered designated caregiver shall notify the Department of Public Health of any change in his or her name or address, or if the designated caregiver becomes aware the registered qualifying patient passed away, within 10 days of the change.

(3) Before a registered qualifying patient changes his or her designated caregiver, the qualifying patient must notify the Department of Public Health.

(4) If a cardholder loses his or her registry identification card, he or she shall notify the Department of Public Health within 10 days of becoming aware the card has been lost.

(b) When a cardholder notifies the Department of Public Health of items listed in subsection (a), but remains eligible under this Act, the Department of Public Health shall issue the cardholder a new registry identification card with a new random alphanumeric identification number within 15 business days of

receiving the updated information and a fee as specified in Department of Public Health rules. If the person notifying the Department of Public Health is a registered qualifying patient, the Department shall also issue his or her registered designated caregiver, if any, a new registry identification card within 15 business days of receiving the updated information.

(c) If a registered qualifying patient ceases to be a registered qualifying patient or changes his or her registered designated caregiver, the Department of Public Health shall promptly notify the designated caregiver. The registered designated caregiver's protections under this Act as to that qualifying patient shall expire 15 days after notification by the Department.

(d) A cardholder who fails to make a notification to the Department of Public Health that is required by this Section is subject to a civil infraction, punishable by a penalty of no more than \$150.

(e) A registered qualifying patient shall notify the Department of Public Health of his or her initial designated registered dispensing organization and any change to his or her designated registered dispensing organization. Registered dispensing organizations must comply with all requirements of this Act. A registry identification card shall be active and a registered qualifying patient or caregiver may not purchase medical cannabis prior to notifying the Department of Public Health of the registered qualifying patient's designated registered dispensing organization.

(f) If the registered qualifying patient's certifying physician notifies the Department of Public Health in writing that either the registered qualifying patient has ceased to suffer from a debilitating medical condition or that the physician no longer believes the patient would receive therapeutic or palliative benefit from the medical use of cannabis, the card shall become null and void. However, the registered qualifying patient shall have 15 days to destroy his or her remaining medical cannabis and related paraphernalia.

(Source: P.A. 98-122, eff. 1-1-14.)

(410 ILCS 130/85)

(Section scheduled to be repealed on January 1, 2018)

Sec. 85. Issuance and denial of medical cannabis cultivation permit.

(a) The Department of Agriculture may register up to 22 cultivation center registrations for operation. No more than 3 Illinois State Police Districts, as the boundaries of those districts were specified on the date January 1, 2013, may contain more than one registered cultivation center. The Department of Agriculture may not issue more than 2 registrations ~~one registration~~ per each Illinois State Police District boundary as specified on the date of January 1, 2013. The Department of Agriculture may not issue less than the 22 registrations if there are qualified applicants who have applied with the Department.

(b) The registrations shall be issued and renewed annually as determined by administrative rule.

(c) The Department of Agriculture shall determine a registration fee by rule.

(d) A cultivation center may only operate if it has been issued a valid registration from the Department of Agriculture. When applying for a cultivation center registration, the applicant shall submit the following in accordance with Department of Agriculture rules:

(1) the proposed legal name of the cultivation center;

(2) the proposed physical address of the cultivation center and description of the enclosed, locked facility as it applies to cultivation centers where medical cannabis will be grown, harvested, manufactured, packaged, or otherwise prepared for distribution to a dispensing organization;

(3) the name, address, and date of birth of each principal officer and board member of the cultivation center, provided that all those individuals shall be at least 21 years of age;

(4) any instance in which a business that any of the prospective board members of the cultivation center had managed or served on the board of the business and was convicted, fined, censured, or had a registration or license suspended or revoked in any administrative or judicial proceeding;

(5) cultivation, inventory, and packaging plans;

(6) proposed operating by-laws that include procedures for the oversight of the cultivation center, development and implementation of a plant monitoring system, medical cannabis container tracking system, accurate record keeping, staffing plan, and security plan reviewed by the State Police that are in accordance with the rules issued by the Department of Agriculture under this Act. A physical inventory shall be performed of all plants and medical cannabis containers on a weekly basis;

(7) experience with agricultural cultivation techniques and industry standards;

(8) any academic degrees, certifications, or relevant experience with related businesses;

(9) the identity of every person, association, trust, or corporation having any direct or indirect pecuniary interest in the cultivation center operation with respect to which the registration is sought. If the disclosed entity is a trust, the application shall disclose the names and addresses of the



beneficiaries; if a corporation, the names and addresses of all stockholders and directors; if a partnership, the names and addresses of all partners, both general and limited;

(10) verification from the State Police that all background checks of the principal officer, board members, and registered agents have been conducted and those individuals have not been convicted of an excluded offense;

(11) provide a copy of the current local zoning ordinance to the Department of Agriculture and verify that proposed cultivation center is in compliance with the local zoning rules issued in accordance with Section 140;

(12) an application fee set by the Department of Agriculture by rule; and

(13) any other information required by Department of Agriculture rules, including, but not limited to a cultivation center applicant's experience with the cultivation of agricultural or horticultural products, operating an agriculturally related business, or operating a horticultural business.

(e) An application for a cultivation center permit must be denied if any of the following conditions are met:

(1) the applicant failed to submit the materials required by this Section, including if the applicant's plans do not satisfy the security, oversight, inventory, or recordkeeping rules issued by the Department of Agriculture;

(2) the applicant would not be in compliance with local zoning rules issued in accordance with Section 140;

(3) one or more of the prospective principal officers or board members has been convicted of an excluded offense;

(4) one or more of the prospective principal officers or board members has served as a principal officer or board member for a registered dispensing organization or cultivation center that has had its registration revoked;

(5) one or more of the principal officers or board members is under 21 years of age;

(6) a principal officer or board member of the cultivation center has been convicted of a felony under the laws of this State, any other state, or the United States;

(7) a principal officer or board member of the cultivation center has been convicted of any violation of Article 28 of the Criminal Code of 2012, or substantially similar laws of any other jurisdiction; or

(8) the person has submitted an application for a certificate under this Act which contains false information.

(Source: P.A. 98-122, eff. 1-1-14.)

(410 ILCS 130/105)

(Section scheduled to be repealed on January 1, 2018)

Sec. 105. Requirements; prohibitions; penalties for cultivation centers.

(a) The operating documents of a registered cultivation center shall include procedures for the oversight of the cultivation center, a cannabis plant monitoring system including a physical inventory recorded weekly, a cannabis container system including a physical inventory recorded weekly, accurate record keeping, and a staffing plan.

(b) A registered cultivation center shall implement a security plan reviewed by the State Police and including but not limited to: facility access controls, perimeter intrusion detection systems, personnel identification systems, 24-hour surveillance system to monitor the interior and exterior of the registered cultivation center facility and accessible to authorized law enforcement and the Department of Agriculture Financial and Professional Regulation in real-time.

(c) A registered cultivation center may not be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use.

(d) All cultivation of cannabis for distribution to a registered dispensing organization must take place in an enclosed, locked facility as it applies to cultivation centers at the physical address provided to the Department of Agriculture during the registration process. The cultivation center location shall only be accessed by the cultivation center agents working for the registered cultivation center, Department of Agriculture staff performing inspections, Department of Public Health staff performing inspections, law enforcement or other emergency personnel, and contractors working on jobs unrelated to medical cannabis, such as installing or maintaining security devices or performing electrical wiring.

(e) A cultivation center may not sell or distribute any cannabis to any individual or entity other than a dispensary organization registered under this Act.

(f) All harvested cannabis intended for distribution to a dispensing organization must be packaged in a labeled medical cannabis container and entered into a data collection system.

- (g) No person who has been convicted of an excluded offense may be a cultivation center agent.
- (h) Registered cultivation centers are subject to random inspection by the State Police.
- (i) Registered cultivation centers are subject to random inspections by the Department of Agriculture and the Department of Public Health.
- (j) A cultivation center agent shall notify local law enforcement, the State Police, and the Department of Agriculture within 24 hours of the discovery of any loss or theft. Notification shall be made by phone or in-person, or by written or electronic communication.
- (k) A cultivation center shall comply with all State and federal rules and regulations regarding the use of pesticides.

(Source: P.A. 98-122, eff. 1-1-14.)

(410 ILCS 130/105.5 new)

Sec. 105.5. Cease and desist; Director of Agriculture.

(a) If any person violates a provision of this Act, the Director of Agriculture may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person, entity, or other business sells cannabis to a dispensing organization without having a valid license under this Act, then any licensee, any interested party, or any person injured thereby may, in addition to the Director of Agriculture, petition for relief as provided in subsection (a) of this Section.

(c) Whenever in the opinion of the Department of Agriculture any person, entity, or other business violates any provision of this Act, the Department of Agriculture may issue a rule to show cause why an order to cease and desist should not be entered against such person, firm, or other entity. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of at least 7 days from the date of the rule to file an answer to the satisfaction of the Department of Agriculture. If the person, firm, or other entity fails to file an answer satisfactory to the Department of Agriculture, the matter shall be considered as a default and the Department of Agriculture may cause an order to cease and desist to be issued immediately.

(410 ILCS 130/115)

(Section scheduled to be repealed on January 1, 2018)

Sec. 115. Registration of dispensing organizations.

(a) The Department of Financial and Professional Regulation may issue up to 60 dispensing organization registrations for operation. The Department of Financial and Professional Regulation may not issue less than the 60 registrations if there are qualified applicants who have applied with the Department of Financial and Professional Regulation. The organizations shall be geographically dispersed throughout the State to allow all registered qualifying patients reasonable proximity and access to a dispensing organization.

(b) A dispensing organization may only operate if it has been issued a registration from the Department of Financial and Professional Regulation. The Department of Financial and Professional Regulation shall adopt rules establishing the procedures for applicants for dispensing organizations.

(c) When applying for a dispensing organization registration, the applicant shall submit, at a minimum, the following in accordance with Department of Financial and Professional Regulation rules:

- (1) a non-refundable application fee established by rule;
- (2) the proposed legal name of the dispensing organization;
- (3) the proposed physical address of the dispensing organization;
- (4) the name, address, and date of birth of each principal officer, and board member, owner, and

partner of the

dispensing organization, provided that all those individuals shall be at least 21 years of age;

(5) information, in writing, regarding any instances in which a business or

not-for-profit that any of the prospective board members managed or served on the board was convicted, fined, censured, or had a registration suspended or revoked in any administrative or judicial proceeding;

(6) proposed operating by-laws that include procedures for the oversight of the medical cannabis dispensing organization and procedures to ensure accurate record keeping and security measures that are in accordance with the rules applied by the Department of Financial and Professional Regulation under this Act. The by-laws shall include a description of the enclosed, locked facility where medical cannabis will be stored by the dispensing organization; and

- (7) signed statements from each dispensing organization agent stating that they will not

divert medical cannabis.

(d) The Department of Financial and Professional Regulation shall conduct a background check of the prospective dispensing organization agents in order to carry out this provision. The Department of State Police shall be reimbursed for the cost of the background check by the Department of Financial and Professional Regulation. Each person applying as a dispensing organization agent shall submit a full set of fingerprints to the Department of Financial and Professional Regulation for the purpose of obtaining a state and federal criminal records check. The Department of Financial and Professional Regulation may exchange this data with the Department of State Police and the Federal Bureau of Investigation without disclosing that the records check is related to this Act. The Department of Financial and Professional Regulation shall destroy each set of fingerprints after the criminal records check is completed.

(e) A dispensing organization must pay a registration fee set by the Department of Financial and Professional Regulation.

(f) An application for a medical cannabis dispensing organization registration must be denied if any of the following conditions are met:

- (1) the applicant failed to submit the materials required by this Section, including if the applicant's plans do not satisfy the security, oversight, or recordkeeping rules issued by the Department of Financial and Professional Regulation;
- (2) the applicant would not be in compliance with local zoning rules issued in accordance with Section 140;
- (3) the applicant does not meet the requirements of Section 130;
- (4) one or more of the prospective principal officers, ~~or~~ board members, owners, or partners has been convicted of an excluded offense;
- (5) one or more of the prospective principal officers, ~~or~~ board members, owners, or partners has served as a principal officer, ~~or~~ board member, owner, or partner for a registered medical cannabis dispensing organization that has had its registration revoked;
- (6) one or more of the principal officers, ~~or~~ board members, owners, or partners is under 21 years of age; and
- (7) one or more of the principal officers, ~~or~~ board members, owners, or partners is a registered qualified patient or a registered caregiver.

(Source: P.A. 98-122, eff. 1-1-14.)

(410 ILCS 130/120)

(Section scheduled to be repealed on January 1, 2018)

Sec. 120. Dispensing organization agent identification card.

(a) The Department of Financial and Professional Regulation shall:

- (1) verify the information contained in an application or renewal for a dispensing organization agent identification card submitted under this Act, and approve or deny an application or renewal, within 30 days of receiving a completed application or renewal application and all supporting documentation required by rule;
  - (2) issue a dispensing organization agent identification card to a qualifying agent within 15 business days of approving the application or renewal;
  - (3) enter the registry identification number of the dispensing organization where the agent works; and
  - (4) allow for an electronic application process, and provide a confirmation by electronic or other methods that an application has been submitted.
- (b) A dispensing organization must keep his or her identification card visible at all times when on the property of a dispensing organization.
- (c) The dispensing organization agent identification cards shall contain the following:
- (1) the name of the cardholder;
  - (2) the date of issuance and expiration date of the dispensing organization agent identification cards;
  - (3) a random 10 digit alphanumeric identification number containing at least 4 numbers and at least 4 letters; that is unique to the holder; and
  - (4) a photograph of the cardholder.

(d) The dispensing organization agent identification cards shall be immediately returned to the dispensing organization cultivation center upon termination of employment.

(e) Any card lost by a dispensing organization agent shall be reported to the Illinois State Police and the Department of ~~Financial and Professional Regulation~~ ~~Agriculture~~ immediately upon discovery of the loss.

(f) An applicant shall be denied a dispensing organization agent identification card if he or she has been convicted of an excluded offense.

(Source: P.A. 98-122, eff. 1-1-14.)

(410 ILCS 130/125)

(Section scheduled to be repealed on January 1, 2018)

Sec. 125. Medical cannabis dispensing organization certification renewal.

(a) The registered dispensing organization shall receive written notice 90 days prior to the expiration of its current registration that the registration will expire. The Department of Financial and Professional Regulation shall grant a renewal application within 45 days of its submission if the following conditions are satisfied:

(1) the registered dispensing organization submits a renewal application and the required renewal fee established by the Department of Financial and Professional Regulation rules; and

(2) the Department of Financial and Professional Regulation has not suspended or revoked the registered dispensing organization ~~or suspended or revoked the registration~~ for violation of this Act or rules adopted under this Act.

(b) If a dispensing organization fails to renew its registration prior to expiration, the dispensing organization shall cease operations until registration is renewed.

(c) If a dispensing organization agent fails to renew his or her registration prior to its expiration, he or she shall cease to work or volunteer at a dispensing organization until his or her registration is renewed.

(d) Any dispensing organization that continues to operate or dispensing agent that continues to work or volunteer at a dispensing organization that fails to renew its registration shall be subject to penalty as provided in Section 130.

(Source: P.A. 98-122, eff. 1-1-14.)

(410 ILCS 130/130.5 new)

Sec. 130.5. Cease and desist; Director of Financial and Professional Regulation.

(a) If any person violates a provision of this Act, the Director of Financial and Professional Regulation may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person, entity, or other business sells cannabis to a qualifying patient or caregiver without having a valid license under this Act, then any licensee, any interested party, or any person injured thereby may, in addition to the Director of Financial and Professional Regulation, petition for relief as provided in subsection (a) of this Section.

