SENATE JOURNAL

STATE OF ILLINOIS

NINETY-EIGHTH GENERAL ASSEMBLY

118TH LEGISLATIVE DAY

THURSDAY, MAY 8, 2014

11:07 O'CLOCK A.M.

NO. 118
[May 8, 2014]

SENATE
Daily Journal Index
118th Legislative Day

The Senate met pursuant to adjournment.
Senator John M. Sullivan, Rushville, Illinois, presiding.
Prayer by Dr. Maryam Moustoufi, Islamic Society of Greater Springfield, Springfield, Illinois.
Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hutchinson moved that reading and approval of the Journal of Wednesday, May 7, 2014, be postponed, pending arrival of the printed Journal.
The motion prevailed.

LEGISLATIVE MEASURES FILED

The following Floor amendment to the Senate Resolution listed below has been filed with the Secretary and referred to the Committee on Assignments:

Senate Floor Amendment No. 3 to Senate Joint Resolution 62

The following Floor amendment to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Senate Committee Amendment No. 1 to Senate Bill 1051

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

Senate Committee Amendment No. 1 to House Bill 1452
Senate Committee Amendment No. 1 to House Bill 1711
Senate Committee Amendment No. 1 to House Bill 3948
Senate Committee Amendment No. 1 to House Bill 5416
Senate Committee Amendment No. 1 to House Bill 5785
Senate Committee Amendment No. 1 to House Bill 5828

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

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

May 8, 2014

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

Dear Mr. Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby establish May 8th, 2014 as the 3rd Reading deadline for Senate Bill 2674.

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

cc: Senate Republican Leader Christine Radogno

REPORTS FROM STANDING COMMITTEES

Senator Martinez, Chairperson of the Committee on Licensed Activities and Pensions, to which was referred **House Bills Numbered 5464, 5592 and 5696,** reported the same back with the recommendation that the bills do pass.

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

Senator Martinez, Chairperson of the Committee on Licensed Activities and Pensions, to which was referred **House Bill No. 4381,** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

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

Senate Amendment No. 2 to Senate Bill 2674

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

Senator Landek, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Resolution No. 1049,** reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 1049** was placed on the Secretary's Desk.

Senator Landek, of the Committee on State Government and Veterans Affairs, to which was referred **House Bills Numbered 1322, 4769, 5433, 5585, 5697 and 5793,** reported the same back with the recommendation that the bills do pass.

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

Senator Landek, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **House Bills Numbered 3092, 4264 and 5853,** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

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

Senate Amendment No. 2 to Senate Bill 16
Senate Amendment No. 1 to Senate Bill 712
Senate Amendment No. 1 to Senate Bill 727

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

Senator Harmon, Chairperson of the Committee on Executive, to which was referred **House Bills Numbered 8, 4205, 5491, 5623, 5684, 5755, 5824 and 5926,** reported the same back with the recommendation that the bills do pass.

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

Senator Harmon, Chairperson of the Committee on Executive, to which was referred **House Bill No. 4223,** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Haine, Chairperson of the Committee on Insurance, to which was referred **House Bills Numbered 4677, 4725, 5575 and 5692,** reported the same back with the recommendation that the bills do pass.

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

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

Senate Amendment No. 4 to Senate Bill 3382

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

Senator Hutchinson, Chairperson of the Committee on Revenue, to which was referred **House Bills Numbered 5564 and 5893,** reported the same back with the recommendation that the bills do pass.

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

Senator Kotowski, Chairperson of the Committee on Appropriations II, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 277
Senate Amendment No. 3 to Senate Bill 277

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

Senator Althoff asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

At the hour of 11:15 o'clock a.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

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

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 1186

Offered by Senator Van Pelt and all Senators:
Mourns the death of Ulice "Uke" Strickland of Chicago.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Hunter, **House Bill No. 2378** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 2544** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 3744** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **House Bill No. 3765** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 3819** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 3830** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bertino-Tarrant, **House Bill No. 3885** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rezin, **House Bill No. 3924** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bush, **House Bill No. 3939** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 3939

AMENDMENT NO. 1. Amend House Bill 3939 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 10-20.12 and 27-8.1 as follows:

(105 ILCS 5/10-20.12) (from Ch. 122, par. 10-20.12)

Sec. 10-20.12. School year - School age. To establish and keep in operation in each year during a school term of at least the minimum length required by Section 10-19, a sufficient number of free schools for the accommodation of all persons in the district who are 5 years of age or older but under 21 years of age, and to secure for all such persons the right and opportunity to an equal education in such schools; provided that (i) children who will attain the age of 5 years on or before September 1 of the year of the 1990-1991 school term and each school term thereafter may attend school upon the commencement of such term and (ii) based upon an assessment of the child's readiness, children who have attended a non-public preschool and continued their education at that school through kindergarten, were taught in kindergarten by an appropriately certified teacher, and will attain the age of 6 years on or before December 31 of the year of the 2009-2010 school term and each school term thereafter may attend first grade upon commencement of such term. However, Section 33 of the Educational Opportunity for Military Children Act shall apply to children of active duty military personnel. Based upon an assessment of a child's readiness to attend school, a school district may permit a child to attend school prior to the dates contained in this Section. In any school district operating on a full year school basis children who will attain age 5 within 30 days after the commencement of a term may attend school upon the commencement of such term and, based upon an assessment of the child's readiness, children who have attended a non-public preschool and continued their education at that school through kindergarten, were taught in kindergarten by an appropriately certified teacher, and will attain age 6 within 4 months after the commencement of a term may attend first grade upon the commencement of such term. The school district may, by resolution of its board, allow for a full year school plan.

(Source: P.A. 96-864, eff. 1-21-10.)

(105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

Sec. 27-8.1. Health examinations and immunizations.

(1) In compliance with rules and regulations which the Department of Public Health shall promulgate, and except as hereinafter provided, all children in Illinois shall have a health examination as follows: within one year prior to entering kindergarten or the first grade of any public, private, or parochial elementary school; upon entering the sixth and ninth grades of any public, private, or parochial school; prior to entrance into any public, private, or parochial nursery school; and, irrespective of grade, immediately prior to or upon entrance into any public, private, or parochial school or nursery school, each child shall present proof of having been examined in accordance with this Section and the rules and

regulations promulgated hereunder. Any child who received a health examination within one year prior to entering the fifth grade for the 2007-2008 school year is not required to receive an additional health examination in order to comply with the provisions of Public Act 95-422 when he or she attends school for the 2008-2009 school year, unless the child is attending school for the first time as provided in this paragraph.

A tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis. Additional health examinations of pupils, including eye examinations, may be required when deemed necessary by school authorities. Parents are encouraged to have their children undergo eye examinations at the same points in time required for health examinations.

(1.5) In compliance with rules adopted by the Department of Public Health and except as otherwise provided in this Section, all children in kindergarten and the second and sixth grades of any public, private, or parochial school shall have a dental examination. Each of these children shall present proof of having been examined by a dentist in accordance with this Section and rules adopted under this Section before May 15th of the school year. If a child in the second or sixth grade fails to present proof by May 15th, the school may hold the child's report card until one of the following occurs: (i) the child presents proof of a completed dental examination or (ii) the child presents proof that a dental examination will take place within 60 days after May 15th. The Department of Public Health shall establish, by rule, a waiver for children who show an undue burden or a lack of access to a dentist. Each public, private, and parochial school must give notice of this dental examination requirement to the parents and guardians of students at least 60 days before May 15th of each school year.

(1.10) Except as otherwise provided in this Section, all children enrolling in kindergarten in a public, private, or parochial school on or after the effective date of this amendatory Act of the 95th General Assembly and any student enrolling for the first time in a public, private, or parochial school on or after the effective date of this amendatory Act of the 95th General Assembly shall have an eye examination. Each of these children shall present proof of having been examined by a physician licensed to practice medicine in all of its branches or a licensed optometrist within the previous year, in accordance with this Section and rules adopted under this Section, before October 15th of the school year. If the child fails to present proof by October 15th, the school may hold the child's report card until one of the following occurs: (i) the child presents proof of a completed eye examination or (ii) the child presents proof that an eye examination will take place within 60 days after October 15th. The Department of Public Health shall establish, by rule, a waiver for children who show an undue burden or a lack of access to a physician licensed to practice medicine in all of its branches who provides eye examinations or to a licensed optometrist. Each public, private, and parochial school must give notice of this eye examination requirement to the parents and guardians of students in compliance with rules of the Department of Public Health. Nothing in this Section shall be construed to allow a school to exclude a child from attending because of a parent's or guardian's failure to obtain an eye examination for the child.

(2) The Department of Public Health shall promulgate rules and regulations specifying the examinations and procedures that constitute a health examination, which shall include the collection of data relating to obesity (including at a minimum, date of birth, gender, height, weight, blood pressure, and date of exam), and a dental examination and may recommend by rule that certain additional examinations be performed. The rules and regulations of the Department of Public Health shall specify that a tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis. The Department of Public Health shall specify that a diabetes screening as defined by rule shall be included as a required part of each health examination. Diabetes testing is not required.

Physicians licensed to practice medicine in all of its branches, advanced practice nurses who have a written collaborative agreement with a collaborating physician which authorizes them to perform health examinations, or physician assistants who have been delegated the performance of health examinations by their supervising physician shall be responsible for the performance of the health examinations, other than dental examinations, eye examinations, and vision and hearing screening, and shall sign all report forms required by subsection (4) of this Section that pertain to those portions of the health examination for which the physician, advanced practice nurse, or physician assistant is responsible. If a registered nurse performs any part of a health examination, then a physician licensed to practice medicine in all of its branches must review and sign all required report forms. Licensed dentists shall perform all dental examinations and shall sign all report forms required by subsection (4) of this Section that pertain to the dental examinations. Physicians licensed to practice medicine in all its branches or licensed optometrists shall perform all eye examinations required by this Section and shall sign all report forms required by subsection (4) of this Section that pertain to the eye examination. For purposes of this Section, an eye examination shall at a

minimum include history, visual acuity, subjective refraction to best visual acuity near and far, internal and external examination, and a glaucoma evaluation, as well as any other tests or observations that in the professional judgment of the doctor are necessary. Vision and hearing screening tests, which shall not be considered examinations as that term is used in this Section, shall be conducted in accordance with rules and regulations of the Department of Public Health, and by individuals whom the Department of Public Health has certified. In these rules and regulations, the Department of Public Health shall require that individuals conducting vision screening tests give a child's parent or guardian written notification, before the vision screening is conducted, that states, "Vision screening is not a substitute for a complete eye and vision evaluation by an eye doctor. Your child is not required to undergo this vision screening if an optometrist or ophthalmologist has completed and signed a report form indicating that an examination has been administered within the previous 12 months."

(3) Every child shall, at or about the same time as he or she receives a health examination required by subsection (1) of this Section, present to the local school proof of having received such immunizations against preventable communicable diseases as the Department of Public Health shall require by rules and regulations promulgated pursuant to this Section and the Communicable Disease Prevention Act.

(4) The individuals conducting the health examination, dental examination, or eye examination shall record the fact of having conducted the examination, and such additional information as required, including for a health examination data relating to obesity (including at a minimum, date of birth, gender, height, weight, blood pressure, and date of exam), on uniform forms which the Department of Public Health and the State Board of Education shall prescribe for statewide use. The examiner shall summarize on the report form any condition that he or she suspects indicates a need for special services, including for a health examination factors relating to obesity. The individuals confirming the administration of required immunizations shall record as indicated on the form that the immunizations were administered.

(5) If a child does not submit proof of having had either the health examination or the immunization as required, then the child shall be examined or receive the immunization, as the case may be, and present proof by October 15 of the current school year, or by an earlier date of the current school year established by a school district. To establish a date before October 15 of the current school year for the health examination or immunization as required, a school district must give notice of the requirements of this Section 60 days prior to the earlier established date. If for medical reasons one or more of the required immunizations must be given after October 15 of the current school year, or after an earlier established date of the current school year, then the child shall present, by October 15, or by the earlier established date, a schedule for the administration of the immunizations and a statement of the medical reasons causing the delay, both the schedule and the statement being issued by the physician, advanced practice nurse, physician assistant, registered nurse, or local health department that will be responsible for administration of the remaining required immunizations. If a child does not comply by October 15, or by the earlier established date of the current school year, with the requirements of this subsection, then the local school authority shall exclude that child from school until such time as the child presents proof of having had the health examination as required and presents proof of having received those required immunizations which are medically possible to receive immediately. During a child's exclusion from school for noncompliance with this subsection, the child's parents or legal guardian shall be considered in violation of Section 26-1 and subject to any penalty imposed by Section 26-10. This subsection (5) does not apply to dental examinations and eye examinations. <u>If</u> ~~Until June 30, 2015, if~~ the student is an out-of-state transfer student and does not have the proof required under this subsection (5) before October 15 of the current year or whatever date is set by the school district, then he or she may only attend classes (i) if he or she has proof that an appointment for the required vaccinations has been scheduled with a party authorized to submit proof of the required vaccinations. If the proof of vaccination required under this subsection (5) is not submitted within 30 days after the student is permitted to attend classes, then the student is not to be permitted to attend classes until proof of the vaccinations has been properly submitted. No school district or employee of a school district shall be held liable for any injury or illness to another person that results from admitting an out-of-state transfer student to class that has an appointment scheduled pursuant to this subsection (5).

(6) Every school shall report to the State Board of Education by November 15, in the manner which that agency shall require, the number of children who have received the necessary immunizations and the health examination (other than a dental examination or eye examination) as required, indicating, of those who have not received the immunizations and examination as required, the number of children who are exempt from health examination and immunization requirements on religious or medical grounds as provided in subsection (8). On or before December 1 of each year, every public school district and registered nonpublic school shall make publicly available the immunization data they are required to

submit to the State Board of Education by November 15. The immunization data made publicly available must be identical to the data the school district or school has reported to the State Board of Education.

Every school shall report to the State Board of Education by June 30, in the manner that the State Board requires, the number of children who have received the required dental examination, indicating, of those who have not received the required dental examination, the number of children who are exempt from the dental examination on religious grounds as provided in subsection (8) of this Section and the number of children who have received a waiver under subsection (1.5) of this Section.

Every school shall report to the State Board of Education by June 30, in the manner that the State Board requires, the number of children who have received the required eye examination, indicating, of those who have not received the required eye examination, the number of children who are exempt from the eye examination as provided in subsection (8) of this Section, the number of children who have received a waiver under subsection (1.10) of this Section, and the total number of children in noncompliance with the eye examination requirement.

The reported information under this subsection (6) shall be provided to the Department of Public Health by the State Board of Education.

(7) Upon determining that the number of pupils who are required to be in compliance with subsection (5) of this Section is below 90% of the number of pupils enrolled in the school district, 10% of each State aid payment made pursuant to Section 18-8.05 to the school district for such year may be withheld by the State Board of Education until the number of students in compliance with subsection (5) is the applicable specified percentage or higher.

