

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

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

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

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

16 (20 ILCS 605/605-75 rep.)

17 Section 10. The Department of Commerce and Economic
18 Opportunity Law of the Civil Administrative Code of Illinois is
19 amended by repealing Section 605-75.

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

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

2 Sec. 3. Powers and Duties.

3 (a) In addition to its other powers, the Department has the
4 following powers:

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

10 (2) To represent the State in energy matters involving
11 the federal government, other states, units of local
12 government, and regional agencies.

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

21 (4) To cooperate with State colleges and universities
22 and their governing boards in energy programs and
23 activities.

24 (5) (Blank).

25 (6) To accept, receive, expend, and administer,

1 including by contracts and grants to other State agencies,
2 any energy-related gifts, grants, cooperative agreement
3 funds, and other funds made available to the Department by
4 the federal government and other public and private
5 sources.

6 (7) To investigate practical problems, seek and
7 utilize financial assistance, implement studies and
8 conduct research relating to the production, distribution
9 and use of alcohol fuels.

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

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

25 (10) To operate, within the Department, an Office of
26 Coal Development and Marketing for the promotion and

1 marketing of Illinois coal both domestically and
2 internationally. The Department may use monies
3 appropriated for this purpose for necessary administrative
4 expenses.

5 The Office of Coal Development and Marketing shall
6 develop and implement an initiative to assist the coal
7 industry in Illinois to increase its share of the
8 international coal market.

9 (11) To assist the Department of Central Management
10 Services in establishing and maintaining a system to
11 analyze and report energy consumption of facilities leased
12 by the Department of Central Management Services.

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

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

23 (b) (Blank).

24 (c) (Blank).

25 (d) The Department shall develop a package of educational
26 materials regarding the necessity of waste reduction and

1 recycling to reduce dependence on landfills and to maintain
2 environmental quality. The materials developed shall be
3 suitable for instructional use in grades 3, 4 and 5. The
4 Department shall distribute such instructional material to all
5 public elementary and unit school districts no later than
6 November 1, of each year.

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

14 (f) (Blank).

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

1 ~~the area the distributor's collection efforts and schedules.~~

2 (h) (Blank). ~~The Department shall assist, cooperate with~~
3 ~~and provide necessary staff and resources for the Interagency~~
4 ~~Energy Conservation Committee, which shall be chaired by the~~
5 ~~Director of the Department.~~

6 (i) (Blank).

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

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

10 (20 ILCS 3305/18) (from Ch. 127, par. 1068)

11 Sec. 18. Orders, Rules and Regulations.

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

1 Administrative Procedure Act.

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

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

16 (20 ILCS 4020/Act rep.)

17 Section 27. The Prairie State 2000 Authority Act is
18 repealed.

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

21 (30 ILCS 105/5h)

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

23 (a) In order to meet cash flow deficits and to maintain

1 liquidity in the General Revenue Fund, the Healthcare Provider
2 Relief Fund, and the Common School Fund, on and after July 1,
3 2010 and through June 30, 2011, the State Treasurer and the
4 State Comptroller shall make transfers to the General Revenue
5 Fund, the Healthcare Provider Relief Fund, or the Common School
6 Fund, as directed by the Governor, out of special funds of the
7 State, to the extent allowed by federal law. No transfer may be
8 made from a fund under this Section that would have the effect
9 of reducing the available balance in the fund to an amount less
10 than the amount remaining unexpended and unreserved from the
11 total appropriation from that fund estimated to be expended for
12 that fiscal year. No such transfer may reduce the cumulative
13 balance of all of the special funds of the State to an amount
14 less than the total debt service payable during the 12 months
15 immediately following the date of the transfer on any bonded
16 indebtedness of the State and any certificates issued under the
17 Short Term Borrowing Act. Notwithstanding any other provision
18 of this Section, no such transfer may be made from any special
19 fund that is exclusively collected by or appropriated to any
20 other constitutional officer without the written approval of
21 that constitutional officer.