(c) Whenever in the opinion of the Department of Financial and Professional Regulation any person, entity, or other business violates any provision of this Act, the Department of Financial and Professional Regulation may issue a rule to show cause why an order to cease and desist should not be entered against such person, firm, or other entity. The rule shall clearly set forth the grounds relied upon by the Department of Financial and Professional Regulation and shall provide a period of at least 7 days from the date of the rule to file an answer to the satisfaction of the Department. If the person, firm, or other entity fails to file an answer satisfactory to the Department of Financial and Professional Regulation, the matter shall be considered as a default and the Department of Financial and Professional Regulation may cause an order to cease and desist to be issued immediately.

(410 ILCS 130/140)

(Section scheduled to be repealed on January 1, 2018)

Sec. 140. Local ordinances. A unit of local government may enact reasonable zoning ordinances or resolutions, not in conflict with this Act or with Department of Agriculture, ~~Department of Financial and Professional Regulation~~, or Department of Public Health rules, regulating registered medical cannabis cultivation center or medical cannabis dispensing organizations. No unit of local government, including a home rule unit, or school district may regulate registered medical cannabis organizations other than as provided in this Act and may not unreasonably prohibit the cultivation, dispensing, and use of medical cannabis authorized by this Act. This Section is a denial and limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

[December 3, 2013]

(Source: P.A. 98-122, eff. 1-1-14.)

(410 ILCS 130/165)

(Section scheduled to be repealed on January 1, 2018)

Sec. 165. Administrative rulemaking.

(a) Not later than 120 days after the effective date of this Act, the Department of Public Health, Department of Agriculture, Department of State Police, and the Department of Financial and Professional Regulation shall develop rules in accordance to their responsibilities under this Act and file those rules with the Joint Committee on Administrative Rules.

(b) The Department of Public Health rules shall address, but not be limited to, the following:

- (1) fees for applications for registration as a qualified patient or caregiver;
- (2) establishing the form and content of registration and renewal applications submitted under this Act, including a standard form for written certifications;
- (3) governing the manner in which it shall consider applications for and renewals of registry identification cards;
- (4) the manufacture of medical cannabis-infused products;
- (5) fees for the application and renewal of registry identification cards. Fee revenue may be offset or supplemented by private donations;
- (6) any other matters as are necessary for the fair, impartial, stringent, and comprehensive administration of this Act; and
- (7) reasonable rules concerning the medical use of cannabis at a nursing care institution, hospice, assisted living center, assisted living facility, assisted living home, residential care institution, or adult day health care facility.

(c) The Department of Agriculture rules shall address, but not be limited to the following related to registered cultivation centers, with the goal of protecting against diversion and theft, without imposing an undue burden on the registered cultivation centers:

- (1) oversight requirements for registered cultivation centers;
- (2) recordkeeping requirements for registered cultivation centers;
- (3) security requirements for registered cultivation centers, which shall include that each registered cultivation center location must be protected by a fully operational security alarm system;
- (4) rules and standards for what constitutes an enclosed, locked facility under this Act;
- (5) procedures for suspending or revoking the registration certificates or registry identification cards of registered cultivation centers and their agents that commit violations of the provisions of this Act or the rules adopted under this Section;
- (6) rules concerning the intrastate transportation of medical cannabis from a cultivation center to a dispensing organization;
- (7) standards concerning the testing, quality, and cultivation of medical cannabis;
- (8) any other matters as are necessary for the fair, impartial, stringent, and comprehensive administration of this Act;
- (9) application and renewal fees for cultivation center agents; and
- (10) application, renewal, and registration fees for cultivation centers.

(d) The Department of Financial and Professional Regulation rules shall address, but not be limited to the following matters related to registered dispensing organizations, with the goal of protecting against diversion and theft, without imposing an undue burden on the registered dispensing organizations or compromising the confidentiality of cardholders:

- (1) application and renewal and registration fees for dispensing organizations and dispensing organization agents;
- (2) medical cannabis dispensing agent-in-charge oversight requirements for dispensing organizations;
- (3) recordkeeping requirements for dispensing organizations;
- (4) security requirements for medical cannabis dispensing organizations, which shall include that each registered dispensing organization location must be protected by a fully operational security alarm system; and
- (5) procedures for suspending or suspending the registrations of dispensing organizations and dispensing organization agents that commit violations of the provisions of this Act or the rules adopted under this Act. ;
- ~~(6) application and renewal fees for dispensing organizations; and~~
- ~~(7) application and renewal fees for dispensing organization agents.~~

(e) The Department of Public Health may establish a sliding scale of patient application and renewal fees based upon a qualifying patient's household income. The Department of Public health may accept donations from private sources to reduce application and renewal fees, and registry identification card fees shall include an additional fee set by rule which shall be used to develop and disseminate educational information about the health risks associated with the abuse of cannabis and prescription medications.

(f) During the rule-making process, each Department shall make a good faith effort to consult with stakeholders identified in the rule-making analysis as being impacted by the rules, including patients or a representative of an organization advocating on behalf of patients.

(g) The Department of Public Health shall develop and disseminate educational information about the health risks associated with the abuse of cannabis and prescription medications.

(Source: P.A. 98-122, eff. 1-1-14.)

(410 ILCS 130/170)

(Section scheduled to be repealed on January 1, 2018)

Sec. 170. Enforcement of this Act.

(a) If a Department fails to adopt rules to implement this Act within the times provided for in this Act, any citizen may commence a mandamus action in the Circuit Court to compel the Departments to perform the actions mandated under the provisions of this Act.

(b) If the Department of Public Health, Department of Agriculture, or Department of Financial and Professional Regulation fails to issue a valid agent or registry identification card in response to a valid application or renewal submitted under this Act or fails to issue a verbal or written notice of denial of the application within 30 days of its submission, the agent or registry identification card is deemed granted, and a copy of the agent or registry identification card application, including a valid written certification in the case of patients, or renewal shall be deemed a valid agent or registry identification card.

(c) Authorized employees of State or local law enforcement agencies shall immediately notify the Department of Public Health when any person in possession of a registry identification card has been determined by a court of law to have willfully violated the provisions of this Act or has pled guilty to the offense.

(Source: P.A. 98-122, eff. 1-1-14.)

(410 ILCS 130/175)

(Section scheduled to be repealed on January 1, 2018)

Sec. 175. Administrative hearings. All administrative hearings under this Act shall be conducted in accordance with each respective department's ~~the Department of Public Health's~~ rules governing administrative hearings.

(Source: P.A. 98-122, eff. 1-1-14.)

(410 ILCS 130/185)

(Section scheduled to be repealed on January 1, 2018)

Sec. 185. ~~Final discipline~~ ~~Suspension~~ ~~revocation~~ of a registration.

(a) The Department of Agriculture, ~~the Department of Financial and Professional Regulation~~, and the Department of Public Health may suspend or revoke a registration for violations of this Act and rules issued in accordance with this Section.

(b) The suspension, ~~or~~ revocation, ~~reprimand~~, ~~probation~~, ~~refusal to renew~~, ~~refusal to issue~~, or ~~fine order~~ of a registration is a final Department action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the Circuit Court.

(Source: P.A. 98-122, eff. 1-1-14.)

Section 10. The Illinois Vehicle Code is amended by changing Sections 2-118.1, 6-118, 6-206.1, 6-208.1, 6-514, 11-501.1, and 11-501.2 and by adding Sections 2-118.2 and 11-501.9 as follows:

(625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

Sec. 2-118.1. Opportunity for hearing; statutory summary alcohol or other drug related suspension or revocation pursuant to Section 11-501.1.

(a) A statutory summary suspension or revocation of driving privileges under Section 11-501.1 shall not become effective until the person is notified in writing of the impending suspension or revocation and informed that he may request a hearing in the circuit court of venue under paragraph (b) of this Section and the statutory summary suspension or revocation shall become effective as provided in Section 11-501.1.

(b) Within 90 days after the notice of statutory summary suspension or revocation served under Section 11-501.1, the person may make a written request for a judicial hearing in the circuit court of venue. The request to the circuit court shall state the grounds upon which the person seeks to have the statutory summary suspension or revocation rescinded. Within 30 days after receipt of the written request or the

first appearance date on the Uniform Traffic Ticket issued pursuant to a violation of Section 11-501, or a similar provision of a local ordinance, the hearing shall be conducted by the circuit court having jurisdiction. This judicial hearing, request, or process shall not stay or delay the statutory summary suspension or revocation. The hearings shall proceed in the court in the same manner as in other civil proceedings.

The hearing may be conducted upon a review of the law enforcement officer's own official reports; provided however, that the person may subpoena the officer. Failure of the officer to answer the subpoena shall be considered grounds for a continuance if in the court's discretion the continuance is appropriate.

The scope of the hearing shall be limited to the issues of:

1. Whether the person was placed under arrest for an offense as defined in Section 11-501, or a similar provision of a local ordinance, as evidenced by the issuance of a Uniform Traffic Ticket, or issued a Uniform Traffic Ticket out of state as provided in subsection (a) ~~or (a-5)~~ of Section 11-501.1; and

2. Whether the officer had reasonable grounds to believe that the person was driving or in actual physical control of a motor vehicle upon a highway while under the influence of alcohol, other drug, or combination of both; and

3. Whether the person, after being advised by the officer that the privilege to operate a motor vehicle would be suspended or revoked if the person refused to submit to and complete the test or tests, did refuse to submit to or complete the test or tests to determine the person's alcohol or drug concentration authorized under Section 11-501.1; or

4. Whether the person, after being advised by the officer that the privilege to operate a motor vehicle would be suspended if the person submits to a chemical test, or tests, and the test discloses an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or compound in the person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound as listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, and the person did submit to and complete the test or tests that determined an alcohol concentration of 0.08 or more.

4.2. ~~(Blank). If the person is a qualifying patient licensed under the Compassionate Use of Medical Cannabis Pilot Program Act who is in possession of a valid registry card issued under that Act, after being advised by the officer that the privilege to operate a motor vehicle would be suspended or revoked if the person refused to submit to and complete the test or tests, did refuse to submit to or complete the test or tests authorized under Section 11-501.1.~~

4.5. ~~(Blank). If the person is a qualifying patient licensed under the Compassionate Use of Medical Cannabis Pilot Program Act who is in possession of a valid registry card issued under that Act, whether that person, after being advised by the officer that the privilege to operate a motor vehicle would be suspended if the person submits to a standardized field sobriety test, or tests, and the test indicates impairment resulting from the consumption of cannabis, did submit to and complete the test or tests that indicated impairment.~~

5. If the person's driving privileges were revoked, whether the person was involved in a motor vehicle accident that caused Type A injury or death to another.

Upon the conclusion of the judicial hearing, the circuit court shall sustain or rescind the statutory summary suspension or revocation and immediately notify the Secretary of State. Reports received by the Secretary of State under this Section shall be privileged information and for use only by the courts, police officers, and Secretary of State.

(Source: P.A. 98-122, eff. 1-1-14.)

(625 ILCS 5/2-118.2 new)

Sec. 2-118.2. Opportunity for hearing; medical cannabis-related suspension under Section 11-501.9.

(a) A suspension of driving privileges under Section 11-501.9 shall not become effective until the person is notified in writing of the impending suspension and informed that he or she may request a hearing in the circuit court of venue under subsection (b) of this Section and the suspension shall become effective as provided in Section 11-501.9.

(b) Within 90 days after the notice of suspension served under Section 11-501.9, the person may make a written request for a judicial hearing in the circuit court of venue. The request to the circuit court shall state the grounds upon which the person seeks to have the suspension rescinded. Within 30 days after receipt of the written request or the first appearance date on the Uniform Traffic Ticket issued for a violation of Section 11-501, or a similar provision of a local ordinance, the hearing shall be conducted by the circuit court having jurisdiction. This judicial hearing, request, or process shall not stay or delay the suspension. The hearing shall proceed in the court in the same manner as in civil proceedings.

The hearing may be conducted upon a review of the law enforcement officer's own official reports; provided however, that the person may subpoena the officer. Failure of the officer to answer the subpoena shall be considered grounds for a continuance if in the court's discretion the continuance is appropriate.

The scope of the hearing shall be limited to the issues of:

(1) whether the person was issued a registry identification card under the Compassionate Use of Medical Cannabis Pilot Program Act;

(2) whether the officer had reasonable suspicion to believe that the person was driving or in actual physical control of a motor vehicle upon a highway while impaired by the use of cannabis;

(3) whether the person refused to submit to or complete the standardized field sobriety tests; and

(4) whether the person submitted to standardized field sobriety tests that disclosed that the person was impaired by the use of cannabis.

Upon the conclusion of the judicial hearing, the circuit court shall sustain or rescind the suspension and immediately notify the Secretary of State.

(625 ILCS 5/6-118)

(Text of Section before amendment by P.A. 98-176)

Sec. 6-118. Fees.

(a) The fee for licenses and permits under this Article is as follows:

Original driver's license.....	\$30
Original or renewal driver's license issued to 18, 19 and 20 year olds.....	5
All driver's licenses for persons age 69 through age 80.....	5
All driver's licenses for persons age 81 through age 86.....	2
All driver's licenses for persons age 87 or older.....	0
Renewal driver's license (except for applicants ages 18, 19 and 20 or age 69 and older).....	30
Original instruction permit issued to persons (except those age 69 and older) who do not hold or have not previously held an Illinois instruction permit or driver's license.....	20
Instruction permit issued to any person holding an Illinois driver's license who wishes a change in classifications, other than at the time of renewal.....	5
Any instruction permit issued to a person age 69 and older.....	5
Instruction permit issued to any person, under age 69, not currently holding a valid Illinois driver's license or instruction permit but who has previously been issued either document in Illinois.....	10
Restricted driving permit.....	8
Monitoring device driving permit.....	8
Duplicate or corrected driver's license or permit.....	5
Duplicate or corrected restricted driving permit.....	5
Duplicate or corrected monitoring device driving permit.....	5
Duplicate driver's license or permit issued to an active-duty member of the United States Armed Forces, the member's spouse, or the dependent children living	



with the member..... 0  
 Original or renewal M or L endorsement..... 5  
**SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE**

The fees for commercial driver licenses and permits under Article V shall be as follows:

Commercial driver's license:  
 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund  
 (Commercial Driver's License Information  
 System/American Association of Motor Vehicle  
 Administrators network/National Motor Vehicle  
 Title Information Service Trust Fund);  
 \$20 for the Motor Carrier Safety Inspection Fund;  
 \$10 for the driver's license;  
 and \$24 for the CDL:..... \$60  
 Renewal commercial driver's license:  
 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;  
 \$20 for the Motor Carrier Safety Inspection Fund;  
 \$10 for the driver's license; and  
 \$24 for the CDL:..... \$60  
 Commercial driver instruction permit  
 issued to any person holding a valid  
 Illinois driver's license for the  
 purpose of changing to a  
 CDL classification: \$6 for the  
 CDLIS/AAMVAnet/NMVTIS Trust Fund;  
 \$20 for the Motor Carrier  
 Safety Inspection Fund; and  
 \$24 for the CDL classification..... \$50  
 Commercial driver instruction permit  
 issued to any person holding a valid  
 Illinois CDL for the purpose of  
 making a change in a classification,  
 endorsement or restriction..... \$5  
 CDL duplicate or corrected license..... \$5

In order to ensure the proper implementation of the Uniform Commercial Driver License Act, Article V of this Chapter, the Secretary of State is empowered to pro-rate the \$24 fee for the commercial driver's license proportionate to the expiration date of the applicant's Illinois driver's license.

The fee for any duplicate license or permit shall be waived for any person who presents the Secretary of State's office with a police report showing that his license or permit was stolen.

The fee for any duplicate license or permit shall be waived for any person age 60 or older whose driver's license or permit has been lost or stolen.

No additional fee shall be charged for a driver's license, or for a commercial driver's license, when issued to the holder of an instruction permit for the same classification or type of license who becomes eligible for such license.