(8) Parents or legal guardians who object to health, dental, or eye examinations or any part thereof, or to immunizations, on religious grounds shall not be required to submit their children or wards to the examinations or immunizations to which they so object if such parents or legal guardians present to the appropriate local school authority a signed statement of objection, detailing the grounds for the objection. If the physical condition of the child is such that any one or more of the immunizing agents should not be administered, the examining physician, advanced practice nurse, or physician assistant responsible for the performance of the health examination shall endorse that fact upon the health examination form. Exempting a child from the health, dental, or eye examination does not exempt the child from participation in the program of physical education training provided in Sections 27-5 through 27-7 of this Code.

(9) For the purposes of this Section, "nursery schools" means those nursery schools operated by elementary school systems or secondary level school units or institutions of higher learning.

(Source: P.A. 96-953, eff. 6-28-10; 97-216, eff. 1-1-12; 97-910, eff. 1-1-13.)

Section 10. The Illinois School Student Records Act is amended by changing Section 8.1 as follows:

(105 ILCS 10/8.1) (from Ch. 122, par. 50-8.1)

Sec. 8.1. (a) No school may refuse to admit or enroll a student because of that student's failure to present his student permanent or temporary record from a school previously attended.

(b) When a new student applies for admission to a school and does not present his school student record, such school may notify the school or school district last attended by such student, requesting that the student's school student record be copied and sent to it; such request shall be honored within 10 days after it is received. Within 10 days after receiving a request from the Department of Children and Family Services, the school district last attended by the student shall send the student's school student record to the receiving school district.

(c) In the case of a transfer between school districts of a student who is eligible for special education and related services, when the parent or guardian of the student presents a copy of the student's then current individualized education program (IEP) to the new school, the student shall be placed in a special education program in accordance with that described in the student's IEP.

(d) Out-of-state ~~Until June 30, 2015, out-of-state~~ transfer students~~, including children of military personnel that transfer into this State,~~ may use unofficial transcripts for admission to a school until official transcripts are obtained from his or her last school district , including children of military personnel that transfer into this State, subject to Section 32 of the Educational Opportunity for Military Children Act.

(Source: P.A. 96-953, eff. 6-28-10; 97-216, eff. 1-1-12.)

Section 15. The Educational Opportunity for Military Children Act is amended by changing Sections 5, 10, 20, 25, 35, and 40 and by adding Sections 32 and 33 as follows:

(105 ILCS 70/5)

(Section scheduled to be repealed on June 30, 2015)

Sec. 5. Purpose. It is the purpose of this Act to remove barriers to educational success imposed on children of active duty military personnel ~~families~~ because of frequent moves and deployment of their parents by:

(1) facilitating the timely enrollment of children of active duty military personnel ~~families~~ and ensuring that they

are not placed at a disadvantage due to difficulty in the transfer of educational records from the previous school district;

(2) facilitating the student placement process through which children of active duty military personnel ~~families~~ are

not disadvantaged by variations in attendance requirements, scheduling, sequencing, or assessment;

(3) facilitating the qualification and eligibility for enrollment and educational

programs of children of active duty military personnel;

(4) facilitating the on-time graduation of children of active duty military personnel ~~families~~; and

(5) promoting flexibility and cooperation between the educational system, parents, and

the student in order to achieve educational success for the student.

(Source: P.A. 96-953, eff. 6-28-10.)

(105 ILCS 70/10)

(Section scheduled to be repealed on June 30, 2015)

Sec. 10. Findings; authority to enter into compact. The General Assembly finds and declares that this State recognizes that there is created an Interstate Commission on Educational Opportunity for Military Children through the Council of State Governments, in cooperation with the U.S. Department of Defense Office of Personnel and Readiness, for addressing the needs of students in transition. The Interstate Commission on Educational Opportunity for Military Children is a group of member states who have joined to create laws easing the transition of children of active duty military personnel ~~families~~. The Governor of this State is authorized and directed to enter into a compact governed by this Act on behalf of this State with any of the United States legally joining therein.

(Source: P.A. 96-953, eff. 6-28-10.)

(105 ILCS 70/20)

(Section scheduled to be repealed on June 30, 2015)

Sec. 20. Definitions. For purposes of this Act:

"Active duty military personnel" means active duty members of the uniformed military services, including any of the following:

(1) Members of the National Guard and Reserve that are on active duty pursuant to 10 U.S.C. 1209 and 10 U.S.C. 1211.

(2) Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement.

(3) Members of the uniformed services who die on active duty for a period of one year after death.

"Non-custodial parent" means a person who has temporary custody of the child of any active duty military personnel and who is responsible for making decisions for that child.

"State Council" means the Illinois P-20 Council and additional representatives appointed by the Illinois P-20 Council as provided under Section 40 of this Act.

(Source: P.A. 96-953, eff. 6-28-10.)

(105 ILCS 70/25)

(Section scheduled to be repealed on June 30, 2015)

Sec. 25. Tuition for children of active duty military personnel who are transfer students. ~~(a) For purposes of this Section, "non-custodial parent" means a person who has temporary custody of the child of active duty military personnel and who is responsible for making decisions for that child. (b)~~ If a student who is a child of active duty military personnel is (i) placed with a non-custodial parent and (ii) as a result of placement, must attend a non-resident school district, then the student must not be charged the tuition of the school that the student attends as a result of placement with the non-custodial parent and the student must be counted in the calculation of average daily attendance under Section 18-8.05 of the School Code.

(Source: P.A. 96-953, eff. 6-28-10.)

(105 ILCS 70/32 new)

Sec. 32. Educational records for children of active duty military personnel.

(a) In the event that official educational records cannot be released to parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records to the extent feasible. Upon receipt of the unofficial educational records by a school in the receiving state, the school shall enroll and appropriately place the student based on the

information provided in the unofficial records, pending validation by the official records as quickly as possible. This subsection (a) does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in a course or courses.

(b) Simultaneous with the enrollment and conditional placement of a student, the school in the receiving state shall request the student's official educational record from the school in the sending state. Upon receipt of this request, the school in the sending state shall process and furnish the official educational records to the receiving state within 15 days.

(105 ILCS 70/33 new)

Sec. 33. Enrollment and entrance age for children of active duty military personnel. Students must be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level (including kindergarten) at the school in the sending state at the time of transition. A student who has satisfactorily completed the requisite grade level in the school in the sending state is eligible for enrollment in the next highest grade level in the receiving state. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state at his or her validated grade level at an accredited school in the sending state. This Section does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

(105 ILCS 70/35)

(Section scheduled to be repealed on June 30, 2015)

Sec. 35. Course placement; program placement; placement flexibility; graduation; extracurricular activities; absences related to deployment activities for children of active duty military personnel ~~Required courses for transfer students; pre-requisites; credit transfer; graduation~~.

(a) If a student transfers before or during the school year, the school in the receiving state shall initially honor placement of the student in educational courses based on the student's enrollment in the school in the sending state or educational assessments conducted at the school in the sending state if the courses are offered and space is available. Course placement includes, but is not limited to, honors, International Baccalaureate, Advanced Placement, vocational, and technical and career pathways courses. Continuing the student's academic program from the school in the sending state and promoting placement in academically and career-challenging courses must be paramount when considering placement. This subsection (a) does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course or courses. ~~A student that transfers to a new school district may transfer into a comparable course to continue credit work for a course from which the student transferred out of only if the new school district offers the course and space is available. This subsection (a) includes courses offered for gifted and talented children pursuant to Article 14A of the School Code and courses for English as a Second Language program.~~

(b) The receiving school shall initially honor the placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation or placement in like programs in the school in the sending state. Such programs include, but are not limited to, gifted and talented programs and English as a Second Language (ESL). This subsection (b) does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student. ~~The school district of a school may determine if courses taken by a transfer student at his or her old school satisfy the pre-requisite course requirements for any courses that the transfer student wishes to take at his or her current school. The school district may determine a current and future schedule that is appropriate for the student that satisfies any pre-requisite course requirements in order for that student to take any courses that he or she wishes to attend.~~

(c) The school district of a school shall have flexibility in waiving course or program prerequisites or other preconditions for placement in offered courses or programs. The school district of a school shall ~~may~~ work with a transfer student to determine an appropriate schedule that ensures that a student will graduate, provided that the student has met the district's minimal graduation requirements, which may be modified provided that the modifications are a result of scheduling issues and not a result of the student's academic failure.

(d) If a student transfers to a new school district during his or her senior year and the receiving school district cannot make reasonable adjustments under this Section to ensure graduation, then the school district shall make every reasonable effort to ensure that the school district from where the student transfers issues the student a diploma.

(e) Schools shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, to the extent the children are otherwise qualified and space is available as determined by the school principal.

(f) A student whose parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat-support posting must be granted additional absences, at the discretion of the school district's superintendent, to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

(Source: P.A. 96-953, eff. 6-28-10.)

(105 ILCS 70/40)

(Section scheduled to be repealed on June 30, 2015)

Sec. 40. State coordination.

(a) Each member state of the Interstate Commission on Educational Opportunity for Military Children shall, through the creation of a State Council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies, and military installations concerning the State's participation in and compliance with the compact and Interstate Commission activities. The State Council shall be comprised of the Illinois P-20 Council, a representative from a school district associated with U.S. Army Garrison - Rock Island Arsenal having the highest percentage of students who are children of active duty military personnel, a representative from a school district associated with Scott Air Force Base having the highest percentage of students who are children of active duty military personnel, a representative from a school district associated with Naval Station Great Lakes having the highest percentage of students who are children of active duty military personnel, a representative from the school district with the highest percentage of students who are children of active duty military personnel not already represented in the State Council, ~~representatives appointed by the Illinois P-20 Council from the 3 school districts in this State with the highest percentage of children from military families,~~ and a ~~one~~ non-voting representative appointed by each active-duty military installation commander in this State.

(b) The compact commissioner responsible for the administration and management of the State's participation in the compact shall be appointed by the State Council.

(Source: P.A. 96-953, eff. 6-28-10; 97-216, eff. 1-1-12.)

(105 ILCS 70/995 rep.)

Section 20. The Educational Opportunity for Military Children Act is amended by repealing Section 995.

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

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 4033** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **House Bill No. 4082** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cunningham, **House Bill No. 4113** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Murphy, **House Bill No. 4185** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 4216** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator McGuire, **House Bill No. 4236** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Connelly, **House Bill No. 4244** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Delgado, **House Bill No. 4262** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 4269** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 4284** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 4284

AMENDMENT NO. 1. Amend House Bill 4284 on page 3, immediately below line 16, by inserting the following:

"A positive demonstration of residency in this State for student trustees and candidates for student trustees under this Section does not apply to residency requirements for tuition purposes.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Stadelman, **House Bill No. 4286** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Connelly, **House Bill No. 4290** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 4410** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Stadelman, **House Bill No. 4422** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **House Bill No. 4501** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 4530** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 4579** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 4591** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 4612** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 4636** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 4636

AMENDMENT NO. 1. Amend House Bill 4636 on page 3, line 26, by changing "and after" to "or after"; and

on page 3, line 26, after "are", by inserting "otherwise"; and

on page 29, line 16, after "as", by inserting "or presumed to be"; and

on page 30, by inserting immediately below line 8 the following:

"The definition in this subsection X shall not be construed to provide greater or lesser rights as to the number of parents who can be named on a final judgment order of adoption or Illinois birth certificate that otherwise exist under Illinois law."; and

on page 30, line 10, after "as", by inserting "or presumed to be"; and

on page 30, by inserting immediately below line 24 the following:

"The definition in this subsection Y shall not be construed to provide greater or lesser rights as to the number of parents who can be named on a final judgment order of adoption or Illinois birth certificate that otherwise exist under Illinois law.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 4649** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 4652** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Stadelman, **House Bill No. 4653** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Barickman, **House Bill No. 4713** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 4773** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 4781** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 4781

AMENDMENT NO. 1. Amend House Bill 4781 on page 1, by inserting immediately below line 3 the following:

"Section 3. The School Code is amended by changing Section 13-45 as follows:

(105 ILCS 5/13-45) (from Ch. 122, par. 13-45)

Sec. 13-45. Other provisions of this Code shall not apply to the Department of Juvenile Justice School District being all of the following Articles and Sections: Articles 3, 3A, 4, 5, 6, 7, 8, and 9, those Sections ~~sections~~ of Article 10 in conflict with any provisions of Sections 13-40 through 13-45, and Articles 11, 12, 15, 17, 18, 19, 19A, 20, 22, 24, 24A, 26, 31, 32, 33, and 34. Also Article 28 shall not apply except that this School District may use any funds available from State, Federal and other funds for the purchase of textbooks, apparatus and equipment.

(Source: P.A. 96-328, eff. 8-11-09.)"; and

on page 1, by replacing line 5 with the following:

"changing Sections 3-2.5-15, 3-7-2, and 3-10-2 as follows:

(730 ILCS 5/3-2.5-15)

(Text of Section after amendment by P.A. 98-528)

Sec. 3-2.5-15. Department of Juvenile Justice; assumption of duties of the Juvenile Division.

(a) The Department of Juvenile Justice shall assume the rights, powers, duties, and responsibilities of the Juvenile Division of the Department of Corrections. Personnel, books, records, property, and unencumbered appropriations pertaining to the Juvenile Division of the Department of Corrections shall be transferred to the Department of Juvenile Justice on the effective date of this amendatory Act of the 94th General Assembly. Any rights of employees or the State under the Personnel Code or any other contract or plan shall be unaffected by this transfer.

(b) Department of Juvenile Justice personnel who are hired by the Department on or after the effective date of this amendatory Act of the 94th General Assembly and who participate or assist in the rehabilitative and vocational training of delinquent youths, supervise the daily activities involving direct and continuing responsibility for the youth's security, welfare and development, or participate in the personal rehabilitation of delinquent youth by training, supervising, and assisting lower level personnel who perform these duties must be over the age of 21 and have a bachelor's or advanced degree from an accredited college or university with a specialization in criminal justice, education, psychology, social work, or a closely related social science or other bachelor's or advanced degree with at least 2 years experience in the field of juvenile matters. This requirement shall not apply to security, clerical, food service, and maintenance staff that do not have direct and regular contact with youth. The degree requirements specified in this subsection (b) are not required of persons who provide vocational training and who have adequate knowledge in the skill for which they are providing the vocational training.

(c) Subsection (b) of this Section does not apply to personnel transferred to the Department of Juvenile Justice on the effective date of this amendatory Act of the 94th General Assembly.

(d) The Department shall be under the direction of the Director of Juvenile Justice as provided in this Code.

(e) The Director shall organize divisions within the Department and shall assign functions, powers, duties, and personnel as required by law. The Director may create other divisions and may assign other functions, powers, duties, and personnel as may be necessary or desirable to carry out the functions and responsibilities vested by law in the Department. The Director may, with the approval of the Office of the Governor, assign to and share functions, powers, duties, and personnel with other State agencies such that administrative services and administrative facilities are provided by a shared administrative service center. Where possible, shared services which impact youth should be done with child-serving agencies. These administrative services may include, but are not limited to, all of the following functions: budgeting, accounting related functions, auditing, human resources, legal, procurement, training, data collection and analysis, information technology, internal investigations, intelligence, legislative services, emergency response capability, statewide transportation services, and general office support.