22 (b) If moneys have been transferred to the General Revenue
23 Fund, the Healthcare Provider Relief Fund, or the Common School
24 Fund pursuant to subsection (a) of this Section, this
25 amendatory Act of the 96th General Assembly shall constitute
26 the irrevocable and continuing authority for and direction to

1 the State Treasurer and State Comptroller to reimburse the
2 funds of origin from the General Revenue Fund, the Healthcare
3 Provider Relief Fund, or the Common School Fund, as
4 appropriate, by transferring to the funds of origin, at such
5 times and in such amounts as directed by the Governor when
6 necessary to support appropriated expenditures from the funds,
7 an amount equal to that transferred from them plus any interest
8 that would have accrued thereon had the transfer not occurred,
9 except that any moneys transferred pursuant to subsection (a)
10 of this Section shall be repaid to the fund of origin within 18
11 months after the date on which they were borrowed.

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

23 (1) The date each transfer was made.

24 (2) The amount of each transfer.

25 (3) In the case of a transfer from the General Revenue
26 Fund, the Healthcare Provider Relief Fund, or the Common

1 School Fund to a fund of origin pursuant to subsection (b)
2 of this Section, the amount of interest being paid to the
3 fund of origin.

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

8 (Source: P.A. 96-958, eff. 7-1-10; 96-1500, eff. 1-18-11;
9 97-72, eff. 7-1-11 (see also P.A. 97-613 regarding effective
10 date of P.A. 97-72).)

11 (30 ILCS 105/6z-17) (from Ch. 127, par. 142z-17)

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

1 Department of Revenue, 0.6% shall be distributed each month out
2 of the Fund to the Madison County Mass Transit District, (iv)
3 the following amounts, plus any cumulative deficiency in such
4 transfers for prior months, shall be transferred monthly into
5 the Build Illinois Fund and credited to the Build Illinois Bond
6 Account therein:

7 Fiscal Year	Amount
8 1990	\$2,700,000
9 1991	1,850,000
10 1992	2,750,000
11 1993	2,950,000

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

1 coordinating public and private resources targeted to meet the
2 affordable housing needs of low-income and very low-income
3 households within such municipality.

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

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

7 (30 ILCS 270/5)

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

9 Sec. 5. Federal stimulus tracking.

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

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

1 program or by December 31, 2014, whichever occurs first.

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

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

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

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

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

15 (30 ILCS 330/11) (from Ch. 127, par. 661)

16 Sec. 11. Sale of Bonds. Except as otherwise provided in
17 this Section, Bonds shall be sold from time to time pursuant to
18 notice of sale and public bid or by negotiated sale in such
19 amounts and at such times as is directed by the Governor, upon
20 recommendation by the Director of the Governor's Office of
21 Management and Budget. At least 25%, based on total principal
22 amount, of all Bonds issued each fiscal year shall be sold
23 pursuant to notice of sale and public bid. At all times during
24 each fiscal year, no more than 75%, based on total principal

1 amount, of the Bonds issued each fiscal year, shall have been
2 sold by negotiated sale. Failure to satisfy the requirements in
3 the preceding 2 sentences shall not affect the validity of any
4 previously issued Bonds; provided that all Bonds authorized by
5 Public Act 96-43 and this amendatory Act of the 96th General
6 Assembly shall not be included in determining compliance for
7 any fiscal year with the requirements of the preceding 2
8 sentences; and further provided that refunding Bonds
9 satisfying the requirements of Section 16 of this Act and sold
10 during fiscal year 2009, 2010, or 2011 shall not be subject to
11 the requirements in the preceding 2 sentences.

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

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

1 the date fixed for the opening of the bids. The Director of the
2 Governor's Office of Management and Budget may reschedule the
3 date of sale upon the giving of such additional notice as the
4 Director deems adequate to inform prospective bidders of such
5 change; provided, however, that all other conditions of the
6 sale shall continue as originally advertised.

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

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

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

14 (30 ILCS 425/8) (from Ch. 127, par. 2808)

15 Sec. 8. Sale of Bonds. Bonds, except as otherwise provided
16 in this Section, shall be sold from time to time pursuant to
17 notice of sale and public bid or by negotiated sale in such
18 amounts and at such times as are directed by the Governor, upon
19 recommendation by the Director of the Governor's Office of
20 Management and Budget. At least 25%, based on total principal
21 amount, of all Bonds issued each fiscal year shall be sold
22 pursuant to notice of sale and public bid. At all times during
23 each fiscal year, no more than 75%, based on total principal
24 amount, of the Bonds issued each fiscal year shall have been

1 sold by negotiated sale. Failure to satisfy the requirements in
2 the preceding 2 sentences shall not affect the validity of any
3 previously issued Bonds; and further provided that refunding
4 Bonds satisfying the requirements of Section 15 of this Act and
5 sold during fiscal year 2009, 2010, or 2011 shall not be
6 subject to the requirements in the preceding 2 sentences.