(b) Any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked under Section 3-707, any provision of Chapter 6, Chapter 11, or Section 7-205, 7-303, or 7-702 of the Family Financial Responsibility Law of this Code, shall in addition to any other fees required by this Code, pay a reinstatement fee as follows:

Suspension under Section 3-707..... \$100  
 Summary suspension under Section 11-501.1.....\$250  
Suspension under Section 11-501.9.....\$250  
 Summary revocation under Section 11-501.1.....\$500  
 Other suspension.....\$70  
 Revocation.....\$500

However, any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501.1, ~~or 11-501.1~~, or 11-501.9 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 and each suspension or revocation was for a violation of Section 11-501.1, ~~or 11-501.1~~, or 11-501.9 of this Code or a similar provision of a local

ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 shall pay, in addition to any other fees required by this Code, a reinstatement fee as follows:

Summary suspension under Section 11-501.1.....	\$500
Suspension under Section 11-501.9.....	\$500
Summary revocation under Section 11-501.1.....	\$500
Revocation.....	\$500

(c) All fees collected under the provisions of this Chapter 6 shall be paid into the Road Fund in the State Treasury except as follows:

1. The following amounts shall be paid into the Driver Education Fund:

- (A) \$16 of the \$20 fee for an original driver's instruction permit;
- (B) \$5 of the \$30 fee for an original driver's license;
- (C) \$5 of the \$30 fee for a 4 year renewal driver's license;
- (D) \$4 of the \$8 fee for a restricted driving permit; and
- (E) \$4 of the \$8 fee for a monitoring device driving permit.

2. \$30 of the \$250 fee for reinstatement of a license summarily suspended under Section 11-501.1 or 11-501.9 shall be deposited into the Drunk and Drugged Driving Prevention Fund. However, for a person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501.1 or 11-501.9 of this Code or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, \$190 of the \$500 fee for reinstatement of a license summarily suspended under Section 11-501.1 or 11-501.9, and \$190 of the \$500 fee for reinstatement of a revoked license shall be deposited into the Drunk and Drugged Driving Prevention Fund. \$190 of the \$500 fee for reinstatement of a license summarily revoked pursuant to Section 11-501.1 shall be deposited into the Drunk and Drugged Driving Prevention Fund.

3. \$6 of such original or renewal fee for a commercial driver's license and \$6 of the commercial driver instruction permit fee when such permit is issued to any person holding a valid Illinois driver's license, shall be paid into the CDLIS/AAMVAnet/NMVTIS Trust Fund.

4. \$30 of the \$70 fee for reinstatement of a license suspended under the Family Financial Responsibility Law shall be paid into the Family Responsibility Fund.

5. The \$5 fee for each original or renewal M or L endorsement shall be deposited into the Cycle Rider Safety Training Fund.

6. \$20 of any original or renewal fee for a commercial driver's license or commercial driver instruction permit shall be paid into the Motor Carrier Safety Inspection Fund.

7. The following amounts shall be paid into the General Revenue Fund:

- (A) \$190 of the \$250 reinstatement fee for a summary suspension under Section 11-501.1 or 11-501.9;
- (B) \$40 of the \$70 reinstatement fee for any other suspension provided in subsection (b) of this Section; and
- (C) \$440 of the \$500 reinstatement fee for a first offense revocation and \$310 of the \$500 reinstatement fee for a second or subsequent revocation.

(d) All of the proceeds of the additional fees imposed by this amendatory Act of the 96th General Assembly shall be deposited into the Capital Projects Fund.

(e) The additional fees imposed by this amendatory Act of the 96th General Assembly shall become effective 90 days after becoming law.

(f) As used in this Section, "active-duty member of the United States Armed Forces" means a member of the Armed Services or Reserve Forces of the United States or a member of the Illinois National Guard who is called to active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

(Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13; 98-177, eff. 1-1-14.)

(Text of Section after amendment by P.A. 98-176)  
 Sec. 6-118. Fees.

(a) The fee for licenses and permits under this Article is as follows:

Original driver's license.....	\$30
Original or renewal driver's license issued to 18, 19 and 20 year olds.....	5
All driver's licenses for persons age 69 through age 80.....	5
All driver's licenses for persons	

age 81 through age 86.....	2
All driver's licenses for persons	
age 87 or older.....	0
Renewal driver's license (except for	
applicants ages 18, 19 and 20 or	
age 69 and older).....	30
Original instruction permit issued to	
persons (except those age 69 and older)	
who do not hold or have not previously	
held an Illinois instruction permit or	
driver's license.....	20
Instruction permit issued to any person	
holding an Illinois driver's license	
who wishes a change in classifications,	
other than at the time of renewal.....	5
Any instruction permit issued to a person	
age 69 and older.....	5
Instruction permit issued to any person,	
under age 69, not currently holding a	
valid Illinois driver's license or	
instruction permit but who has	
previously been issued either document	
in Illinois.....	10
Restricted driving permit.....	8
Monitoring device driving permit.....	8
Duplicate or corrected driver's license	
or permit.....	5
Duplicate or corrected restricted	
driving permit.....	5
Duplicate or corrected monitoring	
device driving permit.....	5
Duplicate driver's license or permit issued to	
an active-duty member of the	
United States Armed Forces,	
the member's spouse, or	
the dependent children living	
with the member.....	0
Original or renewal M or L endorsement.....	5
<b>SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE</b>	
The fees for commercial driver licenses and permits under Article V shall be as follows:	
Commercial driver's license:	
\$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund	
(Commercial Driver's License Information	
System/American Association of Motor Vehicle	
Administrators network/National Motor Vehicle	
Title Information Service Trust Fund);	
\$20 for the Motor Carrier Safety Inspection Fund;	
\$10 for the driver's license;	
and \$24 for the CDL:.....	\$60
Renewal commercial driver's license:	
\$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;	
\$20 for the Motor Carrier Safety Inspection Fund;	
\$10 for the driver's license; and	
\$24 for the CDL:.....	\$60
Commercial learner's permit	
issued to any person holding a valid	
Illinois driver's license for the	
purpose of changing to a	
CDL classification: \$6 for the	

CDLIS/AAMVAnet/NMVTIS Trust Fund;

\$20 for the Motor Carrier

Safety Inspection Fund; and

\$24 for the CDL classification..... \$50

Commercial learner's permit

issued to any person holding a valid

Illinois CDL for the purpose of

making a change in a classification,

endorsement or restriction..... \$5

CDL duplicate or corrected license..... \$5

In order to ensure the proper implementation of the Uniform Commercial Driver License Act, Article V of this Chapter, the Secretary of State is empowered to pro-rate the \$24 fee for the commercial driver's license proportionate to the expiration date of the applicant's Illinois driver's license.

The fee for any duplicate license or permit shall be waived for any person who presents the Secretary of State's office with a police report showing that his license or permit was stolen.

The fee for any duplicate license or permit shall be waived for any person age 60 or older whose driver's license or permit has been lost or stolen.

No additional fee shall be charged for a driver's license, or for a commercial driver's license, when issued to the holder of an instruction permit for the same classification or type of license who becomes eligible for such license.

(b) Any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked under Section 3-707, any provision of Chapter 6, Chapter 11, or Section 7-205, 7-303, or 7-702 of the Family Financial Responsibility Law of this Code, shall in addition to any other fees required by this Code, pay a reinstatement fee as follows:

Suspension under Section 3-707..... \$100

Summary suspension under Section 11-501.1.....\$250

Suspension under Section 11-501.9.....\$250

Summary revocation under Section 11-501.1.....\$500

Other suspension.....\$70

Revocation.....\$500

However, any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501, ~~or 11-501.1~~ or 11-501.9 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 and each suspension or revocation was for a violation of Section 11-501, ~~or 11-501.1~~ or 11-501.9 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 shall pay, in addition to any other fees required by this Code, a reinstatement fee as follows:

Summary suspension under Section 11-501.1.....\$500

Suspension under Section 11-501.9.....\$500

Summary revocation under Section 11-501.1.....\$500

Revocation.....\$500

(c) All fees collected under the provisions of this Chapter 6 shall be paid into the Road Fund in the State Treasury except as follows:

1. The following amounts shall be paid into the Driver Education Fund:

(A) \$16 of the \$20 fee for an original driver's instruction permit;

(B) \$5 of the \$30 fee for an original driver's license;

(C) \$5 of the \$30 fee for a 4 year renewal driver's license;

(D) \$4 of the \$8 fee for a restricted driving permit; and

(E) \$4 of the \$8 fee for a monitoring device driving permit.

2. \$30 of the \$250 fee for reinstatement of a license summarily suspended under Section

11-501.1 or 11-501.9 shall be deposited into the Drunk and Drugged Driving Prevention Fund.

However, for a person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501, ~~or 11-501.1~~ or 11-501.9 of this Code or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, \$190 of the \$500 fee for reinstatement of a license summarily suspended under Section 11-501.1 or 11-501.9, and \$190 of the \$500 fee for reinstatement of a revoked license shall be deposited into the Drunk and Drugged Driving Prevention Fund. \$190 of the \$500 fee for reinstatement of a license summarily revoked pursuant to Section 11-501.1 shall be deposited into the Drunk and Drugged Driving Prevention Fund.

3. \$6 of the original or renewal fee for a commercial driver's license and \$6 of the commercial learner's permit fee when the permit is issued to any person holding a valid Illinois driver's license, shall be paid into the CDLIS/AAMVAnet/NMVTIS Trust Fund.

4. \$30 of the \$70 fee for reinstatement of a license suspended under the Family Financial Responsibility Law shall be paid into the Family Responsibility Fund.

5. The \$5 fee for each original or renewal M or L endorsement shall be deposited into the Cycle Rider Safety Training Fund.

6. \$20 of any original or renewal fee for a commercial driver's license or commercial learner's permit shall be paid into the Motor Carrier Safety Inspection Fund.

7. The following amounts shall be paid into the General Revenue Fund:

(A) \$190 of the \$250 reinstatement fee for a summary suspension under Section 11-501.1 or 11-501.9;

(B) \$40 of the \$70 reinstatement fee for any other suspension provided in subsection (b) of this Section; and

(C) \$440 of the \$500 reinstatement fee for a first offense revocation and \$310 of the \$500 reinstatement fee for a second or subsequent revocation.

(d) All of the proceeds of the additional fees imposed by this amendatory Act of the 96th General Assembly shall be deposited into the Capital Projects Fund.

(e) The additional fees imposed by this amendatory Act of the 96th General Assembly shall become effective 90 days after becoming law.

(f) As used in this Section, "active-duty member of the United States Armed Forces" means a member of the Armed Services or Reserve Forces of the United States or a member of the Illinois National Guard who is called to active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

(Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13; 98-176, eff. 7-1-14; 98-177, eff. 1-1-14; revised 9-19-13.)

(625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

Sec. 6-206.1. Monitoring Device Driving Permit. Declaration of Policy. It is hereby declared a policy of the State of Illinois that the driver who is impaired by alcohol, other drug or drugs, or intoxicating compound or compounds is a threat to the public safety and welfare. Therefore, to provide a deterrent to such practice, a statutory summary driver's license suspension is appropriate. It is also recognized that driving is a privilege and therefore, that the granting of driving privileges, in a manner consistent with public safety, is warranted during the period of suspension in the form of a monitoring device driving permit. A person who drives and fails to comply with the requirements of the monitoring device driving permit commits a violation of Section 6-303 of this Code.

The following procedures shall apply whenever a first offender, as defined in Section 11-500 of this Code, is arrested for any offense as defined in Section 11-501 or a similar provision of a local ordinance and is subject to the provisions of Section 11-501.1:

(a) Upon mailing of the notice of suspension of driving privileges as provided in subsection (h) of Section 11-501.1 of this Code, the Secretary shall also send written notice informing the person that he or she will be issued a monitoring device driving permit (MDDP). The notice shall include, at minimum, information summarizing the procedure to be followed for issuance of the MDDP, installation of the breath alcohol ignition installation device (BAIID), as provided in this Section, exemption from BAIID installation requirements, and procedures to be followed by those seeking indigent status, as provided in this Section. The notice shall also include information summarizing the procedure to be followed if the person wishes to decline issuance of the MDDP. A copy of the notice shall also be sent to the court of venue together with the notice of suspension of driving privileges, as provided in subsection (h) of Section 11-501. However, a MDDP shall not be issued if the Secretary finds that:

(1) The offender's driver's license is otherwise invalid;

(2) Death or great bodily harm resulted from the arrest for Section 11-501;

(3) The offender has been previously convicted of reckless homicide or aggravated driving under the influence involving death;

(4) The offender is less than 18 years of age; or

(5) The offender is a qualifying patient licensed under the Compassionate Use of Medical Cannabis Pilot Program Act who is in possession of a valid registry card issued under that Act and refused to submit to standardized field sobriety tests as required by subsection (a) ~~(a-5)~~ of Section ~~11-501.9~~ ~~11-501.4~~ or did submit to testing and failed the test or tests.

Any offender participating in the MDDP program must pay the Secretary a MDDP Administration Fee in an amount not to exceed \$30 per month, to be deposited into the Monitoring Device Driving Permit

Administration Fee Fund. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. The offender must have an ignition interlock device installed within 14 days of the date the Secretary issues the MDDP. The ignition interlock device provider must notify the Secretary, in a manner and form prescribed by the Secretary, of the installation. If the Secretary does not receive notice of installation, the Secretary shall cancel the MDDP.

A MDDP shall not become effective prior to the 31st day of the original statutory summary suspension.

Upon receipt of the notice, as provided in paragraph (a) of this Section, the person may file a petition to decline issuance of the MDDP with the court of venue. The court shall admonish the offender of all consequences of declining issuance of the MDDP including, but not limited to, the enhanced penalties for driving while suspended. After being so admonished, the offender shall be permitted, in writing, to execute a notice declining issuance of the MDDP. This notice shall be filed with the court and forwarded by the clerk of the court to the Secretary. The offender may, at any time thereafter, apply to the Secretary for issuance of a MDDP.

(a-1) A person issued a MDDP may drive for any purpose and at any time, subject to the rules adopted by the Secretary under subsection (g). The person must, at his or her own expense, drive only vehicles equipped with an ignition interlock device as defined in Section 1-129.1, but in no event shall such person drive a commercial motor vehicle.

(a-2) Persons who are issued a MDDP and must drive employer-owned vehicles in the course of their employment duties may seek permission to drive an employer-owned vehicle that does not have an ignition interlock device. The employer shall provide to the Secretary a form, as prescribed by the Secretary, completed by the employer verifying that the employee must drive an employer-owned vehicle in the course of employment. If approved by the Secretary, the form must be in the driver's possession while operating an employer-owner vehicle not equipped with an ignition interlock device. No person may use this exemption to drive a school bus, school vehicle, or a vehicle designed to transport more than 15 passengers. No person may use this exemption to drive an employer-owned motor vehicle that is owned by an entity that is wholly or partially owned by the person holding the MDDP, or by a family member of the person holding the MDDP. No person may use this exemption to drive an employer-owned vehicle that is made available to the employee for personal use. No person may drive the exempted vehicle more than 12 hours per day, 6 days per week.

(a-3) Persons who are issued a MDDP and who must drive a farm tractor to and from a farm, within 50 air miles from the originating farm are exempt from installation of a BAIID on the farm tractor, so long as the farm tractor is being used for the exclusive purpose of conducting farm operations.

(b) (Blank).

(c) (Blank).

(c-1) If the holder of the MDDP is convicted of or receives court supervision for a violation of Section 6-206.2, 6-303, 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar provision of a local ordinance or a similar out-of-state offense or is convicted of or receives court supervision for any offense for which alcohol or drugs is an element of the offense and in which a motor vehicle was involved (for an arrest other than the one for which the MDDP is issued), or de-installs the BAIID without prior authorization from the Secretary, the MDDP shall be cancelled.