(f) The Department of Juvenile Justice may enter into intergovernmental cooperation agreements under which minors adjudicated delinquent and committed to the Department of Juvenile Justice may participate in county juvenile impact incarceration programs established under Section 3-6039 of the Counties Code.

(g) The Department of Juvenile Justice must comply with the ethnic and racial background data collection procedures provided in Section 4.5 of the Criminal Identification Act.
(Source: P.A. 98-528, eff. 1-1-15.)"; and

on page 4, by inserting immediately below line 12 the following:

"(730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

Sec. 3-10-2. Examination of Persons Committed to the Department of Juvenile Justice.

(a) A person committed to the Department of Juvenile Justice shall be examined in regard to his medical, psychological, social, educational and vocational condition and history, including the use of alcohol and other drugs, the circumstances of his offense and any other information as the Department of Juvenile Justice may determine.

(a-5) Upon admission of a person committed to the Department of Juvenile Justice, the Department of Juvenile Justice must provide the person with appropriate information concerning HIV and AIDS in writing, verbally, or by video or other electronic means. The Department of Juvenile Justice shall develop the informational materials in consultation with the Department of Public Health. At the same time, the Department of Juvenile Justice also must offer the person the option of being tested, at no charge to the person, for infection with human immunodeficiency virus (HIV). Pre-test information shall be provided to the committed person and informed consent obtained as required in subsection (d) of Section 3 and Section 5 of the AIDS Confidentiality Act. The Department of Juvenile Justice may conduct opt-out HIV testing as defined in Section 4 of the AIDS Confidentiality Act. If the Department conducts opt-out HIV testing, the Department shall place signs in English, Spanish and other languages as needed in multiple, highly visible locations in the area where HIV testing is conducted informing inmates that they will be tested for HIV unless they refuse, and refusal or acceptance of testing shall be documented in the inmate's medical record. The Department shall follow procedures established by the Department of Public Health to conduct HIV testing and testing to confirm positive HIV test results. All testing must be conducted by medical personnel, but pre-test and other information may be provided by committed persons who have received appropriate training. The Department, in conjunction with the Department of Public Health, shall develop a plan that complies with the AIDS Confidentiality Act to deliver confidentially all positive or negative HIV test results to inmates or former inmates. Nothing in this Section shall require the

Department to offer HIV testing to an inmate who is known to be infected with HIV, or who has been tested for HIV within the previous 180 days and whose documented HIV test result is available to the Department electronically. The testing provided under this subsection (a-5) shall consist of a test approved by the Illinois Department of Public Health to determine the presence of HIV infection, based upon recommendations of the United States Centers for Disease Control and Prevention. If the test result is positive, a reliable supplemental test based upon recommendations of the United States Centers for Disease Control and Prevention shall be administered.

Also upon admission of a person committed to the Department of Juvenile Justice, the Department of Juvenile Justice must inform the person of the Department's obligation to provide the person with medical care.

(b) Based on its examination, the Department of Juvenile Justice may exercise the following powers in developing a treatment program of any person committed to the Department of Juvenile Justice:

(1) Require participation by him in vocational, physical, educational and corrective training and activities to return him to the community.

(2) Place him in any institution or facility of the Department of Juvenile Justice.

(3) Order replacement or referral to the Parole and Pardon Board as often as it deems desirable. The Department of Juvenile Justice shall refer the person to the Parole and Pardon Board as required under Section 3-3-4.

(4) Enter into agreements with the Secretary of Human Services and the Director of Children and Family Services, with courts having probation officers, and with private agencies or institutions for separate care or special treatment of persons subject to the control of the Department of Juvenile Justice.

(c) The Department of Juvenile Justice shall make periodic reexamination of all persons under the control of the Department of Juvenile Justice to determine whether existing orders in individual cases should be modified or continued. This examination shall be made with respect to every person at least once annually.

(d) A record of the treatment decision including any modification thereof and the reason therefor, shall be part of the committed person's master record file.

(e) The Department of Juvenile Justice shall by certified mail and telephone or electronic message ~~, return receipt requested,~~ notify the parent, guardian or nearest relative of any person committed to the Department of Juvenile Justice of his or her physical location and any change thereof.
(Source: P.A. 97-244, eff. 8-4-11; 97-323, eff. 8-12-11; 97-813, eff. 7-13-12.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Steans, **House Bill No. 4782** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, **House Bill No. 4811** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Connelly, **House Bill No. 4910** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 4910

AMENDMENT NO. 1. Amend House Bill 4910 by replacing everything after the enacting clause with the following:

"Section 5. The Public Community College Act is amended by adding Section 3-53 as follows:
(110 ILCS 805/3-53 new)
Sec. 3-53. Private-public partnership boards.
(a) In this Section:
"Advanced manufacturing technology" means a program of study that leads students to an industry certification, diploma, degree, or combination of these in skills and competencies needed by manufacturers.

"Industry certification" means an industry-recognized credential that is (i) industry created, (ii) nationally portable, (iii) third-party-validated by either the International Organization for Standardization or the American National Standards Institute and is data-based and supported.

"Institution" means a public high school or community college, including a community college in a community college district to which Article 7 of this Act applies, that offers instruction in advanced manufacturing technology for credit towards a degree.

"Private-public partnership board" means a formal group of volunteers within a community college district that may be comprised of some, but not necessarily all, of the following: local and regional manufacturers, applicable labor unions, community college officials, school district superintendents, high school principals, workforce investment boards, or other individuals willing to participate.

(b) The creation of a private-public partnership board is encouraged and may be authorized at each community college. A board, if created, shall meet no less than 5 of the following criteria:

(1) be minimally comprised of those entities described in subsection (a) of this Section;

(2) be led cooperatively by a manufacturer, a school district superintendent, and a community college president or their designees;

(3) meet no less than 4 times each year during State fiscal years 2015 and 2016 and thereafter no less than twice each State fiscal year;

(4) encourage and define the implementation of programs of study in advanced manufacturing technology to meet the competency and skill demands of manufacturers;

(5) define a minimum of 4 programs of study in advanced manufacturing technology to meet the needs of the broadest number of manufacturers in the area;

(6) encourage formal alignment and dual-credit opportunities for high school students who begin advanced manufacturing technology training to transition to community college programs of study in advanced manufacturing technology; and

(7) establish, as its foundation, the certified production technician credential offered by the Manufacturing Skill Standards Council or its successor entity.

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

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Bertino-Tarrant, **House Bill No. 5286** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **House Bill No. 5307** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 5331** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 5342** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bush, **House Bill No. 5393** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 5415** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **House Bill No. 5431** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator McCarter, **House Bill No. 5468** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, **House Bill No. 5475** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, **House Bill No. 5488** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Connelly, **House Bill No. 5503** was taken up, read by title a second time and ordered to a third reading.

SENATE BILL RECALLED

On motion of Senator Muñoz, **Senate Bill No. 712** was recalled from the order of third reading to the order of second reading.

Senator Muñoz offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 712

AMENDMENT NO. 1. Amend Senate Bill 712 by replacing everything after the enacting clause with the following:

"Section 5. The Video Gaming Act is amended by changing Section 45 as follows:

(230 ILCS 40/45)

Sec. 45. Issuance of license.

(a) The burden is upon each applicant to demonstrate his suitability for licensure. Each video gaming terminal manufacturer, distributor, supplier, operator, handler, licensed establishment, licensed truck stop establishment, licensed fraternal establishment, and licensed veterans establishment shall be licensed by the Board. The Board may issue or deny a license under this Act to any person pursuant to the same criteria set forth in Section 9 of the Riverboat Gambling Act.

(a-5) The Board shall not grant a license to a person who has facilitated, enabled, or participated in the use of coin-operated devices for gambling purposes or who is under the significant influence or control of such a person. For the purposes of this Act, "facilitated, enabled, or participated in the use of coin-operated amusement devices for gambling purposes" means that the person has been convicted of any violation of Article 28 of the Criminal Code of 1961 or the Criminal Code of 2012. If there is pending legal action against a person for any such violation, then the Board shall delay the licensure of that person until the legal action is resolved.

(b) Each person seeking and possessing a license as a video gaming terminal manufacturer, distributor, supplier, operator, handler, licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment shall submit to a background investigation conducted by the Board with the assistance of the State Police or other law enforcement. To the extent that the corporate structure of the applicant allows, the background investigation shall include any or all of the following as the Board deems appropriate or as provided by rule for each category of licensure: (i) each beneficiary of a trust, (ii) each partner of a partnership, (iii) each member of a limited liability company, (iv) each director and officer of a publicly or non-publicly held corporation, (v) each stockholder of a non-publicly held corporation, (vi) each stockholder of 5% or more of a publicly held corporation, or (vii) each stockholder of 5% or more in a parent or subsidiary corporation. In the course of conducting background investigations authorized under this Section, the Board has the discretion to determine whether to conduct a background investigation of a person or entity who holds an indirect interest in the person seeking licensure who: (1) holds such interest for investment purposes only; (2) does not exercise any control over the activities of the person seeking and possessing a license; and (3) is a limited partner in a partnership whose general partner is controlled, directly or indirectly, by an investment adviser registered under the federal Investment Advisers Act of 1940.

(c) Each person seeking and possessing a license as a video gaming terminal manufacturer, distributor, supplier, operator, handler, licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment shall disclose the identity of every person, association, trust, corporation, or limited liability company having a greater than 1% direct or indirect pecuniary interest in the video gaming terminal operation for which the license 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 limited liability company, the names and addresses of all members; or if a partnership, the names and addresses of all partners, both general and limited. The Board has discretion to determine whether to apply the disclosure requirement of this subsection (c) as it relates to the beneficiaries, stock holders, directors, members, or partners of an entity who holds an indirect interest in a person seeking licensure if the entity: (1) holds an interest for investment purposes only; (2)

does not exercise any control over the activities of the person seeking and possessing a license; and (3) is a limited partner in a partnership whose general partner is controlled by an investment adviser registered under the federal Investment Advisers Act of 1940.

(d) No person may be licensed as a video gaming terminal manufacturer, distributor, supplier, operator, handler, licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment if that person has been found by the Board to:

(1) have a background, including a criminal record, reputation, habits, social or business associations, or prior activities that pose a threat to the public interests of the State or to the security and integrity of video gaming;

(2) create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of video gaming; or

(3) present questionable business practices and financial arrangements incidental to the conduct of video gaming activities.

(e) Any applicant for any license under this Act has the burden of proving his or her qualifications to the satisfaction of the Board. The Board may adopt rules to establish additional qualifications and requirements to preserve the integrity and security of video gaming in this State.

(f) A non-refundable application fee shall be paid at the time an application for a license is filed with the Board in the following amounts:

(1) Manufacturer.....$5,000
(2) Distributor.....$5,000
(3) Terminal operator.....$5,000
(4) Supplier.....$2,500
(5) Technician.....$100
(6) Terminal Handler.....$50

(g) The Board shall establish an annual fee for each license not to exceed the following:

(1) Manufacturer.....$10,000
(2) Distributor.....$10,000
(3) Terminal operator.....$5,000
(4) Supplier.....$2,000
(5) Technician.....$100
(6) Licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment.....$100
(7) Video gaming terminal.....$100
(8) Terminal Handler.....$50

(h) A terminal operator and a licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment shall equally split the fees specified in item (7) of subsection (g).

(Source: P.A. 97-1150, eff. 1-25-13; 98-31, eff. 6-24-13; 98-587, eff. 8-27-13; revised 9-19-13.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Muñoz, **Senate Bill No. 712** having been transcribed and typed and all amendments adopted thereto having been printed, 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 45; NAYS 4.

The following voted in the affirmative:

Althoff	Harris	Luechtefeld	Righter
Bertino-Tarrant	Hastings	Manar	Sandoval
Bush	Holmes	Martinez	Stadelman
Collins	Hunter	McConnaughay	Steans
Cullerton, T.	Hutchinson	McGuire	Sullivan
Cunningham	Jacobs	Morrison	Syverson
Delgado	Jones, E.	Mulroe	Trotter
Dillard	Koehler	Muñoz	Van Pelt
Forby	Kotowski	Murphy	Mr. President
Frerichs	Landek	Noland	
Haine	Lightford	Radogno	
Harmon	Link	Raoul	

The following voted in the negative:

Bivins	McCarter
Duffy	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 therein.

Senator Collins asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the negative on **Senate Bill No. 712**.

SENATE BILL RECALLED

On motion of Senator Martinez, **Senate Bill No. 727** was recalled from the order of third reading to the order of second reading.

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 727

AMENDMENT NO. 1. Amend Senate Bill 727 by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-11 as follows:

(235 ILCS 5/6-11)

Sec. 6-11. Sale near churches, schools, and hospitals.

(a) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on if the place of business so exempted is not located in a municipality of more than 500,000 persons, unless required by local ordinance; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where the church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(b) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor to a restaurant, the primary business of which is the sale of goods baked on the premises if (i) the restaurant is newly constructed and located on a lot of not less than 10,000 square feet, (ii) the restaurant costs at least $1,000,000 to construct, (iii) the licensee is the titleholder to the premises and resides on the premises, and (iv) the construction of the restaurant is completed within 18 months of the effective date of this amendatory Act of 1998.

(c) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor incidental to a restaurant if (1) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food and the applicant is a completely new owner of the

restaurant, (2) the immediately prior owner or operator of the premises where the restaurant is located operated the premises as a restaurant and held a valid retail license authorizing the sale of alcoholic liquor at the restaurant for at least part of the 24 months before the change of ownership, and (3) the restaurant is located 75 or more feet from a school.

(d) In the interest of further developing Illinois' economy in the area of commerce, tourism, convention, and banquet business, nothing in this Section shall prohibit issuance of a retail license authorizing the sale of alcoholic beverages to a restaurant, banquet facility, grocery store, or hotel having not fewer than 150 guest room accommodations located in a municipality of more than 500,000 persons, notwithstanding the proximity of such hotel, restaurant, banquet facility, or grocery store to any church or school, if the licensed premises described on the license are located within an enclosed mall or building of a height of at least 6 stories, or 60 feet in the case of a building that has been registered as a national landmark, or in a grocery store having a minimum of 56,010 square feet of floor space in a single story building in an open mall of at least 3.96 acres that is adjacent to a public school that opened as a boys technical high school in 1934, or in a grocery store having a minimum of 31,000 square feet of floor space in a single story building located a distance of more than 90 feet but less than 100 feet from a high school that opened in 1928 as a junior high school and became a senior high school in 1933, and in each of these cases if the sale of alcoholic liquors is not the principal business carried on by the licensee.

For purposes of this Section, a "banquet facility" is any part of a building that caters to private parties and where the sale of alcoholic liquors is not the principal business.