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

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

1 sale shall continue as originally advertised. Executed Bonds
2 shall, upon payment therefor, be delivered to the purchaser,
3 and the proceeds of Bonds shall be paid into the State Treasury
4 as directed by Section 9 of this Act. The Governor or the
5 Director of the Governor's Office of Management and Budget is
6 hereby authorized and directed to execute and deliver contracts
7 of sale with underwriters and to execute and deliver such
8 certificates, indentures, agreements and documents, including
9 any supplements or amendments thereto, and to take such actions
10 and do such things as shall be necessary or desirable to carry
11 out the purposes of this Act. Any action authorized or
12 permitted to be taken by the Director of the Governor's Office
13 of Management and Budget pursuant to this Act is hereby
14 authorized to be taken by any person specifically designated by
15 the Governor to take such action in a certificate signed by the
16 Governor and filed with the Secretary of State.

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

18 Section 50. The Industrial Development Assistance Law is
19 amended by changing Section 3 as follows:

20 (30 ILCS 720/3) (from Ch. 85, par. 893)

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

23 "Governing bodies" means, as to any county, municipality or
24 township, the body empowered to enact ordinances or to adopt

1 resolutions for the governance of such county, municipality or
2 township.

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

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

19 (30 ILCS 750/9-4.5)

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

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

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

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

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

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

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

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

23 (50 ILCS 330/5 rep.)

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

1 Section 60. The Illinois Banking Act is amended by changing
2 Section 5 as follows:

3 (205 ILCS 5/5) (from Ch. 17, par. 311)

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

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

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

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

1 Company Act shall be used.

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

4 (5) To adopt and operate reasonable bonus plans,
5 profit-sharing plans, stock-bonus plans, stock-option plans,
6 pension plans and similar incentive plans for its directors,
7 officers and employees.

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

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

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

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

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

1 (c) to secure deposits of public money of the United
2 States, whenever required by the laws of the United States,
3 including without being limited to, revenues and funds the
4 deposit of which is subject to the control or regulation of
5 the United States or any of its officers, agents, or
6 employees and Postal Savings funds;

7 (d) to secure deposits of public money of any state or
8 of any political corporation or subdivision thereof
9 including, without being limited to, revenues and funds the
10 deposit of which is subject to the control or regulation of
11 any state or of any political corporation or subdivisions
12 thereof or of any of their officers, agents, or employees;

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

15 (f) (blank); and

16 (g) to secure trust funds commingled with the bank's
17 funds, whether deposited by the bank or an affiliate of the
18 bank, pursuant to Section 2-8 of the Corporate Fiduciary
19 Act.

20 (8) To own, possess, and carry as assets all or part of the
21 real estate necessary in or with which to do its banking
22 business, either directly or indirectly through the ownership
23 of all or part of the capital stock, shares or interests in any
24 corporation, association, trust engaged in holding any part or
25 parts or all of the bank premises, engaged in such business and
26 in conducting a safe deposit business in the premises or part

1 of them, or engaged in any activity that the bank is permitted
2 to conduct in a subsidiary pursuant to paragraph (12) of this
3 Section 5.

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

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

20 (11) Notwithstanding any other provisions of this Act or
21 any other law, to do any act and to own, possess, and carry as
22 assets property of the character, including stock, that is at
23 the time authorized or permitted to national banks by an Act of
24 Congress, but subject always to the same limitations and
25 restrictions as are applicable to national banks by the
26 pertinent federal law and subject to applicable provisions of

1 the Financial Institutions Insurance Sales Law.

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

5 (a) holding title to and administering assets acquired
6 as a result of the collection or liquidating of loans,
7 investments, or discounts; or

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

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

26 The provisions of this subsection (12) shall not apply to

1 and shall not be deemed to limit the powers of a State bank
2 with respect to the ownership, possession, and carrying of
3 stock that a State bank is permitted to own, possess, or carry
4 under this Act.

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

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

20 (14) To own and lease personal property acquired by the
21 bank at the request of a prospective lessee and upon the
22 agreement of that person to lease the personal property
23 provided that the lease, the agreement with respect thereto,
24 and the amount of the investment of the bank in the property
25 comply with Section 35.1 of this Act.