(c-5) If the Secretary determines that the person seeking the MDDP is indigent, the Secretary shall provide the person with a written document as evidence of that determination, and the person shall provide that written document to an ignition interlock device provider. The provider shall install an ignition interlock device on that person's vehicle without charge to the person, and seek reimbursement from the Indigent BAIID Fund. If the Secretary has deemed an offender indigent, the BAIID provider shall also provide the normal monthly monitoring services and the de-installation without charge to the offender and seek reimbursement from the Indigent BAIID Fund. Any other monetary charges, such as a lockout fee or reset fee, shall be the responsibility of the MDDP holder. A BAIID provider may not seek a security deposit from the Indigent BAIID Fund.

(d) MDDP information shall be available only to the courts, police officers, and the Secretary, except during the actual period the MDDP is valid, during which time it shall be a public record.

(e) (Blank).

(f) (Blank).

(g) The Secretary shall adopt rules for implementing this Section. The rules adopted shall address issues including, but not limited to: compliance with the requirements of the MDDP; methods for determining compliance with those requirements; the consequences of noncompliance with those requirements; what constitutes a violation of the MDDP; methods for determining indigency; and the duties of a person or entity that supplies the ignition interlock device.

(h) The rules adopted under subsection (g) shall provide, at a minimum, that the person is not in compliance with the requirements of the MDDP if he or she:

- (1) tampers or attempts to tamper with or circumvent the proper operation of the ignition interlock device;
- (2) provides valid breath samples that register blood alcohol levels in excess of the number of times allowed under the rules;
- (3) fails to provide evidence sufficient to satisfy the Secretary that the ignition interlock device has been installed in the designated vehicle or vehicles; or
- (4) fails to follow any other applicable rules adopted by the Secretary.

(i) Any person or entity that supplies an ignition interlock device as provided under this Section shall, in addition to supplying only those devices which fully comply with all the rules adopted under subsection (g), provide the Secretary, within 7 days of inspection, all monitoring reports of each person who has had an ignition interlock device installed. These reports shall be furnished in a manner or form as prescribed by the Secretary.

(j) Upon making a determination that a violation of the requirements of the MDDP has occurred, the Secretary shall extend the summary suspension period for an additional 3 months beyond the originally imposed summary suspension period, during which time the person shall only be allowed to drive vehicles equipped with an ignition interlock device; provided further there are no limitations on the total number of times the summary suspension may be extended. The Secretary may, however, limit the number of extensions imposed for violations occurring during any one monitoring period, as set forth by rule. Any person whose summary suspension is extended pursuant to this Section shall have the right to contest the extension through a hearing with the Secretary, pursuant to Section 2-118 of this Code. If the summary suspension has already terminated prior to the Secretary receiving the monitoring report that shows a violation, the Secretary shall be authorized to suspend the person's driving privileges for 3 months, provided that the Secretary may, by rule, limit the number of suspensions to be entered pursuant to this paragraph for violations occurring during any one monitoring period. Any person whose license is suspended pursuant to this paragraph, after the summary suspension had already terminated, shall have the right to contest the suspension through a hearing with the Secretary, pursuant to Section 2-118 of this Code. The only permit the person shall be eligible for during this new suspension period is a MDDP.

(k) A person who has had his or her summary suspension extended for the third time, or has any combination of 3 extensions and new suspensions, entered as a result of a violation that occurred while holding the MDDP, so long as the extensions and new suspensions relate to the same summary suspension, shall have his or her vehicle impounded for a period of 30 days, at the person's own expense. A person who has his or her summary suspension extended for the fourth time, or has any combination of 4 extensions and new suspensions, entered as a result of a violation that occurred while holding the MDDP, so long as the extensions and new suspensions relate to the same summary suspension, shall have his or her vehicle subject to seizure and forfeiture. The Secretary shall notify the prosecuting authority of any third or fourth extensions or new suspension entered as a result of a violation that occurred while the person held a MDDP. Upon receipt of the notification, the prosecuting authority shall impound or forfeit the vehicle. The impoundment or forfeiture of a vehicle shall be conducted pursuant to the procedure specified in Article 36 of the Criminal Code of 2012.

(l) A person whose driving privileges have been suspended under Section 11-501.1 of this Code and who had a MDDP that was cancelled, or would have been cancelled had notification of a violation been received prior to expiration of the MDDP, pursuant to subsection (c-1) of this Section, shall not be eligible for reinstatement when the summary suspension is scheduled to terminate. Instead, the person's driving privileges shall be suspended for a period of not less than twice the original summary suspension period, or for the length of any extensions entered under subsection (j), whichever is longer. During the period of suspension, the person shall be eligible only to apply for a restricted driving permit. If a restricted driving permit is granted, the offender may only operate vehicles equipped with a BAIID in accordance with this Section.

(m) Any person or entity that supplies an ignition interlock device under this Section shall, for each ignition interlock device installed, pay 5% of the total gross revenue received for the device, including monthly monitoring fees, into the Indigent BAIID Fund. This 5% shall be clearly indicated as a separate surcharge on each invoice that is issued. The Secretary shall conduct an annual review of the fund to determine whether the surcharge is sufficient to provide for indigent users. The Secretary may increase or decrease this surcharge requirement as needed.

(n) Any person or entity that supplies an ignition interlock device under this Section that is requested to provide an ignition interlock device to a person who presents written documentation of indigency from the

Secretary, as provided in subsection (c-5) of this Section, shall install the device on the person's vehicle without charge to the person and shall seek reimbursement from the Indigent BAID Fund.

(o) The Indigent BAID Fund is created as a special fund in the State treasury. The Secretary shall, subject to appropriation by the General Assembly, use all money in the Indigent BAID Fund to reimburse ignition interlock device providers who have installed devices in vehicles of indigent persons. The Secretary shall make payments to such providers every 3 months. If the amount of money in the fund at the time payments are made is not sufficient to pay all requests for reimbursement submitted during that 3 month period, the Secretary shall make payments on a pro-rata basis, and those payments shall be considered payment in full for the requests submitted.

(p) The Monitoring Device Driving Permit Administration Fee Fund is created as a special fund in the State treasury. The Secretary shall, subject to appropriation by the General Assembly, use the money paid into this fund to offset its administrative costs for administering MDDPs.

(q) The Secretary is authorized to prescribe such forms as it deems necessary to carry out the provisions of this Section.

(Source: P.A. 97-229; 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14.)

(625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

(Text of Section from P.A. 96-1526 and 98-122)

Sec. 6-208.1. Period of statutory summary alcohol, other drug, or intoxicating compound related suspension.

(a) Unless the statutory summary suspension has been rescinded, any person whose privilege to drive a motor vehicle on the public highways has been summarily suspended, pursuant to Section 11-501.1, shall not be eligible for restoration of the privilege until the expiration of:

1. Twelve months from the effective date of the statutory summary suspension for a refusal or failure to complete a test or tests to determine the alcohol, drug, or intoxicating compound concentration authorized under Section 11-501.1; or

2. Six months from the effective date of the statutory summary suspension imposed following the person's submission to a chemical test which disclosed an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in such person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, pursuant to Section 11-501.1; or

3. Three years from the effective date of the statutory summary suspension for any person other than a first offender who refuses or fails to complete a test or tests to determine the alcohol, drug, or intoxicating compound concentration pursuant to Section 11-501.1; or

4. One year from the effective date of the summary suspension imposed for any person other than a first offender following submission to a chemical test which disclosed an alcohol concentration of 0.08 or more pursuant to Section 11-501.1 or any amount of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, ~~or~~

5. ~~(Blank). Six months from the effective date of the statutory summary suspension imposed for any person following submission to a standardized field sobriety test that disclosed impairment if the person is a qualifying patient licensed under the Compassionate Use of Medical Cannabis Pilot Program Act who is in possession of a valid registry card issued under that Act and submitted to testing under subsection (a-5) of Section 11-501.1.~~

(b) Following a statutory summary suspension of the privilege to drive a motor vehicle under Section 11-501.1, driving privileges shall be restored unless the person is otherwise suspended, revoked, or cancelled by this Code. If the court has reason to believe that the person's driving privilege should not be restored, the court shall notify the Secretary of State prior to the expiration of the statutory summary suspension so appropriate action may be taken pursuant to this Code.

(c) Driving privileges may not be restored until all applicable reinstatement fees, as provided by this Code, have been paid to the Secretary of State and the appropriate entry made to the driver's record.

(d) Where a driving privilege has been summarily suspended under Section 11-501.1 and the person is subsequently convicted of violating Section 11-501, or a similar provision of a local ordinance, for the same incident, any period served on statutory summary suspension shall be credited toward the minimum period of revocation of driving privileges imposed pursuant to Section 6-205.

(e) (Blank).



(f) (Blank).

(g) Following a statutory summary suspension of driving privileges pursuant to Section 11-501.1 where the person was not a first offender, as defined in Section 11-500, the Secretary of State may not issue a restricted driving permit.

(h) (Blank).

(Source: P.A. 95-355, eff. 1-1-08; 95-400, eff. 1-1-09; 95-876, eff. 8-21-08; 96-1526, eff. 2-14-11; 98-122, eff. 1-1-14.)

(Text of Section from P.A. 96-1344, 97-229, and 98-122)

Sec. 6-208.1. Period of statutory summary alcohol, other drug, or intoxicating compound related suspension or revocation.

(a) Unless the statutory summary suspension has been rescinded, any person whose privilege to drive a motor vehicle on the public highways has been summarily suspended, pursuant to Section 11-501.1, shall not be eligible for restoration of the privilege until the expiration of:

1. Twelve months from the effective date of the statutory summary suspension for a refusal or failure to complete a test or tests to determine the alcohol, drug, or intoxicating compound concentration authorized under Section 11-501.1, if the person was not involved in a motor vehicle crash that caused personal injury or death to another; or

2. Six months from the effective date of the statutory summary suspension imposed following the person's submission to a chemical test which disclosed an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in such person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, pursuant to Section 11-501.1; or

3. Three years from the effective date of the statutory summary suspension for any person other than a first offender who refuses or fails to complete a test or tests to determine the alcohol, drug, or intoxicating compound concentration pursuant to Section 11-501.1; or

4. One year from the effective date of the summary suspension imposed for any person other than a first offender following submission to a chemical test which disclosed an alcohol concentration of 0.08 or more pursuant to Section 11-501.1 or any amount of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, ~~or~~

5. ~~(Blank). Six months from the effective date of the statutory summary suspension imposed for any person following submission to a standardized field sobriety test that disclosed impairment if the person is a qualifying patient licensed under the Compassionate Use of Medical Cannabis Pilot Program Act who is in possession of a valid registry card issued under that Act and submitted to testing under subsection (a-5) of Section 11-501.1.~~

(a-1) Unless the statutory summary revocation has been rescinded, any person whose privilege to drive has been summarily revoked pursuant to Section 11-501.1 may not make application for a license or permit until the expiration of one year from the effective date of the summary revocation.

(b) Following a statutory summary suspension of the privilege to drive a motor vehicle under Section 11-501.1, driving privileges shall be restored unless the person is otherwise suspended, revoked, or cancelled by this Code. If the court has reason to believe that the person's driving privilege should not be restored, the court shall notify the Secretary of State prior to the expiration of the statutory summary suspension so appropriate action may be taken pursuant to this Code.

(c) Driving privileges may not be restored until all applicable reinstatement fees, as provided by this Code, have been paid to the Secretary of State and the appropriate entry made to the driver's record.

(d) Where a driving privilege has been summarily suspended or revoked under Section 11-501.1 and the person is subsequently convicted of violating Section 11-501, or a similar provision of a local ordinance, for the same incident, any period served on statutory summary suspension or revocation shall be credited toward the minimum period of revocation of driving privileges imposed pursuant to Section 6-205.

(e) Following a statutory summary suspension of driving privileges pursuant to Section 11-501.1, for a first offender, the circuit court shall, unless the offender has opted in writing not to have a monitoring device driving permit issued, order the Secretary of State to issue a monitoring device driving permit as provided in Section 6-206.1. A monitoring device driving permit shall not be effective prior to the 31st

day of the statutory summary suspension. A first offender who refused chemical testing and whose driving privileges were summarily revoked pursuant to Section 11-501.1 shall not be eligible for a monitoring device driving permit, but may make application for reinstatement or for a restricted driving permit after a period of one year has elapsed from the effective date of the revocation.

(f) (Blank).

(g) Following a statutory summary suspension of driving privileges pursuant to Section 11-501.1 where the person was not a first offender, as defined in Section 11-500, the Secretary of State may not issue a restricted driving permit.

(h) (Blank).

(Source: P.A. 96-1344, eff. 7-1-11; 97-229, eff. 7-28-11; 98-122, eff. 1-1-14.)

(625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

(Text of Section before amendment by P.A. 98-176)

Sec. 6-514. Commercial Driver's License (CDL) - Disqualifications.

(a) A person shall be disqualified from driving a commercial motor vehicle for a period of not less than 12 months for the first violation of:

(1) Refusing to submit to or failure to complete a test or tests authorized under

Section 11-501.1 while driving a commercial motor vehicle or, if the driver is a CDL holder, while driving a non-CMV; or

(2) Operating a commercial motor vehicle while the alcohol concentration of the person's blood, breath or urine is at least 0.04, or any amount of a drug, substance, or compound in the person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as indicated by a police officer's sworn report or other verified evidence; or operating a non-commercial motor vehicle while the alcohol concentration of the person's blood, breath, or urine was above the legal limit defined in Section 11-501.1 or 11-501.8 or any amount of a drug, substance, or compound in the person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as indicated by a police officer's sworn report or other verified evidence while holding a commercial driver's license; or

(3) Conviction for a first violation of:

(i) Driving a commercial motor vehicle or, if the driver is a CDL holder, driving a non-CMV while under the influence of alcohol, or any other drug, or combination of drugs to a degree which renders such person incapable of safely driving; or

(ii) Knowingly leaving the scene of an accident while operating a commercial motor vehicle or, if the driver is a CDL holder, while driving a non-CMV; or

(iii) Driving a commercial motor vehicle or, if the driver is a CDL holder, driving a non-CMV while committing any felony; or

(iv) Driving a commercial motor vehicle while the person's driving privileges or driver's license or permit is revoked, suspended, or cancelled or the driver is disqualified from operating a commercial motor vehicle; or

(v) Causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of motor vehicle manslaughter, homicide by a motor vehicle, and negligent homicide.

As used in this subdivision (a)(3)(v), "motor vehicle manslaughter" means the offense of involuntary manslaughter if committed by means of a vehicle; "homicide by a motor vehicle" means the offense of first degree murder or second degree murder, if either offense is committed by means of a vehicle; and "negligent homicide" means reckless homicide under Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 and aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof under subdivision (d)(1)(F) of Section 11-501 of this Code.

If any of the above violations or refusals occurred while transporting hazardous material(s) required to be placarded, the person shall be disqualified for a period of not less than 3 years ; or

(4) If the person is a qualifying patient licensed under the Compassionate Use of Medical Cannabis Pilot Program Act who is in possession of a valid registry card issued under that Act, operating a commercial motor vehicle under impairment resulting from the consumption of cannabis, as determined by failure of standardized field sobriety tests administered by a law enforcement officer as directed by subsection (a-5) of Section 11-501.2.

(b) A person is disqualified for life for a second conviction of any of the offenses specified in paragraph (a), or any combination of those offenses, arising from 2 or more separate incidents.

(c) A person is disqualified from driving a commercial motor vehicle for life if the person either (i) uses a commercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance or (ii) if the person is a CDL holder, uses a non-CMV in the commission of a felony involving any of those activities.

(d) The Secretary of State may, when the United States Secretary of Transportation so authorizes, issue regulations in which a disqualification for life under paragraph (b) may be reduced to a period of not less than 10 years. If a reinstated driver is subsequently convicted of another disqualifying offense, as specified in subsection (a) of this Section, he or she shall be permanently disqualified for life and shall be ineligible to again apply for a reduction of the lifetime disqualification.