(e) Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

(f) Nothing in this Section shall prohibit a church or church affiliated school located in a home rule municipality or in a municipality with 75,000 or more inhabitants from locating within 100 feet of a property for which there is a preexisting license to sell alcoholic liquor at retail. In these instances, the local zoning authority may, by ordinance adopted simultaneously with the granting of an initial special use zoning permit for the church or church affiliated school, provide that the 100-foot restriction in this Section shall not apply to that church or church affiliated school and future retail liquor licenses.

(g) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor at premises within 100 feet, but not less than 90 feet, of a public school if (1) the premises have been continuously licensed to sell alcoholic liquor for a period of at least 50 years, (2) the premises are located in a municipality having a population of over 500,000 inhabitants, (3) the licensee is an individual who is a member of a family that has held the previous 3 licenses for that location for more than 25 years, (4) the principal of the school and the alderman of the ward in which the school is located have delivered a written statement to the local liquor control commissioner stating that they do not object to the issuance of a license under this subsection (g), and (5) the local liquor control commissioner has received the written consent of a majority of the registered voters who live within 200 feet of the premises.

(h) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within premises and at an outdoor patio area attached to premises that are located in a municipality with a population in excess of 300,000 inhabitants and that are within 100 feet of a church if:

(1) the sale of alcoholic liquor at the premises is incidental to the sale of food,

(2) the sale of liquor is not the principal business carried on by the licensee at the premises,

(3) the premises are less than 1,000 square feet,

(4) the premises are owned by the University of Illinois,

(5) the premises are immediately adjacent to property owned by a church and are not less than 20 nor more than 40 feet from the church space used for worship services, and

(6) the principal religious leader at the place of worship has indicated his or her support for the issuance of the license in writing.

(i) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license to sell alcoholic liquor at a premises that is located within a municipality with a population in excess of 300,000 inhabitants and is within 100 feet of a church, synagogue, or other place of worship if:

(1) the primary entrance of the premises and the primary entrance of the church, synagogue, or other place of worship are at least 100 feet apart, on parallel streets, and separated by an alley; and

(2) the principal religious leader at the place of worship has not indicated his or her opposition to the issuance or renewal of the license in writing.

(j) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor at a theater that is within 100 feet of a church if (1) the church owns the theater, (2) the church leases the theater to one or more entities, and (3) the theater is used by at least 5 different not-for-profit theater groups.

(k) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

(1) the primary entrance of the premises and the primary entrance of the school are parallel, on different streets, and separated by an alley;

(2) the southeast corner of the premises are at least 350 feet from the southwest corner of the school;

(3) the school was built in 1978;

(4) the sale of alcoholic liquor at the premises is incidental to the sale of food;

(5) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(6) the applicant is the owner of the restaurant and has held a valid license authorizing the sale of alcoholic liquor for the business to be conducted on the premises at a different location for more than 7 years; and

(7) the premises is at least 2,300 square feet and sits on a lot that is between 6,100 and 6,150 square feet.

(l) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a church or school if:

(1) the primary entrance of the premises and the closest entrance of the church or school is at least 90 feet apart and no greater than 95 feet apart;

(2) the shortest distance between the premises and the church or school is at least 80 feet apart and no greater than 85 feet apart;

(3) the applicant is the owner of the restaurant and on November 15, 2006 held a valid license authorizing the sale of alcoholic liquor for the business to be conducted on the premises for at least 14 different locations;

(4) the sale of alcoholic liquor at the premises is incidental to the sale of food;

(5) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(6) the premises is at least 3,200 square feet and sits on a lot that is between 7,150 and 7,200 square feet; and

(7) the principal religious leader at the place of worship has not indicated his or her opposition to the issuance or renewal of the license in writing.

(m) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a church if:

(1) the premises and the church are perpendicular, and the primary entrance of the premises faces South while the primary entrance of the church faces West and the distance between the two entrances is more than 100 feet;

(2) the shortest distance between the premises lot line and the exterior wall of the church is at least 80 feet;

(3) the church was established at the current location in 1916 and the present structure was erected in 1925;

(4) the premises is a single story, single use building with at least 1,750 square feet and no more than 2,000 square feet;

(5) the sale of alcoholic liquor at the premises is incidental to the sale of food;

(6) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises; and

(7) the principal religious leader at the place of worship has not indicated his or her opposition to the issuance or renewal of the license in writing.

(n) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located

within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

(1) the school is a City of Chicago School District 299 school;

(2) the school is located within subarea E of City of Chicago Residential Business Planned Development Number 70;

(3) the sale of alcoholic liquor is not the principal business carried on by the licensee on the premises;

(4) the sale of alcoholic liquor at the premises is incidental to the sale of food; and

(5) the administration of City of Chicago School District 299 has expressed, in writing, its support for the issuance of the license.

(o) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a retail license authorizing the sale of alcoholic liquor at a premises that is located within a municipality in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor at the premises is incidental to the sale of food;

(2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(3) the premises is located on a street that runs perpendicular to the street on which the church is located;

(4) the primary entrance of the premises is at least 100 feet from the primary entrance of the church;

(5) the shortest distance between any part of the premises and any part of the church is at least 60 feet;

(6) the premises is between 3,600 and 4,000 square feet and sits on a lot that is between 3,600 and 4,000 square feet; and

(7) the premises was built in the year 1909.

For purposes of this subsection (o), "premises" means a place of business together with a privately owned outdoor location that is adjacent to the place of business.

(p) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the shortest distance between the backdoor of the premises, which is used as an emergency exit, and the church is at least 80 feet;

(2) the church was established at the current location in 1889; and

(3) liquor has been sold on the premises since at least 1985.

(q) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a premises that is located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church-owned property if:

(1) the premises is located within a larger building operated as a grocery store;

(2) the area of the premises does not exceed 720 square feet and the area of the larger building exceeds 18,000 square feet;

(3) the larger building containing the premises is within 100 feet of the nearest property line of a church-owned property on which a church-affiliated school is located;

(4) the sale of liquor is not the principal business carried on within the larger building;

(5) the primary entrance of the larger building and the premises and the primary entrance of the church-affiliated school are on different, parallel streets, and the distance between the 2 primary entrances is more than 100 feet;

(6) the larger building is separated from the church-owned property and church-affiliated school by an alley;

(7) the larger building containing the premises and the church building front are on perpendicular streets and are separated by a street; and

(8) (Blank).

(r) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance, renewal, or maintenance of a license authorizing the sale of alcoholic liquor incidental to the sale of food within a restaurant established in a premises that is located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the primary entrance of the church and the primary entrance of the restaurant are at

least 100 feet apart;

(2) the restaurant has operated on the ground floor and lower level of a multi-story, multi-use building for more than 40 years;

(3) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food;

(4) the sale of alcoholic liquor is conducted primarily in the below-grade level of the restaurant to which the only public access is by a staircase located inside the restaurant; and

(5) the restaurant has held a license authorizing the sale of alcoholic liquor on the premises for more than 40 years.

(s) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population more than 5,000 and less than 10,000 and is within 100 feet of a church if:

(1) the church was established at the location within 100 feet of the premises after a license for the sale of alcoholic liquor at the premises was first issued;

(2) a license for sale of alcoholic liquor at the premises was first issued before January 1, 2007; and

(3) a license for the sale of alcoholic liquor on the premises has been continuously in effect since January 1, 2007, except for interruptions between licenses of no more than 90 days.

(t) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor incidental to the sale of food within a restaurant that is established in a premises that is located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school and a church if:

(1) the restaurant is located inside a five-story building with over 16,800 square feet of commercial space;

(2) the area of the premises does not exceed 31,050 square feet;

(3) the area of the restaurant does not exceed 5,800 square feet;

(4) the building has no less than 78 condominium units;

(5) the construction of the building in which the restaurant is located was completed in 2006;

(6) the building has 10 storefront properties, 3 of which are used for the restaurant;

(7) the restaurant will open for business in 2010;

(8) the building is north of the school and separated by an alley; and

(9) the principal religious leader of the church and either the alderman of the ward in which the school is located or the principal of the school have delivered a written statement to the local liquor control commissioner stating that he or she does not object to the issuance of a license under this subsection (t).

(u) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license to sell alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the premises operates as a restaurant and has been in operation since February 2008;

(2) the applicant is the owner of the premises;

(3) the sale of alcoholic liquor is incidental to the sale of food;

(4) the sale of alcoholic liquor is not the principal business carried on by the licensee on the premises;

(5) the premises occupy the first floor of a 3-story building that is at least 90 years old;

(6) the rear lot of the school and the rear corner of the building that the premises occupy are separated by an alley;

(7) the distance from the southwest corner of the property line of the school and the northeast corner of the building that the premises occupy is at least 16 feet, 5 inches;

(8) the distance from the rear door of the premises to the southwest corner of the property line of the school is at least 93 feet;

(9) the school is a City of Chicago School District 299 school;

(10) the school's main structure was erected in 1902 and an addition was built to the main structure in 1959; and

(11) the principal of the school and the alderman in whose district the premises are located have expressed, in writing, their support for the issuance of the license.

(v) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located

within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

(1) the total land area of the premises for which the license or renewal is sought is more than 600,000 square feet;

(2) the premises for which the license or renewal is sought has more than 600 parking stalls;

(3) the total area of all buildings on the premises for which the license or renewal is sought exceeds 140,000 square feet;

(4) the property line of the premises for which the license or renewal is sought is separated from the property line of the school by a street;

(5) the distance from the school's property line to the property line of the premises for which the license or renewal is sought is at least 60 feet;

(6) as of the effective date of this amendatory Act of the 97th General Assembly, the premises for which the license or renewal is sought is located in the Illinois Medical District.

(w) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license to sell alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor at the premises is incidental to the sale of food;

(2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(3) the premises occupy the first floor and basement of a 2-story building that is 106 years old;

(4) the premises is at least 7,000 square feet and located on a lot that is at least 11,000 square feet;

(5) the premises is located directly west of the church, on perpendicular streets, and separated by an alley;

(6) the distance between the property line of the premises and the property line of the church is at least 20 feet;

(7) the distance between the primary entrance of the premises and the primary entrance of the church is at least 130 feet; and

(8) the church has been at its location for at least 40 years.

(x) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the church has been operating in its current location since 1973;

(3) the premises has been operating in its current location since 1988;

(4) the church and the premises are owned by the same parish;

(5) the premises is used for cultural and educational purposes;

(6) the primary entrance to the premises and the primary entrance to the church are located on the same street;

(7) the principal religious leader of the church has indicated his support of the issuance of the license;

(8) the premises is a 2-story building of approximately 23,000 square feet; and

(9) the premises houses a ballroom on its ground floor of approximately 5,000 square feet.

(y) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the sale of alcoholic liquor at the premises is incidental to the sale of food;

(3) according to the municipality, the distance between the east property line of the premises and the west property line of the school is 97.8 feet;

(4) the school is a City of Chicago School District 299 school;

(5) the school has been operating since 1959;

(6) the primary entrance to the premises and the primary entrance to the school are located on the same street;

(7) the street on which the entrances of the premises and the school are located is a major diagonal thoroughfare;

(8) the premises is a single-story building of approximately 2,900 square feet; and

(9) the premises is used for commercial purposes only.

(z) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a mosque if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the licensee shall only sell packaged liquors at the premises;

(3) the licensee is a national retail chain having over 100 locations within the municipality;

(4) the licensee has over 8,000 locations nationwide;

(5) the licensee has locations in all 50 states;

(6) the premises is located in the North-East quadrant of the municipality;

(7) the premises is a free-standing building that has "drive-through" pharmacy service;

(8) the premises has approximately 14,490 square feet of retail space;

(9) the premises has approximately 799 square feet of pharmacy space;

(10) the premises is located on a major arterial street that runs east-west and accepts truck traffic; and

(11) the alderman of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license.

(aa) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the licensee shall only sell packaged liquors at the premises;

(3) the licensee is a national retail chain having over 100 locations within the municipality;

(4) the licensee has over 8,000 locations nationwide;

(5) the licensee has locations in all 50 states;

(6) the premises is located in the North-East quadrant of the municipality;

(7) the premises is located across the street from a national grocery chain outlet;

(8) the premises has approximately 16,148 square feet of retail space;

(9) the premises has approximately 992 square feet of pharmacy space;

(10) the premises is located on a major arterial street that runs north-south and accepts truck traffic; and

(11) the alderman of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license.

(bb) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the sale of alcoholic liquor at the premises is incidental to the sale of food;

(3) the primary entrance to the premises and the primary entrance to the church are located on the same street;

(4) the premises is across the street from the church;

(5) the street on which the premises and the church are located is a major arterial street that runs east-west;

(6) the church is an elder-led and Bible-based Assyrian church;

(7) the premises and the church are both single-story buildings;

(8) the storefront directly west of the church is being used as a restaurant; and

(9) the distance between the northern-most property line of the premises and the southern-most property line of the church is 65 feet.

(cc) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the licensee shall only sell packaged liquors at the premises;

(3) the licensee is a national retail chain;

(4) as of October 25, 2011, the licensee has 1,767 stores operating nationwide, 87 stores operating in the State, and 10 stores operating within the municipality;

(5) the licensee shall occupy approximately 124,000 square feet of space in the basement and first and second floors of a building located across the street from a school;

(6) the school opened in August of 2009 and occupies approximately 67,000 square feet of space; and

(7) the building in which the premises shall be located has been listed on the National Register of Historic Places since April 17, 1970.

(dd) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a full-service grocery store at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

(1) the premises is constructed on land that was purchased from the municipality at a fair market price;

(2) the premises is constructed on land that was previously used as a parking facility for public safety employees;

(3) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(4) the main entrance to the store is more than 100 feet from the main entrance to the school;

(5) the premises is to be new construction;

(6) the school is a private school;

(7) the principal of the school has given written approval for the license;

(8) the alderman of the ward where the premises is located has given written approval of the issuance of the license;

(9) the grocery store level of the premises is between 60,000 and 70,000 square feet; and

(10) the owner and operator of the grocery store operates 2 other grocery stores that have alcoholic liquor licenses within the same municipality.

(ee) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a full-service grocery store at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

(1) the premises is constructed on land that once contained an industrial steel facility;

(2) the premises is located on land that has undergone environmental remediation;

(3) the premises is located within a retail complex containing retail stores where some of the stores sell alcoholic beverages;

(4) the principal activity of any restaurant in the retail complex is the sale of food, and the sale of alcoholic liquor is incidental to the sale of food;

(5) the sale of alcoholic liquor is not the principal business carried on by the grocery store;

(6) the entrance to any business that sells alcoholic liquor is more than 100 feet from the entrance to the school;

(7) the alderman of the ward where the premises is located has given written approval of the issuance of the license; and

(8) the principal of the school has given written consent to the issuance of the license.

