



Rep. Michael W. Tryon

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09700SB3442ham001

LRB097 17154 JDS 69656 a

1 AMENDMENT TO SENATE BILL 3442

2 AMENDMENT NO. _____. Amend Senate Bill 3442 as follows:

3 on page 4, in line 19, immediately after "bathroom tissue," by
4 inserting "dry cleaning bags, newspaper bags,"; and

5 on page 5, immediately below line 22, by inserting the
6 following:

7 "(c) After registering a manufacturer, the Agency shall
8 immediately assign to that manufacturer a unique vendor
9 number."; and

10 on page 6, in line 1, immediately after "manufacturer", by
11 inserting "or the manufacturer's unique vendor number assigned
12 by the Agency pursuant to Section 15"; and

13 on page 6, in line 12, immediately after "manufacturers", by
14 inserting "or units of local government, retail

1 establishments, solid waste agencies, or any other entity they
2 deem appropriate"; and

3 on page 9, in line 6, by replacing "10%" with "12%"; and

4 on page 9, in line 7, immediately after the period, by
5 inserting "Notwithstanding the required recycling rate
6 increase specified in this item (3), manufacturers are
7 encouraged to work with units of local government, retail
8 establishments, solid waste agencies, or other entities they
9 deem appropriate to try to reach a recycling rate increase of
10 20%."; and

11 on page 9, in line 8, immediately after "requirements", by
12 inserting "specified in items (1) through (3) of this
13 subsection (e)"; and

14 on page 10, in line 9, immediately after "manufacturer", by
15 inserting "or the manufacturer's unique vendor number assigned
16 by the Agency pursuant to Section 15"; and

17 on page 10, by deleting lines 21 through 23; and

18 on page 12, by replacing lines 5 through 8 with the following:

19 "Section 50. Penalties.

1 (a) Any manufacturer, distributor, or wholesaler who
2 violates any provision of this Act or fails to perform any duty
3 under this Act shall be liable for a civil penalty not to
4 exceed \$1,000, as determined by the Agency.

5 (b) For a first offense, a retailer found to be in
6 violation of Section 30 shall be given 30 days to come into
7 compliance. For a second or subsequent offense, the penalty
8 specified in subsection (a) of this Section shall apply.

9 (c) The penalties provided"; and

10 by replacing line 8 on page 13 through line 1 on page 14 with
11 the following:

12 "Section 65. Home rule.

13 (a) Except in a home rule unit with a population of over
14 2,000,000 or in a home rule municipality to which subsection
15 (c) of this Section applies, the regulation of the collection,
16 recycling, sale, and use of plastic carryout bags and film,
17 including any effort to regulate through the imposition of a
18 ban on those items, is an exclusive power and function of the
19 State. A home rule unit, other than a home rule unit with a
20 population of over 2,000,000 and other than a home rule to
21 which subsection (c) of this Section applies, may not regulate
22 the collection, recycling, sale, or use of plastic carryout
23 bags and film. This subsection (a) is a denial and limitation
24 of home rule powers and functions under subsection (h) of

1 Section 6 of Article VII of the Illinois Constitution.

2 (b) A home rule unit, other than a home rule unit with a
3 population of over 2,000,000, may not impose a fee or tax on
4 the collection, recycling, sale, or use of plastic carryout
5 bags and film. This subsection (b) is a denial and limitation
6 of home rule powers and functions under subsection (g) of
7 Section 6 of Article VII of the Illinois Constitution.

8 (c) A home rule municipality that had a plastic bag and
9 film take-back ordinance in effect on January 1, 2012 may
10 continue the program created by that ordinance, as in effect on
11 that date. However, that home rule unit municipality shall not
12 regulate the collection, recycling, sale, or use of plastic
13 carryout bags or film in a manner that is more restrictive than
14 is provided in that ordinance, as of January 1, 2012, or this
15 Act. This subsection (c) is a limitation under subsection (i)
16 of Section 6 of Article VII of the Illinois Constitution on the
17 concurrent exercise by that home rule unit of powers and
18 functions exercised by the State."