(e) A person is disqualified from driving a commercial motor vehicle for a period of not less than 2 months if convicted of 2 serious traffic violations, committed in a commercial motor vehicle, non-CMV while holding a CDL, or any combination thereof, arising from separate incidents, occurring within a 3 year period, provided the serious traffic violation committed in a non-CMV would result in the suspension or revocation of the CDL holder's non-CMV privileges. However, a person will be disqualified from driving a commercial motor vehicle for a period of not less than 4 months if convicted of 3 serious traffic violations, committed in a commercial motor vehicle, non-CMV while holding a CDL, or any combination thereof, arising from separate incidents, occurring within a 3 year period, provided the serious traffic violation committed in a non-CMV would result in the suspension or revocation of the CDL holder's non-CMV privileges. If all the convictions occurred in a non-CMV, the disqualification shall be entered only if the convictions would result in the suspension or revocation of the CDL holder's non-CMV privileges.

(e-1) (Blank).

(f) Notwithstanding any other provision of this Code, any driver disqualified from operating a commercial motor vehicle, pursuant to this UCCLA, shall not be eligible for restoration of commercial driving privileges during any such period of disqualification.

(g) After suspending, revoking, or cancelling a commercial driver's license, the Secretary of State must update the driver's records to reflect such action within 10 days. After suspending or revoking the driving privilege of any person who has been issued a CDL or commercial driver instruction permit from another jurisdiction, the Secretary shall originate notification to such issuing jurisdiction within 10 days.

(h) The "disqualifications" referred to in this Section shall not be imposed upon any commercial motor vehicle driver, by the Secretary of State, unless the prohibited action(s) occurred after March 31, 1992.

(i) A person is disqualified from driving a commercial motor vehicle in accordance with the following:

(1) For 6 months upon a first conviction of paragraph (2) of subsection (b) or subsection (b-3) of Section 6-507 of this Code.

(2) For 2 years upon a second conviction of paragraph (2) of subsection (b) or subsection (b-3) or any combination of paragraphs (2) or (3) of subsection (b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the second conviction is a violation of paragraph (2) of subsection (b) or subsection (b-3).

(3) For 3 years upon a third or subsequent conviction of paragraph (2) of subsection (b) or subsection (b-3) or any combination of paragraphs (2) or (3) of subsection (b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the third or subsequent conviction is a violation of paragraph (2) of subsection (b) or subsection (b-3).

(4) For one year upon a first conviction of paragraph (3) of subsection (b) or subsection (b-5) of Section 6-507 of this Code.

(5) For 3 years upon a second conviction of paragraph (3) of subsection (b) or subsection (b-5) or any combination of paragraphs (2) or (3) of subsection (b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the second conviction is a violation of paragraph (3) of subsection (b) or (b-5).

(6) For 5 years upon a third or subsequent conviction of paragraph (3) of subsection (b) or subsection (b-5) or any combination of paragraphs (2) or (3) of subsection (b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the third or subsequent conviction is a violation of paragraph (3) of subsection (b) or (b-5).

(j) Disqualification for railroad-highway grade crossing violation.

(1) General rule. A driver who is convicted of a violation of a federal, State, or local law or regulation pertaining to one of the following 6 offenses at a railroad-highway grade crossing must be disqualified from operating a commercial motor vehicle for the period of time specified in

paragraph (2) of this subsection (j) if the offense was committed while operating a commercial motor vehicle:

(i) For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train or railroad track equipment, as described in subsection (a-5) of Section 11-1201 of this Code;

(ii) For drivers who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear, as described in subsection (a) of Section 11-1201 of this Code;

(iii) For drivers who are always required to stop, failing to stop before driving onto the crossing, as described in Section 11-1202 of this Code;

(iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping, as described in subsection (b) of Section 11-1425 of this Code;

(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement official at the crossing, as described in subdivision (a)2 of Section 11-1201 of this Code;

(vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance, as described in subsection (d-1) of Section 11-1201 of this Code.

(2) Duration of disqualification for railroad-highway grade crossing violation.

(i) First violation. A driver must be disqualified from operating a commercial motor vehicle for not less than 60 days if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had no convictions for a violation described in paragraph (1) of this subsection (j).

(ii) Second violation. A driver must be disqualified from operating a commercial motor vehicle for not less than 120 days if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had one other conviction for a violation described in paragraph (1) of this subsection (j) that was committed in a separate incident.

(iii) Third or subsequent violation. A driver must be disqualified from operating a commercial motor vehicle for not less than one year if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had 2 or more other convictions for violations described in paragraph (1) of this subsection (j) that were committed in separate incidents.

(k) Upon notification of a disqualification of a driver's commercial motor vehicle privileges imposed by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, in accordance with 49 C.F.R. 383.52, the Secretary of State shall immediately record to the driving record the notice of disqualification and confirm to the driver the action that has been taken.

(Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14.)

(Text of Section after amendment by P.A. 98-176)

Sec. 6-514. Commercial driver's license (CDL); commercial learner's permit (CLP); disqualifications.  
~~Commercial Driver's License (CDL) – Disqualifications.~~

(a) A person shall be disqualified from driving a commercial motor vehicle for a period of not less than 12 months for the first violation of:

(1) Refusing to submit to or failure to complete a test or tests to determine the driver's blood concentration of alcohol, other drug, or both, authorized under Section 11-501.1 while driving a commercial motor vehicle or, if the driver is a CLP or CDL holder, while driving a non-CMV; or

(2) Operating a commercial motor vehicle while the alcohol concentration of the person's blood, breath or urine is at least 0.04, or any amount of a drug, substance, or compound in the person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as indicated by a police officer's sworn report or other verified evidence; or operating a non-commercial motor vehicle while the alcohol concentration of the person's blood, breath, or urine was above the legal limit defined in Section 11-501.1 or 11-501.8 or any amount of a drug, substance, or compound in the person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as indicated by a police officer's sworn report or other verified evidence while holding a CLP or CDL; or

(3) Conviction for a first violation of:

[December 3, 2013]

- (i) Driving a commercial motor vehicle or, if the driver is a CLP or CDL holder, driving a non-CMV while under the influence of alcohol, or any other drug, or combination of drugs to a degree which renders such person incapable of safely driving; or
- (ii) Knowingly leaving the scene of an accident while operating a commercial motor vehicle or, if the driver is a CLP or CDL holder, while driving a non-CMV; or
- (iii) Driving a commercial motor vehicle or, if the driver is a CLP or CDL holder, driving a non-CMV while committing any felony; or
- (iv) Driving a commercial motor vehicle while the person's driving privileges or driver's license or permit is revoked, suspended, or cancelled or the driver is disqualified from operating a commercial motor vehicle; or
- (v) Causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of motor vehicle manslaughter, homicide by a motor vehicle, and negligent homicide.

As used in this subdivision (a)(3)(v), "motor vehicle manslaughter" means the offense of involuntary manslaughter if committed by means of a vehicle; "homicide by a motor vehicle" means the offense of first degree murder or second degree murder, if either offense is committed by means of a vehicle; and "negligent homicide" means reckless homicide under Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 and aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof under subdivision (d)(1)(F) of Section 11-501 of this Code.

If any of the above violations or refusals occurred while transporting hazardous material(s) required to be placarded, the person shall be disqualified for a period of not less than 3 years.

~~(4) (Blank). If the person is a qualifying patient licensed under the Compassionate Use of Medical Cannabis Pilot Program Act who is in possession of a valid registry card issued under that Act, operating a commercial motor vehicle under impairment resulting from the consumption of cannabis, as determined by failure of standardized field sobriety tests administered by a law enforcement officer as directed by subsection (a-5) of Section 11-501.2.~~

(b) A person is disqualified for life for a second conviction of any of the offenses specified in paragraph (a), or any combination of those offenses, arising from 2 or more separate incidents.

(c) A person is disqualified from driving a commercial motor vehicle for life if the person either (i) uses a commercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance or (ii) if the person is a CLP or CDL holder, uses a non-CMV in the commission of a felony involving any of those activities.

(d) The Secretary of State may, when the United States Secretary of Transportation so authorizes, issue regulations in which a disqualification for life under paragraph (b) may be reduced to a period of not less than 10 years. If a reinstated driver is subsequently convicted of another disqualifying offense, as specified in subsection (a) of this Section, he or she shall be permanently disqualified for life and shall be ineligible to again apply for a reduction of the lifetime disqualification.

(e) A person is disqualified from driving a commercial motor vehicle for a period of not less than 2 months if convicted of 2 serious traffic violations, committed in a commercial motor vehicle, non-CMV while holding a CLP or CDL, or any combination thereof, arising from separate incidents, occurring within a 3 year period, provided the serious traffic violation committed in a non-CMV would result in the suspension or revocation of the CLP or CDL holder's non-CMV privileges. However, a person will be disqualified from driving a commercial motor vehicle for a period of not less than 4 months if convicted of 3 serious traffic violations, committed in a commercial motor vehicle, non-CMV while holding a CLP or CDL, or any combination thereof, arising from separate incidents, occurring within a 3 year period, provided the serious traffic violation committed in a non-CMV would result in the suspension or revocation of the CLP or CDL holder's non-CMV privileges. If all the convictions occurred in a non-CMV, the disqualification shall be entered only if the convictions would result in the suspension or revocation of the CLP or CDL holder's non-CMV privileges.

(e-1) (Blank).

(f) Notwithstanding any other provision of this Code, any driver disqualified from operating a commercial motor vehicle, pursuant to this UCCLA, shall not be eligible for restoration of commercial driving privileges during any such period of disqualification.

(g) After suspending, revoking, or cancelling a CLP or CDL, the Secretary of State must update the driver's records to reflect such action within 10 days. After suspending or revoking the driving privilege

of any person who has been issued a CLP or CDL from another jurisdiction, the Secretary shall originate notification to such issuing jurisdiction within 10 days.

(h) The "disqualifications" referred to in this Section shall not be imposed upon any commercial motor vehicle driver, by the Secretary of State, unless the prohibited action(s) occurred after March 31, 1992.

(i) A person is disqualified from driving a commercial motor vehicle in accordance with the following:

(1) For 6 months upon a first conviction of paragraph (2) of subsection (b) or subsection (b-3) of Section 6-507 of this Code.

(2) For 2 years upon a second conviction of paragraph (2) of subsection (b) or subsection (b-3) or any combination of paragraphs (2) or (3) of subsection (b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the second conviction is a violation of paragraph (2) of subsection (b) or subsection (b-3).

(3) For 3 years upon a third or subsequent conviction of paragraph (2) of subsection (b) or subsection (b-3) or any combination of paragraphs (2) or (3) of subsection (b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the third or subsequent conviction is a violation of paragraph (2) of subsection (b) or subsection (b-3).

(4) For one year upon a first conviction of paragraph (3) of subsection (b) or subsection (b-5) of Section 6-507 of this Code.

(5) For 3 years upon a second conviction of paragraph (3) of subsection (b) or subsection (b-5) or any combination of paragraphs (2) or (3) of subsection (b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the second conviction is a violation of paragraph (3) of subsection (b) or (b-5).

(6) For 5 years upon a third or subsequent conviction of paragraph (3) of subsection (b) or subsection (b-5) or any combination of paragraphs (2) or (3) of subsection (b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the third or subsequent conviction is a violation of paragraph (3) of subsection (b) or (b-5).

(j) Disqualification for railroad-highway grade crossing violation.

(1) General rule. A driver who is convicted of a violation of a federal, State, or local law or regulation pertaining to one of the following 6 offenses at a railroad-highway grade crossing must be disqualified from operating a commercial motor vehicle for the period of time specified in paragraph (2) of this subsection (j) if the offense was committed while operating a commercial motor vehicle:

(i) For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train or railroad track equipment, as described in subsection (a-5) of Section 11-1201 of this Code;

(ii) For drivers who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear, as described in subsection (a) of Section 11-1201 of this Code;

(iii) For drivers who are always required to stop, failing to stop before driving onto the crossing, as described in Section 11-1202 of this Code;

(iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping, as described in subsection (b) of Section 11-1425 of this Code;

(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement official at the crossing, as described in subdivision (a)2 of Section 11-1201 of this Code;

(vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance, as described in subsection (d-1) of Section 11-1201 of this Code.

(2) Duration of disqualification for railroad-highway grade crossing violation.

(i) First violation. A driver must be disqualified from operating a commercial motor vehicle for not less than 60 days if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had no convictions for a violation described in paragraph (1) of this subsection (j).

(ii) Second violation. A driver must be disqualified from operating a commercial motor vehicle for not less than 120 days if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had one other conviction for a violation described in paragraph (1) of this subsection (j) that was committed in a separate incident.

(iii) Third or subsequent violation. A driver must be disqualified from operating a commercial motor vehicle for not less than one year if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver

had 2 or more other convictions for violations described in paragraph (1) of this subsection (j) that were committed in separate incidents.

(k) Upon notification of a disqualification of a driver's commercial motor vehicle privileges imposed by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, in accordance with 49 C.F.R. 383.52, the Secretary of State shall immediately record to the driving record the notice of disqualification and confirm to the driver the action that has been taken.

(Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14; 98-176, eff. 7-1-14; revised 8-8-13.)

(625 ILCS 5/11-501.1)

Sec. 11-501.1. Suspension of drivers license; statutory summary alcohol, other drug or drugs, or intoxicating compound or compounds related suspension or revocation; implied consent.

(a) Any person who drives or is in actual physical control of a motor vehicle upon the public highways of this State shall be deemed to have given consent, subject to the provisions of Section 11-501.2, to a chemical test or tests of blood, breath, or urine for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds or any combination thereof in the person's blood if arrested, as evidenced by the issuance of a Uniform Traffic Ticket, for any offense as defined in Section 11-501 or a similar provision of a local ordinance, or if arrested for violating Section 11-401. If a law enforcement officer has probable cause to believe the person was under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, the law enforcement officer shall request a chemical test or tests which shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. A urine test may be administered even after a blood or breath test or both has been administered. For purposes of this Section, an Illinois law enforcement officer of this State who is investigating the person for any offense defined in Section 11-501 may travel into an adjoining state, where the person has been transported for medical care, to complete an investigation and to request that the person submit to the test or tests set forth in this Section. The requirements of this Section that the person be arrested are inapplicable, but the officer shall issue the person a Uniform Traffic Ticket for an offense as defined in Section 11-501 or a similar provision of a local ordinance prior to requesting that the person submit to the test or tests. The issuance of the Uniform Traffic Ticket shall not constitute an arrest, but shall be for the purpose of notifying the person that he or she is subject to the provisions of this Section and of the officer's belief of the existence of probable cause to arrest. Upon returning to this State, the officer shall file the Uniform Traffic Ticket with the Circuit Clerk of the county where the offense was committed, and shall seek the issuance of an arrest warrant or a summons for the person.

~~(a-5) (Blank). In addition to the requirements and provisions of subsection (a), any person issued a registry card under the Compassionate Use of Medical Cannabis Pilot Program Act who drives or is in actual physical control of a motor vehicle upon the public highways of this State shall be deemed to have given consent, subject to the provisions of Section 11-501.2, to standardized field sobriety tests approved by the National Highway Traffic Safety Administration if arrested, as evidenced by the issuance of a Uniform Traffic Ticket, for any offense as defined in Section 11-501 or a similar provision of a local ordinance, or if arrested for violating Section 11-401. The person's status as a registry card holder alone is not a sufficient basis for conducting these tests. The officer must have an independent, cannabis-related factual basis giving reasonable suspicion that the person is driving under the influence of cannabis for conducting standardized field sobriety tests. This independent basis of suspicion shall be listed on the standardized field sobriety test results and any influence reports made by the arresting officer.~~

(b) Any person who is dead, unconscious, or who is otherwise in a condition rendering the person incapable of refusal, shall be deemed not to have withdrawn the consent provided by paragraph (a) of this Section and the test or tests may be administered, subject to the provisions of Section 11-501.2.