(ff) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located

within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the sale of alcoholic liquor is not the principal business carried on at the premises;

(2) the sale of alcoholic liquor at the premises is incidental to the operation of a theater;

(3) the premises is a one and one-half-story building of approximately 10,000 square feet;

(4) the school is a City of Chicago School District 299 school;

(5) the primary entrance of the premises and the primary entrance of the school are at least 300 feet apart and no more than 400 feet apart;

(6) the alderman of the ward in which the premises is located has expressed, in writing, his support for the issuance of the license; and

(7) the principal of the school has expressed, in writing, that there is no objection to the issuance of a license under this subsection (ff).

(gg) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor incidental to the sale of food within a restaurant or banquet facility established in a premises that is located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the property on which the church is located and the property on which the premises are located are both within a district originally listed on the National Register of Historic Places on February 14, 1979;

(3) the property on which the premises are located contains one or more multi-story buildings that are at least 95 years old and have no more than three stories;

(4) the building in which the church is located is at least 120 years old;

(5) the property on which the church is located is immediately adjacent to and west of the property on which the premises are located;

(6) the western boundary of the property on which the premises are located is no less than 118 feet in length and no more than 122 feet in length;

(7) as of December 31, 2012, both the church property and the property on which the premises are located are within 250 feet of City of Chicago Business-Residential Planned Development Number 38;

(8) the principal religious leader at the place of worship has indicated his or her support for the issuance of the license in writing; and

(9) the alderman in whose district the premises are located has expressed his or her support for the issuance of the license in writing.

For the purposes of this subsection, "banquet facility" means the part of the building that is located on the floor above a restaurant and caters to private parties and where the sale of alcoholic liquors is not the principal business.

(hh) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a hotel and at an outdoor patio area attached to the hotel that are located in a municipality with a population in excess of 1,000,000 inhabitants and that are within 100 feet of a hospital if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the hotel;

(2) the hotel is located within the City of Chicago Business Planned Development Number 468; and

(3) the hospital is located within the City of Chicago Institutional Planned Development Number 3.

(ii) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a restaurant and at an outdoor patio area attached to the restaurant that are located in a municipality with a population in excess of 1,000,000 inhabitants and that are within 100 feet of a church if:

(1) the sale of alcoholic liquor at the premises is not the principal business carried on by the licensee and is incidental to the sale of food;

(2) the restaurant has been operated on the street level of a 2-story building located on a corner lot since 2008;

(3) the restaurant is between 3,700 and 4,000 square feet and sits on a lot that is no more than 6,200 square feet;

(4) the primary entrance to the restaurant and the primary entrance to the church are located on the same street;

(5) the street on which the restaurant and the church are located is a major east-west street;

(6) the restaurant and the church are separated by a one-way northbound street;

(7) the church is located to the west of and no more than 65 feet from the restaurant; and

(8) the principal religious leader at the place of worship has indicated his or her consent to the issuance of the license in writing.

(jj) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the sale of alcoholic liquor is incidental to the sale of food;

(3) the premises are located east of the church, on perpendicular streets, and separated by an alley;

(4) the distance between the primary entrance of the premises and the primary entrance of the church is at least 175 feet;

(5) the distance between the property line of the premises and the property line of the church is at least 40 feet;

(6) the licensee has been operating at the premises since 2012;

(7) the church was constructed in 1904;

(8) the alderman of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license; and

(9) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (jj).

(kk) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the licensee shall only sell packaged liquors on the premises;

(3) the licensee is a national retail chain;

(4) as of February 27, 2013, the licensee had 1,778 stores operating nationwide, 89 operating in this State, and 11 stores operating within the municipality;

(5) the licensee shall occupy approximately 169,048 square feet of space within a building that is located across the street from a tuition-based preschool; and

(6) the alderman of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license.

(ll) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the licensee shall only sell packaged liquors on the premises;

(3) the licensee is a national retail chain;

(4) as of February 27, 2013, the licensee had 1,778 stores operating nationwide, 89 operating in this State, and 11 stores operating within the municipality;

(5) the licensee shall occupy approximately 191,535 square feet of space within a building that is located across the street from an elementary school; and

(6) the alderman of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license.

(mm) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within premises and at an

outdoor patio or sidewalk cafe, or both, attached to premises that are located in a municipality with a population in excess of 1,000,000 inhabitants and that are within 100 feet of a hospital if:

(1) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food;

(2) as a restaurant, the premises may or may not offer catering as an incidental part of food service;

(3) the primary business of the restaurant is conducted in space owned by a hospital or an entity owned or controlled by, under common control with, or that controls a hospital, and the chief hospital administrator has expressed his or her support for the issuance of the license in writing; and

(4) the hospital is an adult acute care facility primarily located within the City of Chicago Institutional Planned Development Number 3.

(nn) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried out on the premises;

(2) the sale of alcoholic liquor at the premises is incidental to the operation of a theater;

(3) the premises are a building that was constructed in 1913 and opened on May 24, 1915 as a vaudeville theater, and the premises were converted to a motion picture theater in 1935;

(4) the church was constructed in 1889 with a stone exterior;

(5) the primary entrance of the premises and the primary entrance of the church are at least 100 feet apart; and

(6) the principal religious leader at the place of worship has indicated his or her consent to the issuance of the license in writing; and

(7) the alderman in whose ward the premises are located has expressed his or her support for the issuance of the license in writing.

(oo) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a mosque, church, or other place of worship if:

(1) the primary entrance of the premises and the primary entrance of the mosque, church, or other place of worship are perpendicular and are on different streets;

(2) the primary entrance to the premises faces West and the primary entrance to the mosque, church, or other place of worship faces South;

(3) the distance between the 2 primary entrances is at least 100 feet;

(4) the mosque, church, or other place of worship was established in a location within 100 feet of the premises after a license for the sale of alcohol at the premises was first issued;

(5) the mosque, church, or other place of worship was established on or around January 1, 2011;

(6) a license for the sale of alcohol at the premises was first issued on or before January 1, 1985;

(7) a license for the sale of alcohol at the premises has been continuously in effect since January 1, 1985, except for interruptions between licenses of no more than 90 days; and

(8) the premises are a single-story, single-use building of at least 3,000 square feet and no more than 3,380 square feet.

(pp) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor incidental to the sale of food within a restaurant or banquet facility established on premises that are located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of at least one church if:

(1) the sale of liquor shall not be the principal business carried on by the licensee at the premises;

(2) the premises are at least 6,500 square feet and no more than 7,900 ~~7,500~~ square feet and is located in a single-story building;

(3) the property on which the premises are located is within an area that, as of 2009, was designated as a Renewal Community by the United States Department of Housing and Urban Development;

(4) the property on which the premises are located and the properties on which the

churches are located are on the same street;

(5) the property on which the premises are located is immediately adjacent to and east of the property on which at least one of the churches is located;

(6) the property on which the premises are located is across the street and southwest of the property on which another church is located;

(7) the principal religious leaders of the churches have indicated their support for the issuance of the license in writing; and

(8) the alderman in whose ward the premises are located has expressed his or her support for the issuance of the license in writing.

For purposes of this subsection (pp), "banquet facility" means the part of the building that caters to private parties and where the sale of alcoholic liquors is not the principal business.

(qq) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor on premises that are located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church or school if:

(1) the primary entrance of the premises and the closest entrance of the church or school are at least 200 feet apart and no greater than 300 feet apart;

(2) the shortest distance between the premises and the church or school is at least 35 feet apart and no greater than 45 feet apart;

(3) the premises are a single-story, steel-framed commercial building with at least 18,042 square feet, and was constructed in 1925 and 1997;

(4) the owner of the business operated within the premises has been the general manager of a similar supermarket within one mile from the premises, which has had a valid license authorizing the sale of alcoholic liquor since 2002, and is in good standing with the City of Chicago;

(5) the principal religious leader at the place of worship has indicated his or her support to the issuance or renewal of the license in writing;

(6) the alderman of the ward has indicated his or her support to the issuance or renewal of the license in writing; and

(7) the principal of the school has indicated his or her support to the issuance or renewal of the license in writing.

(rr) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is the principal business carried on by the licensee at the premises;

(2) the sale of alcoholic liquor is primary to the sale of food;

(3) the premises are located south of the church and on perpendicular streets and are separated by a driveway;

(4) the primary entrance of the premises is at least 100 feet from the primary entrance of the church;

(5) the shortest distance between any part of the premises and any part of the church is at least 15 feet;

(6) the premises are less than 100 feet from the church center, but greater than 100 feet from the area within the building where church services are held;

(7) the premises are 25,830 square feet and sit on a lot that is 0.48 acres;

(8) the premises were once designated as a Korean American Presbyterian Church and were once used as a Masonic Temple;

(9) the premises were built in 1910;

(10) the alderman of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license; and

(11) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (rr).

For the purposes of this subsection (rr), "premises" means a place of business together with a privately owned outdoor location that is adjacent to the place of business.

(ss) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the premises are located within a 15 unit building with 13 residential apartments and 2 commercial spaces, and the licensee will occupy both commercial spaces;

(2) a restaurant has been operated on the premises since June 2011;

(3) the restaurant currently occupies 1,075 square feet, but will be expanding to include 975 additional square feet;

(4) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(5) the premises are located south of the church and on the same street and are separated by a one-way westbound street;

(6) the primary entrance of the premises is at least 93 feet from the primary entrance of the church;

(7) the shortest distance between any part of the premises and any part of the church is at least 72 feet;

(8) the building in which the restaurant is located was built in 1910;

(9) the alderman of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license; and

(10) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (ss).

(Source: P.A. 97-9, eff. 6-14-11; 97-12, eff. 6-14-11; 97-634, eff. 12-16-11; 97-774, eff. 7-13-12; 97-780, eff. 7-13-12; 97-806, eff. 7-13-12; 97-1166, eff. 3-1-13; 98-274, eff. 8-9-13; 98-463, eff. 8-16-13; 98-571, eff. 8-27-13; 98-592, eff. 11-15-13.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Martinez, **Senate Bill No. 727** having been transcribed and typed and all amendments adopted thereto having been printed, 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 51; NAYS 2.

The following voted in the affirmative:

Althoff	Haine	Lightford	Radogno
Bertino-Tarrant	Harmon	Link	Raoul
Brady	Harris	Luechtefeld	Righter
Bush	Hastings	Manar	Rose
Clayborne	Holmes	Martinez	Sandoval
Connelly	Hunter	McConnaughay	Stadelman
Cullerton, T.	Hutchinson	McGuire	Steans
Cunningham	Jacobs	Morrison	Sullivan
Delgado	Jones, E.	Mulroe	Syverson
Dillard	Koehler	Muñoz	Trotter
Duffy	Kotowski	Murphy	Van Pelt
Forby	LaHood	Noland	Mr. President
Frerichs	Landek	Oberweis	

The following voted in the negative:

Bivins
McCarter

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 therein.

SENATE BILL RECALLED

On motion of Senator Harmon, **Senate Bill No. 2674** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment No. 1 was postponed in the Committee on State Government and Veterans Affairs.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2674

AMENDMENT NO. 2. Amend Senate Bill 2674 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5.855 as follows:
(30 ILCS 105/5.855 new)
Sec. 5.855. The Poison Response Fund.

Section 10. The Wireless Emergency Telephone Safety Act is amended by changing Sections 5, 10, 17, 20, 35, and 70 and by adding Sections 90 and 95 as follows:
(50 ILCS 751/5)
(Section scheduled to be repealed on July 1, 2014)
Sec. 5. Purpose. The General Assembly finds and declares it is in the public interest to promote the use of wireless 9-1-1 and wireless enhanced 9-1-1 (E9-1-1) service in order to save lives and protect the property of the citizens of the State of Illinois.

Wireless carriers are required by the Federal Communications Commission (FCC) to provide E9-1-1 service in the form of automatic location identification and automatic number identification pursuant to policies set forth by the FCC.

Public safety agencies and wireless carriers are encouraged to work together to provide emergency access to wireless 9-1-1 and wireless E9-1-1 service. Public safety agencies and wireless carriers operating wireless 9-1-1 and wireless E9-1-1 systems require adequate funding to recover the costs of designing, purchasing, installing, testing, and operating enhanced facilities, systems, and services necessary to comply with the wireless E9-1-1 requirements mandated by the Federal Communications Commission and to maximize the availability of wireless E9-1-1 services throughout the State of Illinois.

The revenues generated by the wireless carrier surcharge enacted by this Act are required to fund the efforts of the wireless carriers, emergency telephone system boards, qualified governmental entities, human poison control centers, and the Department of State Police to improve the public health, safety, and welfare and to serve a public purpose by providing emergency telephone assistance through wireless communications.

It is the intent of the General Assembly to:

(1) establish and implement a cohesive statewide emergency telephone number that will provide wireless telephone users with rapid direct access to public safety agencies by dialing the telephone number 9-1-1;

(2) encourage wireless carriers and public safety agencies to provide E9-1-1 services that will assist public safety agencies in determining the caller's approximate location and wireless telephone number;

(3) grant authority to public safety agencies not already in possession of the authority to finance the cost of installing and operating wireless 9-1-1 systems and reimbursing wireless carriers for costs incurred to provide wireless E9-1-1 services; ~~and~~

(3.5) provide rapid direct access to poison-related information and advice from human poison control centers to public safety agencies, health care providers, and the general public; and

(4) provide for a reasonable fee on wireless telephone service subscribers to accomplish these purposes and provide for the enforcement and collection of such fees.

(Source: P.A. 95-63, eff. 8-13-07.)
(50 ILCS 751/10)
(Section scheduled to be repealed on July 1, 2014)
Sec. 10. Definitions. In this Act:

"Emergency telephone system board" means a board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system within the scope of the duties and powers prescribed by the Emergency Telephone System Act.

"Human poison control center" shall have the meaning provided in Section 10 of the Poison Control System Act. Services provided by a human poison control center shall be provided as, and constitute, an enhancement to 9-1-1 services pursuant to 47 U.S.C. 615a-1(f)(1).

"Master street address guide" means the computerized geographical database that consists of all street and address data within a 9-1-1 system.

"Mobile telephone number" or "MTN" shall mean the telephone number assigned to a wireless telephone at the time of initial activation.

"Prepaid wireless telecommunications service" means wireless telecommunications service that allows a caller to dial 9-1-1 to access the 9-1-1 system, which service must be paid for in advance and is sold in predetermined units or dollars which the amount declines with use in a known amount.

"Public safety agency" means a functional division of a public agency that provides fire fighting, police, medical, or other emergency services. For the purpose of providing wireless service to users of 9-1-1 emergency services, as expressly provided for in this Act, the Department of State Police may be considered a public safety agency.

"Qualified governmental entity" means a unit of local government authorized to provide 9-1-1 services pursuant to the Emergency Telephone System Act where no emergency telephone system board exists.

"Remit period" means the billing period, one month in duration, for which a wireless carrier remits a surcharge and provides subscriber information by zip code to the Illinois Commerce Commission, in accordance with Section 17 of this Act.

"Statewide wireless emergency 9-1-1 system" means all areas of the State where an emergency telephone system board or, in the absence of an emergency telephone system board, a qualified governmental entity has not declared its intention for one or more of its public safety answering points to serve as a primary wireless 9-1-1 public safety answering point for its jurisdiction. The operator of the statewide wireless emergency 9-1-1 system shall be the Department of State Police.