26 (15) (a) To establish and maintain, in addition to the main

1 banking premises, branches offering any banking services
2 permitted at the main banking premises of a State bank.

3 (b) To establish and maintain, after May 31, 1997,
4 branches in another state that may conduct any activity in
5 that state that is authorized or permitted for any bank
6 that has a banking charter issued by that state, subject to
7 the same limitations and restrictions that are applicable
8 to banks chartered by that state.

9 (16) (Blank).

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

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

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

24 (20) To own, possess, and carry as assets stock of, or be
25 or become a member of, any corporation, mutual company,
26 association, trust, or other entity formed exclusively for the

1 purpose of providing directors' and officers' liability and
2 bankers' blanket bond insurance or reinsurance to and for the
3 benefit of the stockholders, members, or beneficiaries, or
4 their assets or businesses, or their officers, directors,
5 employees, or agents, and not to or for the benefit of any
6 other person or entity or the public generally.

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

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

25 (23) With respect to affiliate facilities:

26 (a) to conduct at affiliate facilities for and on

1 behalf of another commonly owned bank, if so authorized by
2 the other bank, all transactions that the other bank is
3 authorized or permitted to perform; and

4 (b) to authorize a commonly owned bank to conduct for
5 and on behalf of it any of the transactions it is
6 authorized or permitted to perform at one or more affiliate
7 facilities.

8 Any bank intending to conduct or to authorize a commonly
9 owned bank to conduct at an affiliate facility any of the
10 transactions specified in this paragraph (23) shall give
11 written notice to the Commissioner at least 30 days before any
12 such transaction is conducted at the affiliate facility.

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

25 (25) Notwithstanding any other provisions of this Act or
26 any other law, to offer any product or service that is at the

1 time authorized or permitted to any insured savings association
2 or out-of-state bank by applicable law, provided that powers
3 conferred only by this subsection (25):

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

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

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

13 (d) shall not be construed to include the establishment
14 or maintenance of a branch, nor shall they be construed to
15 limit the establishment or maintenance of a branch pursuant
16 to subsection (11).

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

23 (Source: P.A. 92-483, eff. 8-23-01; 92-811, eff. 8-21-02;
24 93-561; eff.1-1-04.)

25 Section 65. The Savings Bank Act is amended by changing

1 Section 8006 as follows:

2 (205 ILCS 205/8006) (from Ch. 17, par. 7308-6)

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

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

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

1 (205 ILCS 660/13) (from Ch. 17, par. 5231)

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

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

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

14 (205 ILCS 670/22) (from Ch. 17, par. 5428)

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

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

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

4 (430 ILCS 45/3) (from Ch. 111 1/2, par. 953)

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

6 "Agency" means the Illinois Environmental Protection
7 Agency.

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

15 2295 Coated fabrics, not rubberized;

16 2491 Wood preserving;

17 2671 Packaging paper and plastics film, coated and
18 laminated;

19 2672 Coated and laminated paper, not elsewhere classified;

20 2812 Alkalies and chlorine;

21 2813 Industrial gases;

22 2819 Industrial inorganic chemicals, not elsewhere
23 classified;

24 2821 Plastic materials, synthetic resins, and

1 non-vulcanizable elastomers;

2 2834 Pharmaceutical preparations;

3 2842 Specialty cleaning, polishing and sanitation
4 preparations;

5 2851 Paints, varnishes, lacquers, enamels, and allied
6 products;

7 2865 Cyclic (coal tar) crudes, and cyclic intermediaries,
8 dyes and organic pigments (lakes and toners);

9 2869 Industrial organic chemicals, not elsewhere
10 classified;

11 2873 Nitrogenous fertilizer;

12 2874 Phosphatic fertilizers;

13 2879 Pesticides and agricultural chemicals, not elsewhere
14 classified;

15 2891 Adhesives and sealants;

16 2892 Explosives;

17 2911 Petroleum refining;

18 2952 Asphalt felts and coatings;

19 2999 Products of petroleum and coal, not elsewhere
20 classified;

21 3081 Unsupported plastics, film and sheet;

22 3082 Unsupported plastics profile shapes;

23 3083 Laminated plastics plate, sheet and profile shapes;

24 3084 Plastic pipe;