(c) A person requested to submit to a test as provided above shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test will result in the statutory summary suspension of the person's privilege to operate a motor vehicle, as provided in Section 6-208.1 of this Code, and will also result in the disqualification of the person's privilege to operate a commercial motor vehicle, as provided in Section 6-514 of this Code, if the person is a CDL holder. The person shall also be warned that a refusal to submit to the test, when the person was involved in a motor vehicle accident that caused personal injury or death to another, will result in the statutory summary revocation of the person's privilege to operate a motor vehicle, as provided in Section 6-208.1, and will also result in the disqualification of the person's privilege to operate a commercial motor vehicle, as provided in Section 6-514 of this Code, if the person is a CDL holder. The person shall also be warned by the law enforcement officer that if the person submits to the test or tests provided in paragraph (a) of this Section and the alcohol concentration in the person's blood or breath is 0.08 or greater, or any amount of a drug, substance, or compound resulting

from the unlawful use or consumption of cannabis as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act is detected in the person's blood or urine, ~~or if the person fails the standardized field sobriety tests as required by paragraph (a-5);~~ a statutory summary suspension of the person's privilege to operate a motor vehicle, as provided in Sections 6-208.1 and 11-501.1 of this Code, and a disqualification of the person's privilege to operate a commercial motor vehicle, as provided in Section 6-514 of this Code, if the person is a CDL holder, will be imposed.

A person who is under the age of 21 at the time the person is requested to submit to a test as provided above shall, in addition to the warnings provided for in this Section, be further warned by the law enforcement officer requesting the test that if the person submits to the test or tests provided in paragraph (a) ~~or (a-5)~~ of this Section and the alcohol concentration in the person's blood or breath is greater than 0.00 and less than 0.08, a suspension of the person's privilege to operate a motor vehicle, as provided under Sections 6-208.2 and 11-501.8 of this Code, will be imposed. The results of this test shall be admissible in a civil or criminal action or proceeding arising from an arrest for an offense as defined in Section 11-501 of this Code or a similar provision of a local ordinance or pursuant to Section 11-501.4 in prosecutions for reckless homicide brought under the Criminal Code of 1961 or the Criminal Code of 2012. These test results, however, shall be admissible only in actions or proceedings directly related to the incident upon which the test request was made.

(d) If the person refuses testing or submits to a test that discloses an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer shall immediately submit a sworn report to the circuit court of venue and the Secretary of State, certifying that the test or tests was or were requested under paragraph (a) ~~or (a-5)~~ and the person refused to submit to a test, or tests, or submitted to testing that disclosed an alcohol concentration of 0.08 or more. ~~A sworn report indicating refusal or failure of testing under paragraph (a-5) of this Section shall include the factual basis of the arresting officer's reasonable suspicion that the person was under the influence of cannabis. The person's possession of a valid registry card under the Compassionate Use of Medical Cannabis Pilot Program Act alone is not sufficient basis for reasonable suspicion.~~

(e) Upon receipt of the sworn report of a law enforcement officer submitted under paragraph (d), the Secretary of State shall enter the statutory summary suspension or revocation and disqualification for the periods specified in Sections 6-208.1 and 6-514, respectively, and effective as provided in paragraph (g).

If the person is a first offender as defined in Section 11-500 of this Code, and is not convicted of a violation of Section 11-501 of this Code or a similar provision of a local ordinance, then reports received by the Secretary of State under this Section shall, except during the actual time the Statutory Summary Suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities or the Secretary of State, unless the person is a CDL holder, is operating a commercial motor vehicle or vehicle required to be placarded for hazardous materials, in which case the suspension shall not be privileged. Reports received by the Secretary of State under this Section shall also be made available to the parent or guardian of a person under the age of 18 years that holds an instruction permit or a graduated driver's license, regardless of whether the statutory summary suspension is in effect. A statutory summary revocation shall not be privileged information.

(f) The law enforcement officer submitting the sworn report under paragraph (d) shall serve immediate notice of the statutory summary suspension or revocation on the person and the suspension or revocation and disqualification shall be effective as provided in paragraph (g).

(1) In cases where the blood alcohol concentration of 0.08 or greater or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act is established by a subsequent analysis of blood or urine collected at the time of arrest, the arresting officer or arresting agency shall give notice as provided in this Section or by deposit in the United States mail of the notice in an envelope with postage prepaid and addressed to the person at his address as shown on the Uniform Traffic Ticket and the statutory summary suspension and disqualification shall begin as provided in paragraph (g). The officer shall confiscate any Illinois driver's license or permit on the person at the time of arrest. If the person has a valid driver's license or permit, the officer shall issue the person a receipt, in a form



prescribed by the Secretary of State, that will allow that person to drive during the periods provided for in paragraph (g). The officer shall immediately forward the driver's license or permit to the circuit court of venue along with the sworn report provided for in paragraph (d).

~~(2) (Blank). In cases indicating refusal or failure of testing under paragraph (a-5) of this Section the arresting officer or arresting agency shall give notice as provided in this Section or by deposit in the United States mail of the notice in an envelope with postage prepaid and addressed to the person at his or her address as shown on the Uniform Traffic Ticket and the statutory summary suspension and disqualification shall begin as provided in paragraph (g). This notice shall include the factual basis of the arresting officer's reasonable suspicion that the person was under the influence of cannabis. The person's possession of a valid registry card under the Compassionate Use of Medical Cannabis Pilot Program Act alone is not sufficient basis for reasonable suspicion.~~

(g) The statutory summary suspension or revocation and disqualification referred to in this Section shall take effect on the 46th day following the date the notice of the statutory summary suspension or revocation was given to the person.

(h) The following procedure shall apply whenever a person is arrested for any offense as defined in Section 11-501 or a similar provision of a local ordinance:

Upon receipt of the sworn report from the law enforcement officer, the Secretary of State shall confirm the statutory summary suspension or revocation by mailing a notice of the effective date of the suspension or revocation to the person and the court of venue. The Secretary of State shall also mail notice of the effective date of the disqualification to the person. However, should the sworn report be defective by not containing sufficient information or be completed in error, the confirmation of the statutory summary suspension or revocation shall not be mailed to the person or entered to the record; instead, the sworn report shall be forwarded to the court of venue with a copy returned to the issuing agency identifying any defect.

(i) As used in this Section, "personal injury" includes any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or a medical facility. A Type A injury includes severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

(Source: P.A. 97-333, eff. 8-12-11; 97-471, eff. 8-22-11; 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14.)

(625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

Sec. 11-501.2. Chemical and other tests.

(a) Upon the trial of any civil or criminal action or proceeding arising out of an arrest for an offense as defined in Section 11-501 or a similar local ordinance or proceedings pursuant to Section 2-118.1, evidence of the concentration of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof in a person's blood or breath at the time alleged, as determined by analysis of the person's blood, urine, breath or other bodily substance, shall be admissible. Where such test is made the following provisions shall apply:

1. Chemical analyses of the person's blood, urine, breath or other bodily substance to

be considered valid under the provisions of this Section shall have been performed according to standards promulgated by the Department of State Police by a licensed physician, registered nurse, trained phlebotomist, certified paramedic, or other individual possessing a valid permit issued by that Department for this purpose. The Director of State Police is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, to issue permits which shall be subject to termination or revocation at the discretion of that Department and to certify the accuracy of breath testing equipment. The Department of State Police shall prescribe regulations as necessary to implement this Section.

2. When a person in this State shall submit to a blood test at the request of a law enforcement officer under the provisions of Section 11-501.1, only a physician authorized to practice medicine, a licensed physician assistant, a licensed advanced practice nurse, a registered nurse, trained phlebotomist, or certified paramedic, or other qualified person approved by the Department of State Police may withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content therein. This limitation shall not apply to the taking of breath or urine specimens.

When a blood test of a person who has been taken to an adjoining state for medical treatment is requested by an Illinois law enforcement officer, the blood may be withdrawn only by a physician authorized to practice medicine in the adjoining state, a licensed physician assistant, a licensed advanced practice nurse, a registered nurse, a trained phlebotomist acting under the direction of the physician, or certified paramedic. The law enforcement officer requesting the test shall take custody of the blood sample, and the blood sample shall be analyzed by a laboratory certified by the Department of State Police for that purpose.

3. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of their own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

4. Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to the person or such person's attorney.

5. Alcohol concentration shall mean either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(a-5) Law enforcement officials may use standardized field sobriety tests approved by the National Highway Traffic Safety Administration when conducting investigations of a violation of Section 11-501 or similar local ordinance by drivers suspected of driving under the influence of cannabis. The General Assembly finds that standardized field sobriety tests approved by the National Highway Traffic Safety Administration are divided attention tasks that are intended to determine if a person is under the influence of cannabis. The purpose of these tests is to determine the effect of the use of cannabis on a person's capacity to think and act with ordinary care and therefore operate a motor vehicle safely. Therefore, the results of these standardized field sobriety tests, appropriately administered, shall be admissible in the trial of any civil or criminal action or proceeding arising out of an arrest for a cannabis-related offense as defined in Section 11-501 or a similar local ordinance or proceedings under Section 2-118.1 or 2-118.2. Where a test is made the following provisions shall apply:

1. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of their own choosing administer a chemical test or tests in addition to the standardized field sobriety test or tests administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person does not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

2. Upon the request of the person who shall submit to a standardized field sobriety test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to the person or the person's attorney.

3. At the trial of any civil or criminal action or proceeding arising out of an arrest for an offense as defined in Section 11-501 or a similar local ordinance or proceedings under Section 2-118.1 or 2-118.2 in which the results of these standardized field sobriety tests are admitted, the cardholder may present and the trier of fact may consider evidence that the cardholder lacked the physical capacity to perform the standardized field sobriety tests.

(b) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of alcohol, the concentration of alcohol in the person's blood or breath at the time alleged as shown by analysis of the person's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

1. If there was at that time an alcohol concentration of 0.05 or less, it shall be presumed that the person was not under the influence of alcohol.

2. If there was at that time an alcohol concentration in excess of 0.05 but less than 0.08, such facts shall not give rise to any presumption that the person was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcohol.

3. If there was at that time an alcohol concentration of 0.08 or more, it shall be presumed that the person was under the influence of alcohol.

4. The foregoing provisions of this Section shall not be construed as limiting the introduction of any other relevant evidence bearing upon the question whether the person was under the influence of alcohol.

(c) 1. If a person under arrest refuses to submit to a chemical test under the provisions of Section 11-501.1, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof was driving or in actual physical control of a motor vehicle.

2. Notwithstanding any ability to refuse under this Code to submit to these tests or any ability to revoke the implied consent to these tests, if a law enforcement officer has probable cause to believe that a motor vehicle driven by or in actual physical control of a person under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof has caused the death or

personal injury to another, the law enforcement officer shall request, and that person shall submit, upon the request of a law enforcement officer, to a chemical test or tests of his or her blood, breath or urine for the purpose of determining the alcohol content thereof or the presence of any other drug or combination of both.

This provision does not affect the applicability of or imposition of driver's license sanctions under Section 11-501.1 of this Code.

3. For purposes of this Section, a personal injury includes any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or a medical facility. A Type A injury includes severe bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

(d) If a person refuses standardized field sobriety tests under Section 11-501.9 of this Code, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of acts committed while the person was driving or in actual physical control of a vehicle and alleged to have been impaired by the use of cannabis.

(Source: P.A. 97-450, eff. 8-19-11; 97-471, eff. 8-22-11; 97-813, eff. 7-13-12; 98-122, eff. 1-1-14.)

(625 ILCS 5/11-501.9 new)

Sec. 11-501.9. Suspension of drivers license; cannabis-related suspension for medical cannabis cardholder; failure of or refusal to complete field sobriety tests; implied consent.

(a) Any person who has been issued a registry identification card under the Compassionate Use of Medical Cannabis Pilot Program Act who drives or is in actual physical control of a motor vehicle upon the public highways of this State shall be deemed to have given consent to standardized field sobriety tests approved by the National Highway Traffic Safety Administration, subject to the provisions of subsection (a-5) of Section 11-501.2, if detained by a law enforcement officer who has a reasonable suspicion that the person is driving or is in actual physical control of a motor vehicle while impaired by the use of cannabis, or if the person is arrested for a violation of Section 11-401 of this Code. The law enforcement officer must have an independent cannabis-related factual basis giving reasonable suspicion that the person is driving or in actual physical control of a motor vehicle while impaired by the use of cannabis for conducting standardized field sobriety tests. This independent cannabis-related factual basis shall be included with the results of the standardized field sobriety tests on any reports made by the law enforcement officer who requests the test. The person's possession of a registry identification card issued under the Compassionate Use of Medical Cannabis Pilot Program Act alone is not a sufficient basis for reasonable suspicion.

For purposes of this Section, an Illinois law enforcement officer of this State who is investigating the person for any offense defined in Section 11-501 may travel into an adjoining state, where the person has been transported for medical care, to complete an investigation and to request that the person submit to the test or tests set forth in this Section.

(b) If the person refuses field sobriety tests or submits to field sobriety tests that disclose that the person is impaired by the use of cannabis, the law enforcement officer shall immediately submit a sworn report to the circuit court of venue and the Secretary of State, certifying that the test or tests was or were requested under this Section and the person refused to submit to field sobriety tests or submitted to field sobriety tests that disclosed the person was impaired by the use of cannabis. The sworn report must include the law enforcement officer's factual basis for reasonable suspicion that the person was impaired by the use of cannabis.

(c) Upon receipt of the sworn report of a law enforcement officer submitted under subsection (b), the Secretary of State shall enter the suspension to the driving record as follows:

(1) for refusal or failure to complete the standardized field sobriety tests, a 12-month suspension shall be entered; or

(2) for submitting to standardized field sobriety tests that disclosed the driver was impaired by the use of cannabis, a 6 month suspension shall be entered.

The Secretary of State shall confirm the suspension by mailing a notice of the effective date of the suspension to the person and the court of venue. However, if the sworn report is defective by not containing sufficient information or be completed in error, the confirmation of the suspension shall not be mailed to the person or entered to the record; instead, the sworn report shall be forwarded to the court of venue with a copy returned to the issuing agency identifying any defect.

(d) The law enforcement officer submitting the sworn report under subsection (b) of this Section shall serve immediate notice of the suspension on the person and the suspension shall be effective as provided in subsection (e) of this Section. If immediate notice of the suspension cannot be given, the arresting officer or arresting agency shall give notice by deposit in the United States mail of the notice in an envelope with postage prepaid and addressed to the person at his or her address as shown on the Uniform Traffic Ticket

and the suspension shall begin as provided in subsection (e) of this Section. The officer shall confiscate any Illinois driver's license or permit on the person at the time of arrest. If the person has a valid driver's license or permit, the officer shall issue the person a receipt, in a form prescribed by the Secretary of State, that will allow that person to drive during the period provided for in subsection (e) of this Section. The officer shall immediately forward the driver's license or permit to the circuit court of venue along with the sworn report provided for in subsection (b) of this Section.

(e) The suspension in subsection (c) of this Section shall take effect on the 46th day following the date the notice of the suspension was given to the person.

(f) Where a driving privilege has been suspended under this Section and the person is subsequently convicted of violating Section 11-501, or a similar provision of a local ordinance, for the same incident, any period served on suspension under this Section shall be credited toward the minimum period of revocation of driving privileges imposed under Section 6-205.

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act."

### AMENDMENT NO. 3 TO SENATE BILL 1955

AMENDMENT NO. 3. Amend Senate Bill 1955, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, as follows:

on page 1, line 6, after "85," by inserting "95,"; and

on page 24, line 22, by replacing "3" with "2"; and

on page 28, immediately below line 21, by inserting the following:

"(410 ILCS 130/95)

(Section scheduled to be repealed on January 1, 2018)

Sec. 95. Background checks.