"Wireless carrier" means a provider of two-way cellular, broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial Mobile Radio Service (CMRS), Wireless Communications Service (WCS), or other Commercial Mobile Radio Service (CMRS), as defined by the Federal Communications Commission, offering radio communications that may provide fixed, mobile, radio location, or satellite communication services to individuals or businesses within its assigned spectrum block and geographical area or that offers real-time, two-way voice service that is interconnected with the public switched network, including a reseller of such service.

"Wireless enhanced 9-1-1" means the ability to relay the telephone number of the originator of a 9-1-1 call and location information from any mobile handset or text telephone device accessing the wireless system to the designated wireless public safety answering point as set forth in the order of the Federal Communications Commission, FCC Docket No. 94-102, adopted June 12, 1996, with an effective date of October 1, 1996, and any subsequent amendment thereto.

"Wireless public safety answering point" means the functional division of an emergency telephone system board, qualified governmental entity, or the Department of State Police accepting wireless 9-1-1 calls.

"Wireless subscriber" means an individual or entity to whom a wireless service account or number has been assigned by a wireless carrier, other than an account or number associated with prepaid wireless telecommunication service.

(Source: P.A. 97-463, eff. 1-1-12.)

(50 ILCS 751/17)

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

Sec. 17. Wireless carrier surcharge.

(a) Except as provided in Sections 45 and 80, each wireless carrier shall impose a monthly wireless carrier surcharge per CMRS connection that either has a telephone number within an area code assigned to Illinois by the North American Numbering Plan Administrator or has a billing address in this State. No wireless carrier shall impose the surcharge authorized by this Section upon any subscriber who is subject to the surcharge imposed by a unit of local government pursuant to Section 45. Prior to January 1, 2008 (the effective date of Public Act 95-698), the surcharge amount shall be the amount set by the Wireless Enhanced 9-1-1 Board. Beginning on January 1, 2008 (the effective date of Public Act 95-698), the monthly surcharge imposed under this Section shall be $0.73 per CMRS connection. The wireless carrier that provides wireless service to the subscriber shall collect the surcharge from the subscriber. For mobile telecommunications services provided on and after August 1, 2002, any surcharge imposed under this Act shall be imposed based upon the municipality or county that encompasses the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. The surcharge shall be stated as a separate item on the subscriber's monthly bill. The wireless carrier shall begin collecting the surcharge

on bills issued within 90 days after the Wireless Enhanced 9-1-1 Board sets the monthly wireless surcharge. State and local taxes shall not apply to the wireless carrier surcharge.

(b) Except as provided in Sections 45 and 80, a wireless carrier shall, within 45 days of collection, remit, either by check or by electronic funds transfer, to the State Treasurer the amount of the wireless carrier surcharge collected from each subscriber. Of the amounts remitted under this subsection prior to January 1, 2008 (the effective date of Public Act 95-698), and for surcharges imposed before January 1, 2008 (the effective date of Public Act 95-698) but remitted after January 1, 2008, the State Treasurer shall deposit one-third into the Wireless Carrier Reimbursement Fund and two-thirds into the Wireless Service Emergency Fund. For surcharges collected and remitted on or after January 1, 2008 (the effective date of Public Act 95-698), $0.1475 per surcharge collected shall be deposited into the Wireless Carrier Reimbursement Fund, and $0.5825 per surcharge collected shall be deposited into the Wireless Service Emergency Fund. Of the amounts deposited into the Wireless Carrier Reimbursement Fund under this subsection, $0.01 per surcharge collected may be distributed to the carriers to cover their administrative costs. Of the amounts deposited into the Wireless Service Emergency Fund under this subsection, $0.01 per surcharge collected may be disbursed to the Illinois Commerce Commission to cover its administrative costs.

For surcharges collected and remitted from July 1, 2014 through June 30, 2016, $0.07 per surcharge collected shall be deposited into the Wireless Carrier Reimbursement Fund, $0.615 per surcharge collected shall be deposited into the Wireless Service Emergency Fund, $0.02 per surcharge collected shall be deposited into the Wireless Service Emergency Fund and distributed on a pro-rata basis based on number of wireless subscribers to County Emergency Telephone System Boards in counties with a population under 100,000 according to the most recent census data, $0.015 per surcharge collected shall be deposited in the Poison Response Fund for distribution monthly to a human poison control center as defined in Section 10 of the Poison Control System Act, and $0.01 per surcharge collected shall be deposited into the Public Utility Fund to defray expenses incurred by the Illinois Commerce Commission related to the oversight and coordination of 9-1-1 systems, oversight of the Poison Response Fund, and public safety. Of the amounts deposited into the Wireless Carrier Reimbursement Fund under this subsection, $0.01 per surcharge collected may be distributed to the carriers to cover their administrative costs.

For surcharges collected and remitted from July 1, 2016 through June 30, 2018, $0.03 per surcharge collected shall be deposited into the Wireless Carrier Reimbursement Fund, $0.6375 per surcharge collected shall be deposited into the Wireless Service Emergency Fund, $0.03 per surcharge collected shall be deposited into the Wireless Service Emergency Fund and distributed on a on a pro-rata basis based on number of wireless subscribers to County Emergency Telephone System Boards in counties with a population under 100,000 according to the most recent census data, and $0.0175 per surcharge collected shall be deposited in the Poison Response Fund for distribution monthly to a human poison control center as defined in Section 10 of the Poison Control System Act, and $0.015 per surcharge collected shall be deposited into the Public Utility Fund to defray expenses incurred by the Illinois Commerce Commission related to the oversight and coordination of 9-1-1 systems, oversight of the Poison Response Fund, and public safety. Of the amounts deposited into the Wireless Carrier Reimbursement Fund under this subsection, $0.01 per surcharge collected may be distributed to the carriers to cover their administrative costs.

For surcharges collected and remitted on and after July 1, 2018, $0.01 per surcharge collected shall be deposited into the Wireless Carrier Reimbursement Fund to reimburse wireless carriers with fewer than 50,000 customers in Illinois, including all customers of carriers under common ownership, $0.655 per surcharge collected shall be deposited into the Wireless Service Emergency Fund, $0.03 per surcharge collected shall be deposited into the Wireless Service Emergency Fund and distributed on a pro-rata basis based on number of wireless subscribers to County Emergency Telephone System Boards in counties with a population under 100,000 according to the most recent census data, $0.02 per surcharge collected shall be deposited in the Poison Response Fund for distribution monthly to a human poison control center as defined in Section 10 of the Poison Control System Act, and $0.015 per surcharge collected shall be deposited into the Public Utility Fund to defray expenses incurred by the Illinois Commerce Commission related to the oversight and coordination of 9-1-1 systems, oversight of the Poison Response Fund, and other expenses related to public safety.

(c) The first such remittance by wireless carriers shall include the number of wireless subscribers by zip code, and the 9-digit zip code if currently being used or later implemented by the carrier, that shall be the means by which the Illinois Commerce Commission shall determine distributions from the Wireless Service Emergency Fund. This information shall be updated no less often than every year. Wireless carriers are not required to remit surcharge moneys that are billed to subscribers but not yet collected. Any

carrier that fails to provide the zip code information required under this subsection (c) shall be subject to the penalty set forth in subsection (f) of this Section.

(d) Any funds collected under the Prepaid Wireless 9-1-1 Surcharge Act shall be distributed using a prorated method based upon zip code information collected from post-paid wireless carriers under subsection (c) of this Section.

(e) If before midnight on the last day of the third calendar month after the closing date of the remit period a wireless carrier does not remit the surcharge or any portion thereof required under this Section, then the surcharge or portion thereof shall be deemed delinquent until paid in full, and the Illinois Commerce Commission may impose a penalty against the carrier in an amount equal to the greater of:

(1) $25 for each month or portion of a month from the time an amount becomes delinquent until the amount is paid in full; or

(2) an amount equal to the product of 1% and the sum of all delinquent amounts for each month or portion of a month that the delinquent amounts remain unpaid.

A penalty imposed in accordance with this subsection (e) for a portion of a month during which the carrier provides the number of subscribers by zip code as required under subsection (c) of this Section shall be prorated for each day of that month during which the carrier had not provided the number of subscribers by zip code as required under subsection (c) of this Section. Any penalty imposed under this subsection (e) is in addition to the amount of the delinquency and is in addition to any other penalty imposed under this Section.

(f) If, before midnight on the last day of the third calendar month after the closing date of the remit period, a wireless carrier does not provide the number of subscribers by zip code as required under subsection (c) of this Section, then the report is deemed delinquent and the Illinois Commerce Commission may impose a penalty against the carrier in an amount equal to the greater of:

(1) $25 for each month or portion of a month that the report is delinquent; or

(2) an amount equal to the product of 1/2¢ and the number of subscribers served by the wireless carrier. <u>On and after July 1, 2014, an amount equal to the product of $0.01 and the number of subscribers served by the wireless carrier.</u>

A penalty imposed in accordance with this subsection (f) for a portion of a month during which the carrier pays the delinquent amount in full shall be prorated for each day of that month that the delinquent amount was paid in full. <u>A penalty imposed and collected in accordance with this subsection (f) shall be deposited into the Wireless Service Emergency Fund.</u> Any penalty imposed under this subsection (f) is in addition to any other penalty imposed under this Section.

(g) The Illinois Commerce Commission may enforce the collection of any delinquent amount and any penalty due and unpaid under this Section by legal action or in any other manner by which the collection of debts due the State of Illinois may be enforced under the laws of this State. The Executive Director of the Illinois Commerce Commission, or his or her designee, may excuse the payment of any penalty imposed under this Section if the Executive Director, or his or her designee, determines that the enforcement of this penalty is unjust.

(h) Notwithstanding any provision of law to the contrary, nothing shall impair the right of wireless carriers to recover compliance costs for all emergency communications services that are not reimbursed out of the Wireless Carrier Reimbursement Fund directly from their wireless subscribers via line-item charges on the wireless subscriber's bill. Those compliance costs include all costs incurred by wireless carriers in complying with local, State, and federal regulatory or legislative mandates that require the transmission and receipt of emergency communications to and from the general public, including, but not limited to, E-911.

(i) The Auditor General shall conduct <u>and present to the General Assembly</u>, on an annual basis, an audit of the Wireless Service Emergency Fund<u>, the Poison Response Fund,</u> and the Wireless Carrier Reimbursement Fund for compliance with the requirements of this Act. The audit shall include, but not be limited to, the following determinations:

(1) Whether the Commission is maintaining detailed records of all receipts and disbursements from the Wireless Carrier Emergency Fund<u>, the Poison Response Fund,</u> and the Wireless Carrier Reimbursement Fund.

(2) Whether the Commission's ~~administrative~~ costs charged to the funds are adequately documented and are reasonable.

(3) Whether the Commission's procedures for making grants and providing reimbursements in accordance with the Act are adequate.

(4) The status of the implementation of wireless 9-1-1 and E9-1-1 services in Illinois.

<u>(5) The status of human poison response services in Illinois.</u>

The Commission, the Department of State Police, and any other entity or person that may have information relevant to the audit shall cooperate fully and promptly with the Office of the Auditor General in conducting the audit. The Auditor General shall commence the audit as soon as possible and distribute the report upon completion in accordance with Section 3-14 of the Illinois State Auditing Act.

(j) The Illinois Commerce Commission shall create uniform accounting procedures that any entity that receives funds from the Wireless Service Emergency Fund must follow as a condition of receiving funds from the Wireless Service Emergency Fund. The Illinois Commerce Commission shall require an annual audit of total income and expenditures from any entity that receives funds from the Wireless Service Emergency Fund. An entity that receives funds from the Wireless Service Emergency Fund is responsible for any costs associated with the annual audit. The audit report shall require the inclusion of a copy of detailed financial statements of all revenue received by the entity, including but not limited to, local, State, federal, and private revenues, and any other funds received, and detailed expenditure reports for capital, operating, personnel, travel, technology, and any other expenditures related, directly or indirectly, to the operations of the entity. The Illinois Commerce Commission shall make the annual audit information available to the public and publish the individual audit reports online. Within 12 months of the effective date of this amendatory Act of the 98th General Assembly, the Illinois Commerce Commission shall issue guidelines for the collection and reporting of financial statements for all entities receiving funds from the Wireless Service Emergency Fund and make recommendations to the General Assembly.

The Illinois Commerce Commission shall create uniform accounting procedures that any entity that receives funds from the Poison Response Fund must follow as a condition of receiving funds from the Poison Response Fund. The Illinois Commerce Commission shall require an annual audit of total income and expenditures related directly, or indirectly, to the operation of the human poison control center, from any entity that receives funds from the Poison Response Fund. The audit report shall require the inclusion of a copy of detailed financial statements of all revenue received for the operation of the human poison control center by an entity seeking funds from the Poison Response Fund, including, but not limited to, local, State, federal, and private revenues, and any other funds received, and detailed expenditure reports for capital, operating, personnel, travel, technology and any other expenditures related, directly or indirectly, to the operations of the human poison control center. The Illinois Commerce Commission shall make the annual audit information available to the public and publish the individual audit reports online. Within 12 months of the effective date of this amendatory Act of the 98th General Assembly, the Illinois Commerce Commission shall issue guidelines for the collection and reporting of financial statements for any entity receiving funds from the Poison Response Fund and make recommendations to the General Assembly.

Monthly proportional grants of funds to an authorized entity under Section 25 of this Act will be made only in accordance with this Section and Section 25 of this Act.

(1) Failure by an emergency telephone system board or qualified governmental entity to file the 9-1-1 system financial report as required under this Section will result in the suspension of payment and withholding by the Commission of monthly proportional grants otherwise due the emergency telephone system board or qualified governmental entity under Section 25 of this Act until the report is filed by the emergency telephone system board or qualified governmental entity.

(2) Any monthly proportional grants that have been withheld for 12 months or more shall be forfeited by the emergency telephone system board or qualified governmental entity and may be distributed proportionally to compliant emergency telephone system boards and qualified governmental entities.

(3) The Commission, acting through its Executive Director or his or her designee, may in his discretion waive any requirement of this Section for good cause shown.

(Source: P.A. 97-463, eff. 1-1-12.)

(50 ILCS 751/20)

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

Sec. 20. Wireless Service Emergency Fund; uses. The Wireless Service Emergency Fund is created as a special fund in the State treasury. Subject to appropriation, moneys in the Wireless Service Emergency Fund may only be used for grants for emergency telephone system boards, qualified government entities, or the Department of State Police. These grants may be used only for the design, implementation, operation, maintenance, or upgrade of wireless 9-1-1 or E9-1-1 emergency services and public safety answering points, and for no other purposes.

The moneys received by the Department of State Police from the Wireless Service Emergency Fund, in any year, may be used for any costs relating to the leasing, modification, or maintenance of any building or facility used to house personnel or equipment associated with the operation of wireless 9-1-1 or wireless E9-1-1 emergency services, to ensure service in those areas where service is not otherwise provided.