25 3085 Plastic bottles;

26 3086 Plastic foam products;

- 1 3087 Custom compounding of purchased plastic resin;
2 3088 Plastic plumbing fixtures;
3 3089 Plastic products, not elsewhere classified;
4 3111 Leather tanning and finishing;
5 3339 Primary smelting and refining of nonferrous metals,
6 except copper and aluminum;
7 3432 Plumbing fixture fittings and trim;
8 3471 Electroplating, plating, polishing, anodizing and
9 coloring;
10 4953 Refuse systems;
11 5085 Industrial supplies;
12 5162 Plastic materials and basic forms and shapes;
13 5169 Chemicals and allied products, not elsewhere
14 classified;
15 5171 Petroleum bulk stations and terminals;
16 5172 Petroleum and petroleum products, wholesalers, except
17 bulk stations and terminals.

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

25 "Business" also means any facility not covered by the above
26 SIC codes that is subject to the provisions of Section 302 of

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

17 Notwithstanding the above, for purposes of this Act,
18 "business" does not mean any facility for which the
19 requirements promulgated at Part 1910.119 of Title 29 of the
20 Code of Federal Regulations are applicable or which has
21 completed and submitted the plan required by Part 68 of Title
22 40 of the Code of Federal Regulations, provided that such
23 business conducts and documents in writing an assessment for
24 any instance where the Agency provides notice that a
25 significant release of a chemical substance has occurred at a
26 facility. Such assessment shall explain the nature, cause and

1 known effects of the release, any mitigating actions taken, and
2 preventive measures that can be employed to avoid a future
3 release. Such assessment shall be available at the facility for
4 review within 30 days after the Agency notifies the facility
5 that a significant release has occurred. The Agency may provide
6 written comments to the business following an on-site review of
7 an assessment.

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

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

1 the extent it is present in the same form and concentration as
2 a product packaged for distribution to and use by the general
3 public.

4 "IEMA" means the Illinois Emergency Management Agency.

5 "Facility" means the buildings and all real property
6 contiguous thereto, and the equipment at a single location used
7 for the conduct of business.

8 "Local emergency planning committee" means the committee
9 that is appointed for an emergency planning district under the
10 provisions of Section 301 of the federal Emergency Planning and
11 Community Right-to-Know Act of 1986.

12 "Release" means any sudden spilling, leaking, pumping,
13 pouring, emitting, escaping, emptying, discharging, injecting,
14 leaching, dumping, or disposing into the environment beyond the
15 boundaries of a facility, but excludes the following:

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

19 (b) Emissions from the engine exhaust of a motor
20 vehicle, rolling stock, aircraft, vessel, or pipeline
21 pumping station engine.

22 (c) Release of source, byproduct, or special nuclear
23 material from a nuclear incident, as those terms are
24 defined in the Atomic Energy Act of 1954, if the release is
25 subject to requirements with respect to financial
26 protection established by the Nuclear Regulatory

1 Commission under Section 170 of the Atomic Energy Act of
2 1954.

3 (d) The normal application of fertilizer.

4 "Significant release" means any release which is so
5 designated in writing by the Agency or the IEMA based upon an
6 inspection at the site of an emergency incident, or any release
7 which results in any evacuation, hospitalization, or
8 fatalities of the public.

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

10 (625 ILCS 5/15-115 rep.)

11 Section 85. The Illinois Vehicle Code is amended by
12 repealing Section 15-115.

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

15 (815 ILCS 122/4-30)

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

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

1 (b) Within 6 months after the effective date of this Act,
2 the Department shall promulgate reasonable rules regarding the
3 issuance of payday loans by banks, savings banks, savings and
4 loan associations, credit unions, and insurance companies.
5 These rules shall be consistent with this Act and shall be
6 limited in scope to the actual products and services offered by
7 lenders governed by this Act.

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

19 (1) ensure substantial compliance with this Act,
20 including real time reporting of outstanding payday loans;
21 and

22 (2) provide data to the Department in an appropriate
23 form and with appropriate content to allow the Department
24 to adequately monitor the industry.

25 The report of the Department shall, if necessary, identify
26 and recommend specific amendments to this Act to further

1 protect consumers and to guarantee fair and reasonable
2 regulation of the payday loan industry.

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

4 Section 999. Effective date. This Act takes effect upon
5 becoming law.