(a) The Department of Agriculture through the Department of State Police shall conduct a finger-print-based criminal background check of the prospective cultivation center agents. Each prospective cultivation center agent shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall furnish, pursuant to positive identification, all Illinois conviction information to the Department of Agriculture. The Department of State Police shall be reimbursed for the cost of the background check by the Department of Agriculture. In order to carry out this provision, each person applying as a cultivation center agent shall submit a full set of fingerprints to the Department of Agriculture for the purpose of obtaining a State and federal criminal records check. The Department of Agriculture may exchange this data with the Department of State Police and the Federal Bureau of Investigation without disclosing that the records check is related to this Act. The Department of Agriculture shall destroy each set of fingerprints after the criminal records check is complete.

(b) When applying for the initial permit, the background checks for the principal officer, board members, and registered agents shall be completed prior to submitting the application to the Department of Agriculture.

(Source: P.A. 98-122, eff. 1-1-14.); and

on page 34, by replacing lines 11 through 25 with the following:

"Regulation shall conduct a finger-print-based criminal background check of the prospective dispensing organization agents in order to carry out this provision. Each prospective dispensing organization agent shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall furnish, pursuant to positive identification, all Illinois conviction information to the Department of Financial and Professional Regulation. The Department of State Police shall be reimbursed for the cost of the background check by the Department of Financial and Professional Regulation. Each person applying as a dispensing organization agent shall submit a full set of fingerprints to the Department of Financial and Professional Regulation for the purpose of obtaining a state and federal

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criminal records check. The Department of Financial and Professional Regulation may exchange this data with the Department of State Police and the Federal Bureau of Investigation without disclosing that the records check is related to this Act. The Department of Financial and Professional Regulation shall destroy each set of fingerprints after the criminal records check is completed."

**AMENDMENT NO. 4 TO SENATE BILL 1955**

AMENDMENT NO. 4. Amend Senate Bill 1955, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Disaster Relief Act is amended by changing Section 3 as follows:

(15 ILCS 30/3) (from Ch. 127, par. 293.3)

**Sec. 3. Disaster Response and Recovery Fund.**

(a) Whenever funds regularly appropriated to the State and local governmental bodies for disaster response and recovery are insufficient to provide services, and when the Governor has declared a disaster by proclamation in accordance with Section 7 of the Illinois Emergency Management Agency Act or any successor Act, the Governor may draw upon the Disaster Response and Recovery Fund in order to provide services or to reimburse local governmental bodies furnishing services. The fund may be used for the payment of emergency employees, for the payment of the Illinois National Guard when called to active duty, for disaster-related expenses of State Agencies and Departments, and for the emergency purchase or renting of equipment and commodities. The fund shall be used for furnishing emergency services and relief to the disaster area as a whole and shall not be used to provide private relief to persons sustaining property damages or personal injury as a result of a disaster.

(b) As soon as practical after the effective date of this amendatory Act of the 98th General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer \$5,900,000 from the General Revenue Fund to the Disaster Response and Recovery Fund to meet the State's cost sharing obligations with the Federal Emergency Management Agency under the federal Assistance to Individuals and Households Program pursuant to 42 U.S.C. 5174.  
(Source: P.A. 98-465, eff. 8-16-13.)

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

Under the rules, the foregoing **Senate Bill No. 1955**, with House Amendments numbered 2, 3 and 4, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1961

A bill for AN ACT concerning State government.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1961

House Amendment No. 2 to SENATE BILL NO. 1961

House Amendment No. 3 to SENATE BILL NO. 1961

Passed the House, as amended, December 3, 2013.

TIMOTHY D. MAPES, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 1961**

AMENDMENT NO. 1. Amend Senate Bill 1961 by replacing everything after the enacting clause with the following:

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"Section 5. The Environmental Protection Act is amended by changing Section 1 as follows:  
(415 ILCS 5/1) (from Ch. 111 1/2, par. 1001)

Sec. 1. This Act shall be known and may be cited as the "Environmental Protection Act".  
(Source: P.A. 76-2429)."

#### AMENDMENT NO. 2 TO SENATE BILL 1961

AMENDMENT NO. 2. Amend Senate Bill 1961, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 15-169 and 16-171 as follows:  
(40 ILCS 5/15-169) (from Ch. 108 1/2, par. 15-169)

Sec. 15-169. To elect officers and appoint employees. To elect officers; to appoint a secretary and treasurer; to have a seal; to employ and fix the rate of pay of such actuarial, legal, clerical, audit, medical, or other services, or corporate trustee organized under the laws of this State with a capital of not less than \$1,000,000, or investment counsel and other persons as shall be required for the efficient administration of the system. All actions brought by or against the board shall be prosecuted or defended by the Attorney General ~~or by other counsel, as the board may decide.~~  
(Source: P.A. 98-92, eff. 7-16-13.)

(40 ILCS 5/16-171) (from Ch. 108 1/2, par. 16-171)

Sec. 16-171. To sue and be sued. To sue and be sued in the name of the board. The board shall not be a corporation. The board may sue to protect any rights of the retirement system. All actions brought by or against the board shall be prosecuted or defended, as the case may be, by the Attorney General ~~or other counsel.~~

(Source: P.A. 83-1440.)

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

#### AMENDMENT NO. 3 TO SENATE BILL 1961

AMENDMENT NO. 3. Amend Senate Bill 1961, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 15-169 and 16-171 as follows:  
(40 ILCS 5/15-169) (from Ch. 108 1/2, par. 15-169)

Sec. 15-169. To elect officers and appoint employees. To elect officers; to appoint a secretary and treasurer; to have a seal; to employ and fix the rate of pay of such actuarial, legal, clerical, audit, medical, or other services, or corporate trustee organized under the laws of this State with a capital of not less than \$1,000,000, or investment counsel and other persons as shall be required for the efficient administration of the system. All actions brought by or against the board shall be prosecuted or defended by the Attorney General ~~or by other counsel, as the board may decide.~~ If the board pursues a mandamus action under Section 15-156 of this Code as amended by Senate Bill No. 1 of the 98th General Assembly in the form passed by the General Assembly, then the board may select the counsel of their choice.  
(Source: P.A. 98-92, eff. 7-16-13.)

(40 ILCS 5/16-171) (from Ch. 108 1/2, par. 16-171)

Sec. 16-171. To sue and be sued. To sue and be sued in the name of the board. The board shall not be a corporation. The board may sue to protect any rights of the retirement system. All actions brought by or against the board shall be prosecuted or defended, as the case may be, by the Attorney General ~~or other counsel.~~ If the board pursues a mandamus action under Section 16-158.2 of this Code as amended by Senate Bill No. 1 of the 98th General Assembly in the form passed by the General Assembly, then the board may select the counsel of their choice.

(Source: P.A. 83-1440.)

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

Under the rules, the foregoing **Senate Bill No. 1961**, with House Amendments numbered 1, 2 and 3, was referred to the Secretary's Desk.

#### JOINT ACTION MOTIONS FILED

[December 3, 2013]

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

Motion to Concur in House Amendments 1 and 2 to Senate Bill 114  
 Motion to Concur in House Amendments 2, 3 and 4 to Senate Bill 1955  
 Motion to Concur in House Amendments 1, 2 and 3 to Senate Bill 1961

### INTRODUCTION OF BILL

**SENATE BILL NO. 2634.** Introduced by Senator Haine, a bill for AN ACT concerning regulation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

### HOUSE BILL RECALLED

On motion of Senator T. Cullerton, **House Bill No. 3271** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment No. 2 was held in the Committee on Assignments.

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

#### AMENDMENT NO. 3 TO HOUSE BILL 3271

AMENDMENT NO. 3. Amend House Bill 3271, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Economic Development for a Growing Economy Tax Credit Act is amended by changing Section 5-15 as follows:

(35 ILCS 10/5-15)

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

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

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

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

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

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

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

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

(A) the Taxpayer (i) had an Illinois net loss or an Illinois net loss deduction

under Section 207 of the Illinois Income Tax Act for the taxable year in which the Credit is awarded,

(ii) employed a minimum of 1,000 full-time employees in this State during the taxable year in which

the Credit is awarded, (iii) has an Agreement under this Act on December 14, 2009 (the effective date of Public Act 96-834), and (iv) is in compliance with all provisions of that Agreement;

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

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

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

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

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

(1.6) The election under this subsection (f) may also be made by a Taxpayer for any Credit awarded pursuant to an agreement that was executed within 150 days after the effective date of this amendatory Act of the 97th General Assembly, if the Taxpayer (i) is primarily engaged in the operation of a discount department store, (ii) maintains its corporate headquarters in Illinois, (iii) employs a minimum of 4,250 full-time employees at its corporate headquarters in Illinois at the time of application, (iv) retains at least 4,250 full-time jobs in Illinois that would have been at risk of being relocated outside of Illinois, (v) had a minimum of \$40,000,000,000 in total revenue in 2010, and (vi) makes a capital investment of at least \$300,000,000 at the project location.

(1.7) Notwithstanding any other provision of law, the election under this subsection (f) may also be made by a Taxpayer for any Credit awarded pursuant to an agreement that was executed or applied for on or after July 1, 2011 and on or before March 31, 2012, if the Taxpayer is primarily engaged in the manufacture of original and aftermarket filtration parts and products for automobiles, motor vehicles, light duty motor vehicles, light trucks and utility vehicles, and heavy duty trucks, (ii) employs a minimum of 1,000 full-time employees in Illinois at the time of application, (iii) creates at least 250 full-time jobs in Illinois, (iv) relocates its corporate headquarters to Illinois from another state, and (v) makes a capital investment of at least \$4,000,000 at the project location.

(1.8) The election under this subsection (f) may also be made if:

(i) the agreement awarding the Credit was executed on or after the effective date of this amendatory Act of the 98th General Assembly but not later than 150 days after the effective date of this amendatory Act of the 98th General Assembly;

(ii) the taxpayer is primarily engaged in retail and business-to-business office products distribution, sales, and service;

(iii) the taxpayer maintains its corporate headquarters in Illinois;

(iv) the taxpayer employs a minimum of 2,050 full-time employees at its corporate headquarters and non-retail corporate locations in Illinois at the time of application;

(v) the taxpayer retains at least 2,050 full-time jobs in Illinois that would have been at risk of being relocated outside of Illinois as a result of a business combination with a third party;

(vi) the taxpayer creates at least 200 full-time jobs in Illinois as a result of a business combination with a third party;



(vii) the taxpayer's total aggregate revenue, when combined with that third party, was at least \$17,500,000,000 in 2012; and

(viii) the taxpayer makes a capital investment of at least \$150,000,000 at the project location.

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

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

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

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

(Source: P.A. 96-834, eff. 12-14-09; 96-836, eff. 12-16-09; 96-905, eff. 6-4-10; 96-1000, eff. 7-2-10; 96-1534, eff. 3-4-11; 97-2, eff. 5-6-11; 97-636, eff. 6-1-12.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

#### **AMENDMENT NO. 4 TO HOUSE BILL 3271**

AMENDMENT NO. 4. Amend House Bill 3271, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 3, on page 7, immediately below line 16, by inserting the following:

"(1.9) Notwithstanding any other provision of law, an election under this subsection (f) may also be made by a Taxpayer that:

(A) is primarily engaged in business as a distributor of industrial and specialty chemicals;

(B) relocates its corporate headquarters to Illinois from another State; and

(C) entered into an Agreement for a Credit prior to the effective date of this amendatory Act of the 98th General Assembly, which required the Taxpayer to (i) make a capital investment of at least \$9,300,000, (ii) retain at least 100 full-time jobs at project locations in Illinois, and (iii) create at least 69 full-time jobs at project locations in Illinois."; and

on page 7, line 21, after "Act", by inserting ", except that an election under paragraph (1.9) shall allow the credit to be taken against payments otherwise due under Section 704A of the Illinois Income Tax Act during the 12-month period beginning with the first month after the Taxpayer relocates its corporate headquarters to Illinois".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

#### **AMENDMENT NO. 5 TO HOUSE BILL 3271**

AMENDMENT NO. 5. Amend House Bill 3271, AS AMENDED, by deleting Section 99.

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

**READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

[December 3, 2013]

On motion of Senator T. Cullerton, **House Bill No. 3271** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 43; NAYS 10; Present 1.

The following voted in the affirmative:

Althoff	Harmon	Link	Raoul
Bertino-Tarrant	Harris	Manar	Rezin
Brady	Hastings	Martinez	Sandoval
Connelly	Holmes	McCann	Silverstein
Cullerton, T.	Hunter	McConnaughay	Stadelman
Cunningham	Jacobs	McGuire	Sullivan
Delgado	Jones, E.	Mulroe	Syverson
Dillard	Koehler	Muñoz	Trotter
Forby	Kotowski	Murphy	Van Pelt
Frerichs	Landek	Noland	Mr. President
Haine	Lightford	Radogno	

The following voted in the negative:

Barickman	Bush	Luechtefeld	Rose
Biss	Duffy	McCarter	
Bivins	LaHood	Morrison	

The following voted present:

Steans

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

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 2:28 o'clock p.m., the Chair announced that the Senate stand at ease.

#### AT EASE

At the hour of 2:39 o'clock p.m., the Senate resumed consideration of business.

Senator Sullivan, presiding.

#### REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Harmon, Chairperson of the Committee on Assignments, during its December 3, 2013 meeting, reported that the following Legislative Measures have been approved for consideration:

**Motion to Concur in House Amendments 1 and 2 to Senate Bill 114**  
**Motion to Concur in House Amendments 2, 3 and 4 to Senate Bill 1955**  
**Motion to Concur in House Amendments 1, 2 and 3 to Senate Bill 1961**

The foregoing concurrences were placed on the Secretary's Desk.

#### CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON

[December 3, 2013]

## SECRETARY'S DESK

On motion of Senator Forby, **Senate Bill No. 114**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Forby moved that the Senate concur with the House in the adoption of their amendments to said bill.

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

YEAS 55; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Harmon	Luechtefeld	Raoul
Barickman	Harris	Manar	Rezin
Bertino-Tarrant	Hastings	Martinez	Righter
Biss	Holmes	McCann	Rose
Bivins	Hunter	McCarter	Sandoval
Brady	Hutchinson	McConnaughay	Silverstein
Connelly	Jacobs	McGuire	Stadelman
Cullerton, T.	Jones, E.	Morrison	Steans
Cunningham	Koehler	Mulroe	Sullivan
Dillard	Kotowski	Muñoz	Syverson
Duffy	LaHood	Murphy	Trotter
Forby	Landek	Noland	Van Pelt
Frerichs	Lightford	Oberweis	Mr. President
Haine	Link	Radogno	

The following voted present:

Delgado

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 114**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Kotowski, **Senate Bill No. 1955**, with House Amendments numbered 2, 3 and 4 on the Secretary's Desk, was taken up for immediate consideration.

Senator Kotowski moved that the Senate concur with the House in the adoption of their amendments to said bill.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Link	Raoul
Barickman	Haine	Luechtefeld	Rezin
Bertino-Tarrant	Harmon	Manar	Righter
Biss	Harris	Martinez	Rose
Bivins	Hastings	McCann	Sandoval
Brady	Holmes	McCarter	Silverstein
Bush	Hunter	McConnaughay	Stadelman
Collins	Hutchinson	McGuire	Steans
Connelly	Jacobs	Morrison	Sullivan
Cullerton, T.	Jones, E.	Mulroe	Syverson
Cunningham	Koehler	Muñoz	Trotter
Delgado	Kotowski	Murphy	Van Pelt
Dillard	LaHood	Noland	Mr. President

[December 3, 2013]

Duffy  
Forby

Landek  
Lightford

Oberweis  
Radogno

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 2, 3 and 4 to **Senate Bill No. 1955**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Haine, **Senate Bill No. 1961**, with House Amendments numbered 1, 2 and 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator Haine moved that the Senate concur with the House in the adoption of their amendments to said bill.