Moneys received by a emergency telephone system board or qualified governmental entity under this Act shall pay for the costs directly attributable to 9-1-1 call delivery, 9-1-1 call taking, and 9-1-1 call dispatch. Such moneys may not be used to pay for any of the following purposes:

(1) Personnel costs of law enforcement, fire, emergency medical services and emergency responders, emergency management staff, or shared support or technical staff, except for portions of time of 9-1-1 staff directly attributable to 9-1-1 call delivery, 9-1-1 call taking, or 9-1-1 call dispatch.

(2) Facility and capital costs of law enforcement, fire, emergency medical services, emergency management, or other municipal facilities, except for that portion of such facilities housing a 9-1-1 call center.

(3) Training for staff not directly involved in 9-1-1 call delivery, 9-1-1 call taking, or 9-1-1 call dispatch, or for any staff training on courses not directly attributable to 9-1-1 call delivery, 9-1-1 call taking, or 9-1-1 call dispatch.

(4) Memberships for staff not involved directly in 9-1-1-call delivery, 9-1-1 call taking, or 9-1-1 call dispatch, or for associations with a primary purpose other than public safety communications.

(5) Hardware, software, connectivity, and non-emergency N-1-1 systems or outbound notifications systems not attributable to 9-1-1 call delivery, 9-1-1 call taking, or 9-1-1 call dispatch. For purposes of this paragraph (5), "N-1-1 systems" means a telephone number ending in "1-1", other than 9-1-1, used to designate a non-emergency information or access telephone system.

(6) Vehicle costs, including, but not limited to, costs for fleet vehicles, pool cars, mileage reimbursement, and for vehicle costs for law enforcement, fire or emergency medical service responders, such as patrol cars, fire apparatus, and ambulances.

(7) Professional services not directly attributable to 9-1-1 call delivery, 9-1-1 call taking, or 9-1-1 call dispatch.

(8) Public information and education expenses not directly attributable to 9-1-1 call delivery, 9-1-1 call taking, or 9-1-1 call dispatch.

(9) Any other costs the Illinois Commerce Commission deems by rule unallowable.

Moneys from the Wireless Service Emergency Fund may not be used to pay for or recover any costs associated with public safety agency equipment or personnel dispatched in response to wireless 9-1-1 or wireless E9-1-1 emergency calls.

(Source: P.A. 91-660, eff. 12-22-99.)

(50 ILCS 751/35)

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

Sec. 35. Wireless Carrier Reimbursement Fund; reimbursement.

(a) To recover costs from the Wireless Carrier Reimbursement Fund, the wireless carrier shall submit sworn invoices to the Illinois Commerce Commission. In no event may any invoice for payment be approved for (i) costs that are not related to compliance with the requirements established by the wireless enhanced 9-1-1 mandates of the Federal Communications Commission, or (ii) costs with respect to any wireless enhanced 9-1-1 service that is not operable at the time the invoice is submitted ~~, or (iii) costs in excess of the sum of (A) the carrier's balance, as determined under subsection (e) of this Section, plus (B) 100% of the surcharge remitted to the Wireless Carrier Reimbursement Fund by the wireless carrier under Section 17(b) since the last annual review of the balance in the Wireless Carrier Reimbursement Fund under subsection (e) of this Section, less reimbursements paid to the carrier out of the Wireless Carrier Reimbursement Fund since the last annual review of the balance under subsection (e) of this Section, unless the wireless carrier received prior approval for the expenditures from the Illinois Commerce Commission~~.

(a-1) Invoices submitted by wireless carriers before January 1, 2014 in accordance with subsection (a) of this Section that have not been previously approved for payment and paid in full by the Illinois Commerce Commission per the Commission's approval, shall be paid quarterly commencing on the fifteenth day of the calendar month which is 90 days after the effective date of this amendatory Act of the 98th General Assembly, using funds then in the Wireless Carrier Reimbursement Fund, to the extent available. If, in any quarter, the total amount of invoices submitted to the Illinois Commerce Commission in accordance with this subsection and approved for payment exceeds the amount available in the Wireless Carrier Reimbursement Fund, wireless carriers that have any such invoices approved for payment shall receive a pro-rata share of the amount available in the Wireless Carrier Reimbursement Fund based on the relative amount of their approved invoices available that quarter, and the balance of the payments shall be carried forward into the following quarters until all of the approved payments are made. Within 90 days from the effective date of this amendatory Act of the 98th General Assembly, the Illinois Commerce Commission shall submit a voucher or vouchers to the Illinois State Comptroller in accordance with the requirements of this subsection.

(a-2) In addition to the requirements in subsection (a) of this Section, in no event may any invoice for payment submitted on and after January 1, 2014 be approved for costs in excess of the sum of: (1) the carrier's balance, as determined under subsection (e) of this Section, plus (2) 100% of the surcharge remitted to the Wireless Carrier Reimbursement Fund by the wireless carrier under Section 17(b) of this Act since the last annual review of the balance in the Wireless Carrier Reimbursement Fund under subsection (e) of this Section, less (3) reimbursements paid to the carrier out of the Wireless Carrier Reimbursement Fund since the last annual review of the balance under subsection (e) of this Section. On and after July 1, 2018, wireless carriers with less than 50,000 customers, including all customers of companies under common ownership, are eligible for full reimbursement subject to the limitations of subsection (a-1) of this Section.

(b) If in any quarter ~~month~~ the total amount of invoices submitted to the Illinois Commerce Commission in accordance with subsection (a-2) and approved for payment exceeds the amount available in the Wireless Carrier Reimbursement Fund, wireless carriers that have invoices approved for payment shall receive a pro-rata share of the amount available in the Wireless Carrier Reimbursement Fund based on the relative amount of their approved invoices available that quarter ~~month~~, and the balance of the payments shall be carried forward into the following quarters ~~months~~ until all of the approved payments are made.

(c) A wireless carrier may not receive payment from the Wireless Carrier Reimbursement Fund for its costs of providing wireless enhanced 9-1-1 services in an area when a unit of local government or emergency telephone system board provides wireless 9-1-1 services in that area and was imposing and collecting a wireless carrier surcharge prior to July 1, 1998.

(d) The Illinois Commerce Commission shall maintain detailed records of all receipts and disbursements and shall provide an annual accounting of all receipts and disbursements to the Auditor General.

(e) The Illinois Commerce Commission must annually review the balance in the Wireless Carrier Reimbursement Fund as of June 30 of each year and shall direct the Comptroller to transfer into the Wireless Services Emergency Fund for distribution in accordance with Section 25 of this Act any amount in excess of the amount of deposits into the Fund for the 24 months prior to June 30 less:

(1) the amount of paid and payables received by June 30 for the 24 months prior to June 30 as determined eligible under subsection (a) and, as applicable, subsection (a-2) of this Section;

(2) the administrative costs associated with the Fund for the 24 months prior to June 30; and

(3) the prorated portion of any other adjustments made to the Fund in the 24 months prior to June 30.

After making the calculation required under this subsection (e), each carrier's available balance for purposes of reimbursements must be adjusted using the same calculation.

(f) The Illinois Commerce Commission shall adopt rules to govern the reimbursement process.

(g) On January 1, 2008 (the effective date of Public Act 95-698), or as soon thereafter as practical, the State Comptroller shall order transferred and the State Treasurer shall transfer the sum of $8,000,000 from the Wireless Carrier Reimbursement Fund to the Wireless Service Emergency Fund. That amount shall be used by the Illinois Commerce Commission to make grants in the manner described in Section 25 of this Act.

(Source: P.A. 95-63, eff. 8-13-07; 95-698, eff. 1-1-08; 95-876, eff. 8-21-08.)

(50 ILCS 751/70)

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

Sec. 70. Repealer. This Act is repealed on July 1, 2018 ~~2014~~.

(Source: P.A. 97-1163, eff. 2-4-13; 98-45, eff. 6-28-13.)

(50 ILCS 751/90 new)

Sec. 90. Poison Response Fund. The Poison Response Fund is created as a special fund in the State treasury. Subject to appropriation, moneys in the Poison Response Fund may only be used as described in subsection (b) of Section 17 of this Act.

(50 ILCS 751/95 new)

Sec. 95. Fund sweeps. Notwithstanding any provision of law to the contrary, the Wireless Carrier Reimbursement Fund is not subject to sweeps, administrative charge-backs, or any other fiscal or budgetary maneuver that would in any way transfer any amount from that Fund into any other fund of the State with the exception of the Wireless Services Emergency Fund. The Illinois Commerce Commission shall remain obligated to comply with the requirements of subsection (b) of Section 35 of the Wireless Emergency Telephone Safety Act, and transfers to the Wireless Services Emergency Fund pursuant thereto shall not be deemed to be sweeps, administrative charge-backs, or other fiscal or budgetary maneuvers as otherwise prohibited by this Section.

Section 15. The Public Utilities Act is amended by changing Sections 13-900, 13-900.1, 13-900.3, and 13-1200 as follows:

(220 ILCS 5/13-900)

(Section scheduled to be repealed on July 1, 2015)

Sec. 13-900. Authority to serve as 9-1-1 system provider; rules.

(a) The General Assembly finds that it is necessary to require the certification of 9-1-1 system providers to ensure the safety of the lives and property of Illinoisans and Illinois businesses, and to otherwise protect and promote the public safety, health, and welfare of the citizens of this State and their property.

(b) For purposes of this Section:

"9-1-1 system" has the same meaning as that term is defined in Section 2.19 of the Emergency Telephone System Act.

"9-1-1 system provider" means any person, corporation, limited liability company, partnership, sole proprietorship, or entity of any description whatever that acts as a system provider within the meaning of Section 2.18 of the Emergency Telephone System Act.

"Emergency Telephone System Board" has the same meaning as that term is defined in Sections 2.11 and 15.4 of the Emergency Telephone System Act.

"Public safety agency personnel" means personnel employed by a public safety agency, as that term is defined in Section 2.02 of the Emergency Telephone System Act, whose responsibilities include responding to requests for emergency services.

(c) Except as otherwise provided in this Section, beginning July 1, 2010, it is unlawful for any 9-1-1 system provider to offer or provide or seek to offer or provide to any emergency telephone system board or 9-1-1 system, or agent, representative, or designee thereof, any network and database service used or intended to be used by any emergency telephone system board or 9-1-1 system for the purpose of answering, transferring, or relaying requests for emergency services, or dispatching public safety agency personnel in response to requests for emergency services, unless the 9-1-1 system provider has applied for and received a Certificate of 9-1-1 System Provider Authority from the Commission. The Commission shall approve an application for a Certificate of 9-1-1 System Provider Authority upon a showing by the applicant, and a finding by the Commission, after notice and hearing, that the applicant possesses sufficient technical, financial, and managerial resources and abilities to provide network service and database services that it seeks authority to provide in its application for service authority, in a safe, continuous, and uninterrupted manner.

(d) No incumbent local exchange carrier that provides, as of the effective date of this amendatory Act of the 96th General Assembly, any 9-1-1 network and 9-1-1 database service used or intended to be used by any Emergency Telephone System Board or 9-1-1 system, shall be required to obtain a Certificate of 9-1-1 System Provider Authority under this Section. No entity that possesses, as of the effective date of this amendatory Act of the 96th General Assembly, a Certificate of Service Authority and provides 9-1-1 network and 9-1-1 database services to any incumbent local exchange carrier as of the effective date of this amendatory Act of the 96th General Assembly shall be required to obtain a Certificate of 9-1-1 System Provider Authority under this Section.

(e) Any and all enforcement authority granted to the Commission under this Section shall apply exclusively to 9-1-1 system providers granted a Certificate of Service Authority under this Section and shall not apply to incumbent local exchange carriers that are providing 9-1-1 service as of the effective date of this amendatory Act of the 96th General Assembly.

(f) This Section is repealed on July 1, 2016.

(Source: P.A. 96-25, eff. 6-30-09.)

(220 ILCS 5/13-900.1)

(Section scheduled to be repealed on July 1, 2015)

Sec. 13-900.1. Authority over 9-1-1 rates and terms of service. Notwithstanding any other provision of this Article, the Commission retains its full authority over the rates and service quality as they apply to 9-1-1 system providers, including the Commission's existing authority over interconnection with 9-1-1 system providers and 9-1-1 systems. The rates, terms, and conditions for 9-1-1 service shall be tariffed and shall be provided in the manner prescribed by this Act and shall be subject to the applicable laws, including rules or regulations adopted and orders issued by the Commission or the Federal Communications Commission. The Commission retains this full authority regardless of the technologies utilized or deployed by 9-1-1 system providers.

This Section is repealed on July 1, 2016.

(Source: P.A. 96-927, eff. 6-15-10; 97-333, eff. 8-12-11.)

(220 ILCS 5/13-900.3)

(Section scheduled to be repealed on July 1, 2015)

Sec. 13-900.3. Regulatory flexibility for 9-1-1 system providers.

(a) For purposes of this Section, "Regional Pilot Project" to implement next generation 9-1-1 has the same meaning as that term is defined in Section 2.22 of the Emergency Telephone System Act.

(b) For the limited purpose of a Regional Pilot Project to implement next generation 9-1-1, as defined in Section 13-900 of this Article, the Commission may forbear from applying any rule or provision of Section 13-900 as it applies to implementation of the Regional Pilot Project to implement next generation 9-1-1 if the Commission determines, after notice and hearing, that: (1) enforcement of the rule is not necessary to ensure the development and improvement of emergency communication procedures and facilities in such a manner as to be able to quickly respond to any person requesting 9-1-1 services from police, fire, medical, rescue, and other emergency services; (2) enforcement of the rule or provision is not necessary for the protection of consumers; and (3) forbearance from applying such provisions or rules is consistent with the public interest. The Commission may exercise such forbearance with respect to one, and only one, Regional Pilot Project as authorized by Sections 10 and 11 of the Emergency Telephone Systems Act to implement next generation 9-1-1.

(c) This Section is repealed on July 1, 2016.

(Source: P.A. 96-1443, eff. 8-20-10; 97-333, eff. 8-12-11.)

(220 ILCS 5/13-1200)

(Section scheduled to be repealed on July 1, 2015)

Sec. 13-1200. Repealer. This Article, except for Sections 13-900, 13-900.1, and 13-900.3, is repealed July 1, 2015.

(Source: P.A. 98-45, eff. 6-28-13.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Harmon, **Senate Bill No. 2674** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

At the hour of 12:59 o'clock p.m., Senator Link, presiding.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 43; NAYS 13; Present 1.

The following voted in the affirmative:

Althoff	Frerichs	Kotowski	Noland
Bertino-Tarrant	Haine	Landek	Oberweis
Biss	Harmon	Lightford	Radogno
Bush	Harris	Link	Raoul
Clayborne	Hastings	Manar	Rezin
Connelly	Holmes	Martinez	Sandoval
Cullerton, T.	Hunter	McGuire	Steans
Cunningham	Hutchinson	Morrison	Trotter
Delgado	Jacobs	Mulroe	Van Pelt
Dillard	Jones, E.	Muñoz	Mr. President
Duffy	Koehler	Murphy	

The following voted in the negative:

Barickman	LaHood	McConnaughay	Syverson
Bivins	Luechtefeld	Righter	
Brady	McCann	Rose	

Forby McCarter Sullivan

The following voted present:

Stadelman

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 therein.