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

YEAS 40; NAYS 14.

The following voted in the affirmative:

Althoff	Hunter	Martinez	Stadelman
Biss	Hutchinson	McConaughay	Steans
Brady	Jacobs	McGuire	Sullivan
Collins	Jones, E.	Morrison	Syverson
Connelly	Koehler	Mulroe	Trotter
Delgado	Kotowski	Muñoz	Van Pelt
Forby	Landek	Murphy	Mr. President
Frerichs	Lightford	Noland	
Haine	Link	Radogno	
Hastings	Luechtefeld	Sandoval	
Holmes	Manar	Silverstein	

The following voted in the negative:

Barickman	Cunningham	McCann	Righter
Bertino-Tarrant	Dillard	McCarter	Rose
Bivins	Duffy	Oberweis	
Cullerton, T.	LaHood	Raoul	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1, 2 and 3 to **Senate Bill No. 1961**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Bush asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the negative on **Senate Bill No. 1961**.

At the hour of 2:55 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

#### AFTER RECESS

At the hour of 4:28 o'clock p.m., the Senate resumed consideration of business.  
Senator Sullivan, presiding.

#### PRESENTATION OF RESOLUTIONS

##### SENATE RESOLUTION NO. 743

Offered by Senator Frerichs and all Senators.

Mourns the death of Garret Jakobsson of Mattoon.

[December 3, 2013]

**SENATE RESOLUTION NO. 744**

Offered by Senator Frerichs and all Senators.  
Mourns the death of Carroll W. Dukas.

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

**HOUSE BILL RECALLED**

On motion of Senator Manar, **House Bill No. 2536** was recalled from the order of third reading to the order of second reading.

Senator Manar offered the following amendment and moved its adoption:

**AMENDMENT NO. 3 TO HOUSE BILL 2536**

AMENDMENT NO. 3. Amend House Bill 2536, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Economic Development for a Growing Economy Tax Credit Act is amended by changing Section 5-15 as follows:

(35 ILCS 10/5-15)

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

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

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

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

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

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

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

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

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

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

(C) the Taxpayer (i) had an Illinois net operating loss carryforward under Section

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

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

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

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

(1.6) The election under this subsection (f) may also be made by a Taxpayer for any Credit awarded pursuant to an agreement that was executed within 150 days after the effective date of this amendatory Act of the 97th General Assembly, if the Taxpayer (i) is primarily engaged in the operation of a discount department store, (ii) maintains its corporate headquarters in Illinois, (iii) employs a minimum of 4,250 full-time employees at its corporate headquarters in Illinois at the time of application, (iv) retains at least 4,250 full-time jobs in Illinois that would have been at risk of being relocated outside of Illinois, (v) had a minimum of \$40,000,000,000 in total revenue in 2010, and (vi) makes a capital investment of at least \$300,000,000 at the project location.

(1.7) Notwithstanding any other provision of law, the election under this subsection (f) may also be made by a Taxpayer for any Credit awarded pursuant to an agreement that was executed or applied for on or after July 1, 2011 and on or before March 31, 2012, if the Taxpayer is primarily engaged in the manufacture of original and aftermarket filtration parts and products for automobiles, motor vehicles, light duty motor vehicles, light trucks and utility vehicles, and heavy duty trucks, (ii) employs a minimum of 1,000 full-time employees in Illinois at the time of application, (iii) creates at least 250 full-time jobs in Illinois, (iv) relocates its corporate headquarters to Illinois from another state, and (v) makes a capital investment of at least \$4,000,000 at the project location.

(1.8) Notwithstanding any other provision of law, the election under this subsection (f) may also be made by a Taxpayer for any Credit awarded pursuant to an agreement that was executed within 150 days after the effective date of this amendatory Act of the 98th General Assembly if the Taxpayer (i) is primarily engaged in agricultural processing, (ii) maintains its corporate headquarters in Illinois, and (iii) exported at least \$1,000,000,000 of goods produced in Illinois in 2012, and the agreement requires the Taxpayer:

(A) to employ and maintain from among its employment base in Illinois a minimum of 200 full-time employees at a global corporate headquarters established in Illinois by the Taxpayer after the effective date of this amendatory Act of the 98th General Assembly; at least 100 of those employees shall be new hires in full-time equivalent jobs; the remainder of those employees shall be employed by the Taxpayer in jobs which would have been at risk of being relocated outside of Illinois;

(B) to relocate, within 5 years after the effective date of this amendatory Act of the 98th General Assembly, at least 100 full-time equivalent positions from a location outside of Illinois to a location in the municipality where the Taxpayer's global corporate headquarters were located on the effective date of this amendatory Act of the 98th General Assembly and which will remain the Taxpayer's North American headquarters; those positions may be filled by new hires or by current employees of the Taxpayer;

(C) in addition to the positions specified in paragraph (D), to hire at least 100 full-time equivalent employees annually for a period of 5 years after the effective date of this amendatory Act of the 98th General Assembly, in positions that are new, open, or vacated, in order to support employment levels in the municipality where the Taxpayer's global corporate headquarters were located on the effective date of

this amendatory Act of the 98th General Assembly and which will remain the Taxpayer's North American headquarters;

(D) to establish and maintain an internal committee for a period of 5 years after the effective date of this amendatory Act of the 98th General Assembly to facilitate and promote the creation of positions for new employees and new employment in the municipality where its global corporate headquarters were located on the effective date of this amendatory Act of the 98th General Assembly and which will remain the Taxpayer's North American headquarters; and

(E) to incur at least \$20,000,000 in a combination of capital and relocation expenses in connection with the relocation of its global corporate headquarters.

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

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

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

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

(Source: P.A. 96-834, eff. 12-14-09; 96-836, eff. 12-16-09; 96-905, eff. 6-4-10; 96-1000, eff. 7-2-10; 96-1534, eff. 3-4-11; 97-2, eff. 5-6-11; 97-636, eff. 6-1-12.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Manar offered the following amendment and moved its adoption:

**AMENDMENT NO. 4 TO HOUSE BILL 2536**

AMENDMENT NO. 4. Amend House Bill 2536, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 3, on page 7, line 20, by replacing "(D)" with "(B)".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Manar offered the following amendment and moved its adoption:

**AMENDMENT NO. 5 TO HOUSE BILL 2536**

AMENDMENT NO. 5. Amend House Bill 2536, AS AMENDED, by deleting Section 99.

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

**READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

On motion of Senator Manar, **House Bill No. 2536** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

[December 3, 2013]

YEAS 39; NAYS 14.

The following voted in the affirmative:

Bertino-Tarrant	Hastings	Martinez	Rezin
Brady	Hunter	McCann	Righter
Cullerton, T.	Hutchinson	McConnaughay	Rose
Cunningham	Jacobs	McGuire	Sandoval
Dillard	Koehler	Mulroe	Silverstein
Forby	Kotowski	Muñoz	Sullivan
Frerichs	Landek	Murphy	Syverson
Haine	Lightford	Noland	Trotter
Harmon	Link	Radogno	Mr. President
Harris	Manar	Raoul	

The following voted in the negative:

Althoff	Bush	Luechtefeld	Stadelman
Barickman	Connelly	McCarter	Steans
Biss	Duffy	Morrison	
Bivins	LaHood	Oberweis	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

## **RESOLUTIONS CONSENT CALENDAR**

### **SENATE RESOLUTION NO. 695**

Offered by Althoff and all Senators.  
Mourns the death of Lee Allen “Sam” Kurth of Harvard.

### **SENATE RESOLUTION NO. 696**

Offered by Senator Mulroe and all Senators.  
Mourns the death of Jeanine Dorothy (nee Philpott) Lupo.

### **SENATE RESOLUTION NO. 697**

Offered by Senator Haine and all Senators.  
Mourns the death of Marilyn Bromaghim.

### **SENATE RESOLUTION NO. 698**

Offered by Senator Koehler and all Senators.  
Mourns the death of Melba Colleen (nee Brush) Ripper of Canton.

### **SENATE RESOLUTION NO. 699**

Offered by Senator Harmon and all Senators.  
Mourns the death of Elyssa Rosen.

### **SENATE RESOLUTION NO. 700**

Offered by Senator Link and all Senators.  
Mourns the death of Harrison “Gene” Willis of Vernon Hills.

### **SENATE RESOLUTION NO. 701**

Offered by Senator Link and all Senators.  
Mourns the death of James P. Tentes of Waukegan.

### **SENATE RESOLUTION NO. 702**

[December 3, 2013]



Offered by Senator Link and all Senators.  
Mourns the death of Ray Hagedorn of Gurnee.

**SENATE RESOLUTION NO. 703**

Offered by Senator Link and all Senators.  
Mourns the death of Michael Robert "Mickey" Pavelick of Waukegan.

**SENATE RESOLUTION NO. 704**

Offered by Senator Link and all Senators.  
Mourns the death of Kathie Vaglienty.

**SENATE RESOLUTION NO. 705**

Offered by Senator Link and all Senators.  
Mourns the death of Margaret M. McClellan of Forked River.

**SENATE RESOLUTION NO. 706**

Offered by Senator Kotowski and all Senators.  
Mourns the death of Janie Morrison of River Grove.

**SENATE RESOLUTION NO. 707**

Offered by Senator Van Pelt and all Senators.  
Mourns the death of Deverra Beverly of Chicago.

**SENATE RESOLUTION NO. 708**

Offered by President Cullerton and all Senators.  
Mourns the death of Deverra Beverly of Chicago.

**SENATE RESOLUTION NO. 709**

Offered by Senator McConnaughay and all Senators.  
Mourns the death of Neil Kenneth Olson of Geneva.

**SENATE RESOLUTION NO. 710**

Offered by Senator McConnaughay and all Senators.  
Mourns the death of Susan M. (nee Brazill) Tegeler of Geneva.

**SENATE RESOLUTION NO. 711**

Offered by Senator McConnaughay and all Senators.  
Mourns the death of Gene L. Nottolini.

**SENATE RESOLUTION NO. 712**

Offered by Senator McConnaughay and all Senators.  
Mourns the death of Jim Hansen.

**SENATE RESOLUTION NO. 713**

Offered by Senator Althoff and all Senators.  
Mourns the death of Bert W. Farm of McHenry.

**SENATE RESOLUTION NO. 714**

Offered by Senator Althoff and all Senators.  
Mourns the death of Lorraine L. Huffman of Crystal Lake.

**SENATE RESOLUTION NO. 715**

Offered by Senator Althoff and all Senators.  
Mourns the death of John E. May of Woodstock.

**SENATE RESOLUTION NO. 716**

Offered by Senator Althoff and all Senators.  
Mourns the death of Fay Ann Taylor Miller.

**SENATE RESOLUTION NO. 717**

Offered by Senator Althoff and all Senators.  
Mourns the death of Herman W. "Hershey" Krueger of Johnsburg.

**SENATE RESOLUTION NO. 718**

Offered by Senator Mulroe and all Senators.  
Mourns the death of Lillian N.(nee Narro) Mejia.

**SENATE RESOLUTION NO. 719**

Offered by Senator Haine and all Senators.  
Mourns the death of Arthur J. Lindsey of Wood River.

**SENATE RESOLUTION NO. 720**

Offered by Senator Haine and all Senators.  
Mourns the death of Billy G. Goessman.

**SENATE RESOLUTION NO. 721**

Offered by Senator Dillard and all Senators.  
Mourns the death of Rachel Myers Gibson.

**SENATE RESOLUTION NO. 722**

Offered by Senator Link and all Senators.  
Mourns the death of Delmer H. "Dusty" Powell, Jr. of Gurnee.

**SENATE RESOLUTION NO. 723**

Offered by Senator Link and all Senators.  
Mourns the death of Walter Schmidt of Waukegan.

**SENATE RESOLUTION NO. 724**

Offered by Senator Link and all Senators.  
Mourns the death of Frances H. (nee Marolt) Ogrin of Waukegan.

**SENATE RESOLUTION NO. 725**

Offered by Senator Link and all Senators.  
Mourns the death of Ronnie James Boddie of North Chicago.

**SENATE RESOLUTION NO. 726**

Offered by Senator Link and all Senators.  
Mourns the death of Daniel Andrew Ryckman of Waukegan.

**SENATE RESOLUTION NO. 727**

Offered by Senator Link and all Senators.  
Mourns the death of Barbara (nee Slobe) Donohue of Waukegan.

**SENATE RESOLUTION NO. 728**

Offered by Senator Link and all Senators.  
Mourns the death of the Reverend Carl Winfred Lawson, Jr. of Waukegan.

**SENATE RESOLUTION NO. 729**

Offered by Senator Link and all Senators.  
Mourns the death of Marlene A. Shields (nee Franz) of Waukegan.

**SENATE RESOLUTION NO. 730**

Offered by Senator McCann and all Senators.  
Mourns the death of Kenneth Howard Norton, Sr.

**SENATE RESOLUTION NO. 731**

Offered by President Cullerton-Forby and all Senators.  
Mourns the death of John Edward Rednour, Sr. of Du Quoin.

**SENATE RESOLUTION NO. 732**

Offered by Senator Manar and all Senators.  
Mourns the death of Bishop Larry Darnell Young of Decatur.

**SENATE RESOLUTION NO. 733**

Offered by Senator Manar and all Senators.  
Mourns the death of Bishop Emeritus Willie F. Newbon.

**SENATE RESOLUTION NO. 734**

Offered by Senator Manar and all Senators.  
Mourns the death of the Reverend Lloyd E. Jackson, Sr.

**SENATE RESOLUTION NO. 735**

Offered by Senator Manar and all Senators.  
Mourns the death of Virginia "Ginny" Clemonds of Plainview.

**SENATE RESOLUTION NO. 736**

Offered by Senator Manar and all Senators.  
Mourns the death of Pastor B. G. Nevitt of Decatur.

**SENATE RESOLUTION NO. 737**

Offered by Senator Manar and all Senators.  
Mourns the death of Pastor James Charles Rice of Decatur.

**SENATE RESOLUTION NO. 738**

Offered by Senator Koehler and all Senators.  
Mourns the death of John Robert "Bob" Bender of Manito.

**SENATE RESOLUTION NO. 739**

Offered by Senator McCann and all Senators.  
Mourns the death of Don Anthony "D.A." Joiner of Carlinville.

**SENATE RESOLUTION NO. 740**

Offered by Senator Haine and all Senators.  
Mourns the death of James R. "Jim" Holt.

**SENATE RESOLUTION NO. 741**

Offered by Senators Koehler-Sullivan and all Senators.  
Mourns the death of Alexander L. Van Meter of Galesburg.

**SENATE RESOLUTION NO. 743**

Offered by Senator Frerichs and all Senators.  
Mourns the death of Garret Jakobsson of Mattoon.

**SENATE RESOLUTION NO. 744**

Offered by Senator Frerichs and all Senators.  
Mourns the death of Carroll W. Dukes.

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

**MESSAGES FROM THE HOUSE**

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

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

**HOUSE JOINT RESOLUTION NO. 66**

**RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN**, that when the two Houses adjourn on Tuesday, December 03, 2013, the House of Representatives stands adjourned until the call of the Speaker; and the Senate stands adjourned until the call of the President.

Adopted by the House, December 3, 2013.

TIMOTHY D. MAPES, Clerk of the House

By unanimous consent, on motion of Senator Harmon, the foregoing message reporting House Joint Resolution No. 66 was taken up for immediate consideration.

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

The motion prevailed.

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

Ordered that the Secretary inform the House of Representatives thereof.

A message from the House by

Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

**HOUSE BILL 1002**

A bill for AN ACT concerning education.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 1002

Concurred in by the House, December 3, 2013.

TIMOTHY D. MAPES, Clerk of the House

At the hour of 4:49 o'clock p.m., pursuant to **House Joint Resolution No. 66**, the Chair announced the Senate stand adjourned until the call of the President.