SENATE BILL RECALLED

On motion of Senator Muñoz, **Senate Bill No. 3382** was recalled from the order of third reading to the order of second reading.

Senator Muñoz offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 3382

AMENDMENT NO. 4. Amend Senate Bill 3382, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 10-155 as follows:

(35 ILCS 200/10-155)

Sec. 10-155. Open space land; valuation. In all counties, in addition to valuation as otherwise permitted by law, land which is used for open space purposes and has been so used for the 3 years immediately preceding the year in which the assessment is made, upon application under Section 10-160, shall be valued on the basis of its fair cash value, estimated at the price it would bring at a fair, voluntary sale for use by the buyer for open space purposes.

(a) Land is considered used for open space purposes if it is more than 10 acres in area and:

(1) ~~(a)~~ is actually and exclusively used for maintaining or enhancing natural or scenic resources,

(2) ~~(b)~~ protects air or streams or water supplies,

(3) ~~(c)~~ promotes conservation of soil, wetlands, beaches, or marshes, including ground cover or planted perennial grasses, trees and shrubs and other natural perennial growth, and including any body of water, whether man-made or natural,

(4) ~~(d)~~ conserves landscaped areas, such as public or private golf courses,

(5) ~~(e)~~ enhances the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces, or

(6) ~~(f)~~ preserves historic sites.

(b) A separately identifiable part of one property or campus consisting of one or more parcels of land under one ownership shall be valued as open space if the separately identifiable part meets one or more of the criteria listed in subsection (a) of this Section and is not otherwise excluded from valuation as open space land under this Section. The remaining part of such property or campus shall be valued at fair cash value in accordance with Section 9-145 or in accordance with a classification ordinance adopted pursuant to Section 9-150. The boundary between the part of a property to be valued as open space and the remaining part of the property to be valued at fair cash value shall be set forth by map, survey, or other description sufficient to identify both parts clearly in the application filed under Section 10-160. The boundary need not conform to existing property index number ("PIN") descriptions, and one PIN may contain both open space and non-open space land. In all cases the qualification of any land for open space valuation shall be determined by the substantive criteria in this Section, and not merely by PIN descriptions.

(c) The following uses of land or improvements do not qualify for valuation as open space land, except as otherwise provided under this Section:

(1) land that ~~Land is not considered used for open space purposes if it~~ is used primarily for residential purposes ; ~~.~~

(2) if ~~If the~~ land is improved with a water-retention dam that is operated primarily for commercial

purposes, the water-retention dam is not considered to be used for open space purposes despite the fact that any resulting man-made lake may be considered to be used for open space purposes under this Section; .

(3) improvements consisting of hotels, lodging facilities, club houses, banquet facilities, tennis or other courts, swimming pools, or retail shops, together with the land directly underlying such improvements;

(4) improvements consisting of buildings or structures that are used primarily for commercial or industrial purposes, together with the land directly underlying such improvements;

(5) parking areas, roadways, walkways, medians with or without plantings, and grassy areas which merely separate one non-open space improvement from another on a campus or property with multiple improvements, all of which are used primarily to support the same purposes of the improvements listed in items (3) and (4) of this subsection (c).

(d) Improvements or structures located on or adjacent to land that is qualified to be valued as open space under subsection (a) of this Section that enhance, preserve, or conserve that land in its use for open space purposes shall be included within the open space valuation and shall not be separately valued. Such improvements or structures include, but are not limited to:

(1) tees, fairways, greens, sand traps, sprinkler systems, or any other improvements or structures that are an integral part of a golf course;

(2) maintenance buildings, equipment sheds, or other building or structural improvements that are used primarily for the operation or maintenance of any open space land, including, but not limited to, golf courses, other landscaped areas, nature reservations, sanctuaries, beaches, or historic sites;

(3) parking areas, roadways, or walkways used primarily to support the open space purposes of the land; and

(4) in addition to other buildings used for operation or maintenance of a golf course, certain parts of a golf club house or pro-shop, as defined and limited in subsection (e) of this Section; provided, however, that such parts of a golf club house or pro-shop shall only qualify to be included within the open space valuation if they are used primarily for golf-related operations or activities, and are not used primarily for any other purposes or activities.

(e) The inclusion of golf club houses and pro shops within an open space assessment under this Section is subject to the following definitions and limitations:

(1) An overall maximum of 10,000 square feet of a club house or pro-shop building area, located in one or more buildings, may be included within the open space assessment for any one golf course property. Any part of such building area must first qualify under subsection (d)(4) of this Section to be included within the open space assessment, and the inclusion of any building area shall not guarantee that the maximum square footage will be so-qualified.

(2) A "golf course property" means one or more golf courses, with any number of golf holes, under common ownership and operation on one parcel or several contiguous parcels of land.

(3) A golf club house or part thereof is considered to be primarily for golf-related operations or activities if it contains locker rooms or other dressing areas for golfers, a grill room or other casual food and beverage service available to golfers before, during, or after rounds, or an office for the administration of the golf course, and if it is actually and primarily used for these purposes.

(4) A golf pro-shop or part thereof is considered to be primarily for golf-related operations or activities if it is used to sell or otherwise furnish golf equipment or golf apparel, or as an office for administration of the golf course, and if it is actually and primarily used for these purposes.

(Source: P.A. 95-70, eff. 1-1-08.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 4 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Muñoz, **Senate Bill No. 3382** having been transcribed and typed and all amendments adopted thereto having been printed, 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 36; NAYS 19.

The following voted in the affirmative:

Bertino-Tarrant	Harmon	Landek	Raoul
Biss	Harris	Lightford	Sandoval
Bush	Hastings	Link	Steans
Clayborne	Holmes	Manar	Sullivan
Collins	Hunter	Martinez	Trotter
Cunningham	Hutchinson	McGuire	Mr. President
Delgado	Jacobs	Morrison	
Forby	Jones, E.	Mulroe	
Frerichs	Koehler	Muñoz	
Haine	Kotowski	Noland	

The following voted in the negative:

Althoff	Cullerton, T.	McCarter	Righter
Barickman	Duffy	McConnaughay	Rose
Bivins	LaHood	Oberweis	Syverson
Brady	Luechtefeld	Radogno	Van Pelt
Connelly	McCann	Rezin	

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 therein.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 1187

Offered by Senator Kotowski and all Senators:

Mourns the death of Steven George Schaefer of Des Plaines.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 8, 2014 meeting, reported the following House Bill has been assigned to the indicated Standing Committee of the Senate:

Insurance: **House Bill No. 3784.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 8, 2014 meeting, to which was referred **Senate Bill No. 651** on April 16, 2013, reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **Senate Bill No. 651** was returned to the order of third reading.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 8, 2014 meeting, to which was referred **House Bill No. 2898** on January 3, 2014, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **House Bill No. 2898** was returned to the order of third reading.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 1131
Offered by Senator Link and all Senators:
Mourns the death of Judith A. Golwitzer of Waukegan.

SENATE RESOLUTION NO. 1132
Offered by Senator Link and all Senators:
Mourns the death of Joyce Williams (nee Thomas) of Waukegan.

SENATE RESOLUTION NO. 1133
Offered by Senator Link and all Senators:
Mourns the death of Mean Marie Styx.

SENATE RESOLUTION NO. 1134
Offered by Senator Link and all Senators:
Mourns the death of George "JR" Dodd of Beach Park.

SENATE RESOLUTION NO. 1135
Offered by Senator Link and all Senators:
Mourns the death of Earl Hildemar Leafblad of Waukegan.

SENATE RESOLUTION NO. 1136
Offered by Senator Link and all Senators:
Mourns the death of Charles A. Ullrich of Bristol, Wisconsin.

SENATE RESOLUTION NO. 1137
Offered by Senator Link and all Senators:
Mourns the death of Eddie George Richter of Waukegan.

SENATE RESOLUTION NO. 1138
Offered by Senator Link and all Senators:
Mourns the death of Margaret E. Hagglund of Gurnee.

SENATE RESOLUTION NO. 1139
Offered by Senator Link and all Senators:
Mourns the death of William Austin Hutton of Waukegan.

SENATE RESOLUTION NO. 1140
Offered by Senator Link and all Senators:
Mourns the death of Marion L. Deadrick, formerly of Gurnee.

SENATE RESOLUTION NO. 1141
Offered by Senator Link and all Senators:
Mourns the death of Ernest P. Massimo of Waukegan.

SENATE RESOLUTION NO. 1142
Offered by Senator Noland and all Senators:
Mourns the death of Gordon Richard Schnulle of Elgin.

SENATE RESOLUTION NO. 1143
Offered by Senators McGuire - Silverstein and all Senators
Mourns the death of Audrey Levison (nee Klein).

SENATE RESOLUTION NO. 1144
Offered by Senator E. Jones III and all Senators:
Mourns the death of Bertha Lee Logue.

SENATE RESOLUTION NO. 1146
Offered by Senator McConnaughay and all Senators:
Mourns the death of James "Jim" Wheeler of St. Charles.

SENATE RESOLUTION NO. 1147
Offered by Senator Harmon and all Senators:
Mourns the death of Joseph E. Burns.

SENATE RESOLUTION NO. 1148
Offered by Senator Althoff and all Senators:
Mourns the death of Henry "Hank" Tonigan II of Waukegan.

SENATE RESOLUTION NO. 1149
Offered by Senator Althoff and all Senators:
Mourns the death of Harriet Wilson.

SENATE RESOLUTION NO. 1150
Offered by Senator Althoff and all Senators:
Mourns the death of Helen Roberta Book of McHenry.

SENATE RESOLUTION NO. 1151
Offered by Senator Althoff and all Senators:
Mourns the death of Milan Louis "Mike" Homola.

SENATE RESOLUTION NO. 1152
Offered by Senator Althoff and all Senators:
Mourns the death of Catherine M. Freund of McHenry.

SENATE RESOLUTION NO. 1153
Offered by Senator Althoff and all Senators:
Mourns the death of Burtis "Gene" Moye of Marengo.

SENATE RESOLUTION NO. 1154
Offered by Senator Althoff and all Senators:
Mourns the death of Albert D. "Vinegar Al" Burkus.

SENATE RESOLUTION NO. 1155
Offered by Senator Althoff and all Senators:
Mourns the death of Penelope Faye Bryan-McQueen of Harvard.

SENATE RESOLUTION NO. 1156
Offered by Senator Althoff and all Senators:
Mourns the death of Austra Treknais of Lakewood.

SENATE RESOLUTION NO. 1157
Offered by Senator Althoff and all Senators:
Mourns the death of Wendel Dschida, Jr., of Richmond.

SENATE RESOLUTION NO. 1158
Offered by Senator Althoff and all Senators:
Mourns the death of Herbert Claussen Snider of Crystal Lake.

SENATE RESOLUTION NO. 1159
Offered by Senator Althoff and all Senators:
Mourns the death of Monica A. Salemi of Spring Grove.

SENATE RESOLUTION NO. 1160
Offered by Senator Link and all Senators:

Mourns the death of Henry "Hank" Tonigan II of Waukegan.

SENATE RESOLUTION NO. 1161
Offered by Senator Link and all Senators:
Mourns the death of Jesse Lee Lewis of Waukegan.

SENATE RESOLUTION NO. 1162
Offered by Senator Link and all Senators:
Mourns the death of Thomas J. Merlock of Waukegan.

SENATE RESOLUTION NO. 1163
Offered by Senator Link and all Senators:
Mourns the death of Rodney A. Iwema of Gurnee.

SENATE RESOLUTION NO. 1164
Offered by Senator Link and all Senators:
Mourns the death of Mary Ann Earls.

SENATE RESOLUTION NO. 1165
Offered by Senator Link and all Senators:
Mourns the death of Lawrence C. Szempruch of Gurnee, formerly of Chicago.

SENATE RESOLUTION NO. 1166
Offered by Senator Link and all Senators:
Mourns the death of Jean M. Rygiel of Carol Stream.

SENATE RESOLUTION NO. 1167
Offered by Senator Link and all Senators:
Mourns the death of Patricia M. "Pat" "Manny" Brown of Gurnee.

SENATE RESOLUTION NO. 1168
Offered by Senator Link and all Senators:
Mourns the death of Chyrel "Cheryl" E. Maluska.

SENATE RESOLUTION NO. 1169
Offered by Senator Link and all Senators:
Mourns the death of Tom Trenkle of Waukegan.

SENATE RESOLUTION NO. 1170
Offered by Senator Oberweis and all Senators:
Mourns the death of Hansel Marion DeBartolo, Jr., of Aurora.

SENATE RESOLUTION NO. 1171
Offered by Senator Duffy and all Senators:
Mourns the death of Darlene J. Pace of Barrington.

SENATE RESOLUTION NO. 1174
Offered by Senator Connelly and all Senators:
Mourns the death of Marilyn W. Cawiezel of Lisle.

SENATE RESOLUTION NO. 1175
Offered by Senator McCarter and all Senators:
Mourns the death of Dallas Harvey of Highland.

SENATE RESOLUTION NO. 1176
Offered by Senator Silverstein and all Senators:
Mourns the death of former Cook County Sheriff Richard J. Elrod of Lincolnwood.

SENATE RESOLUTION NO. 1177

Offered by Senator Brady and all Senators:
Mourns the death of Stan Hoselton of Lexington.

SENATE RESOLUTION NO. 1178
Offered by Senator Brady and all Senators:
Mourns the death of John W. Kaburick, Jr., formerly of Carlinville.

SENATE RESOLUTION NO. 1179
Offered by Senator Brady and all Senators:
Mourns the death of Jeffrey L. "Jeff" Brock of Bloomington.

SENATE RESOLUTION NO. 1180
Offered by Senator Syverson and all Senators:
Mourns the death of Lillian Marshall Burris of Milford, Delaware.

SENATE RESOLUTION NO. 1181
Offered by Senator Koehler and all Senators:
Mourns the death of Dr. John Clinton Schweitzer of Peoria.

SENATE RESOLUTION NO. 1182
Offered by Senator Barickman and all Senators:
Mourns the death of Stan Hoselton of Lexington.

SENATE RESOLUTION NO. 1185
Offered by Senators Brady – Barickman and all Senators:
Mourns the death of Michael Eugene Collins of Normal.

SENATE RESOLUTION NO. 1186
Offered by Senator Van Pelt and all Senators:
Mourns the death of Ulice "Uke" Strickland of Chicago.

SENATE RESOLUTION NO. 1187
Offered by Senator Kotowski and all Senators:
Mourns the death of Steven George Schaefer of Des Plaines.

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

At the hour of 1:35 o'clock p.m., the Chair announced the Senate stand adjourned until Monday, May 12, 2014, at 3:00 o'clock p.m.