

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 (5 ILCS 390/Act rep.)

5 Section 5. The Supported Employees Act is repealed.

6 (20 ILCS 605/605-75 rep.)

7 Section 10. The Department of Commerce and Economic
8 Opportunity Law of the Civil Administrative Code of Illinois is
9 amended by repealing Section 605-75.

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

12 (20 ILCS 1105/3) (from Ch. 96 1/2, par. 7403)

13 Sec. 3. Powers and Duties.

14 (a) In addition to its other powers, the Department has the
15 following powers:

16 (1) To administer for the State any energy programs and
17 activities under federal law, regulations or guidelines,
18 and to coordinate such programs and activities with other
19 State agencies, units of local government, and educational
20 institutions.

21 (2) To represent the State in energy matters involving

1 the federal government, other states, units of local
2 government, and regional agencies.

3 (3) To prepare energy contingency plans for
4 consideration by the Governor and the General Assembly.
5 Such plans shall include procedures for determining when a
6 foreseeable danger exists of energy shortages, including
7 shortages of petroleum, coal, nuclear power, natural gas,
8 and other forms of energy, and shall specify the actions to
9 be taken to minimize hardship and maintain the general
10 welfare during such energy shortages.

11 (4) To cooperate with State colleges and universities
12 and their governing boards in energy programs and
13 activities.

14 (5) (Blank).

15 (6) To accept, receive, expend, and administer,
16 including by contracts and grants to other State agencies,
17 any energy-related gifts, grants, cooperative agreement
18 funds, and other funds made available to the Department by
19 the federal government and other public and private
20 sources.

21 (7) To investigate practical problems, seek and
22 utilize financial assistance, implement studies and
23 conduct research relating to the production, distribution
24 and use of alcohol fuels.

25 (8) To serve as a clearinghouse for information on
26 alcohol production technology; provide assistance,

1 information and data relating to the production and use of
2 alcohol; develop informational packets and brochures, and
3 hold public seminars to encourage the development and
4 utilization of the best available technology.

5 (9) To coordinate with other State agencies in order to
6 promote the maximum flow of information and to avoid
7 unnecessary overlapping of alcohol fuel programs. In order
8 to effectuate this goal, the Director of the Department or
9 his representative shall consult with the Directors, or
10 their representatives, of the Departments of Agriculture,
11 Central Management Services, Transportation, and Revenue,
12 the Office of the State Fire Marshal, and the Environmental
13 Protection Agency.

14 (10) To operate, within the Department, an Office of
15 Coal Development and Marketing for the promotion and
16 marketing of Illinois coal both domestically and
17 internationally. The Department may use monies
18 appropriated for this purpose for necessary administrative
19 expenses.

20 The Office of Coal Development and Marketing shall
21 develop and implement an initiative to assist the coal
22 industry in Illinois to increase its share of the
23 international coal market.

24 (11) To assist the Department of Central Management
25 Services in establishing and maintaining a system to
26 analyze and report energy consumption of facilities leased

1 by the Department of Central Management Services.

2 (12) To consult with the Departments of Natural
3 Resources and Transportation and the Illinois
4 Environmental Protection Agency for the purpose of
5 developing methods and standards that encourage the
6 utilization of coal combustion by-products as value added
7 products in productive and benign applications.

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

12 (b) (Blank).

13 (c) (Blank).

14 (d) The Department shall develop a package of educational
15 materials regarding the necessity of waste reduction and
16 recycling to reduce dependence on landfills and to maintain
17 environmental quality. The materials developed shall be
18 suitable for instructional use in grades 3, 4 and 5. The
19 Department shall distribute such instructional material to all
20 public elementary and unit school districts no later than
21 November 1, of each year.

22 (e) (Blank). ~~The Department shall study the feasibility of~~
23 ~~requiring that wood and sawdust from construction waste,~~
24 ~~demolition projects, sawmills, or other projects or industries~~
25 ~~where wood is used in a large amount be shredded and composted,~~
26 ~~and that such wood be prohibited from being disposed of in a~~

1 ~~landfill. The Department shall report the results of this study~~
2 ~~to the General Assembly by January 1, 1991.~~

3 (f) (Blank).

4 (g) (Blank). ~~The Department shall develop a program~~
5 ~~designated to encourage the recycling of outdated telephone~~
6 ~~directories and to encourage the printing of new directories on~~
7 ~~recycled paper. The Department shall work in conjunction with~~
8 ~~printers and distributors of telephone directories distributed~~
9 ~~in the State to provide them with any technical assistance~~
10 ~~available in their efforts to procure appropriate recycled~~
11 ~~paper. The Department shall also encourage directory~~
12 ~~distributors to pick up outdated directories as they distribute~~
13 ~~new ones, and shall assist any distributor who is willing to do~~
14 ~~so in finding a recycler willing to purchase the old~~
15 ~~directories and in publicizing and promoting with citizens of~~
16 ~~the area the distributor's collection efforts and schedules.~~

17 (h) (Blank). ~~The Department shall assist, cooperate with~~
18 ~~and provide necessary staff and resources for the Interagency~~
19 ~~Energy Conservation Committee, which shall be chaired by the~~
20 ~~Director of the Department.~~

21 (i) (Blank).

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

23 Section 20. The Illinois Emergency Management Agency Act is
24 amended by changing Section 18 as follows:

1 (20 ILCS 3305/18) (from Ch. 127, par. 1068)

2 Sec. 18. Orders, Rules and Regulations.

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

17 (b) Every emergency services and disaster agency
18 established pursuant to this Act and the coordinators thereof
19 shall execute and enforce the orders, rules and regulations as
20 may be made by the Governor under authority of this Act. Each
21 emergency services and disaster agency shall have available for
22 inspection at its office all orders, rules and regulations made
23 by the Governor, or under the Governor's authority. The
24 Illinois Emergency Management Agency shall furnish on the
25 Department's website the orders, rules and regulations to each
26 such emergency services and disaster agency. Upon the written

1 request of an emergency services or disaster agency, copies
2 thereof shall be mailed to the emergency services or disaster
3 agency.

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

5 (20 ILCS 4020/Act rep.)

6 Section 25. The Prairie State 2000 Authority Act is
7 repealed.

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

10 (30 ILCS 105/5h)

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

12 (a) In order to meet cash flow deficits and to maintain
13 liquidity in the General Revenue Fund, the Healthcare Provider
14 Relief Fund, and the Common School Fund, on and after July 1,
15 2010 and through June 30, 2011, the State Treasurer and the
16 State Comptroller shall make transfers to the General Revenue
17 Fund, the Healthcare Provider Relief Fund, or the Common School
18 Fund, as directed by the Governor, out of special funds of the
19 State, to the extent allowed by federal law. No transfer may be
20 made from a fund under this Section that would have the effect
21 of reducing the available balance in the fund to an amount less
22 than the amount remaining unexpended and unreserved from the
23 total appropriation from that fund estimated to be expended for

1 that fiscal year. No such transfer may reduce the cumulative
2 balance of all of the special funds of the State to an amount
3 less than the total debt service payable during the 12 months
4 immediately following the date of the transfer on any bonded
5 indebtedness of the State and any certificates issued under the
6 Short Term Borrowing Act. Notwithstanding any other provision
7 of this Section, no such transfer may be made from any special
8 fund that is exclusively collected by or appropriated to any
9 other constitutional officer without the written approval of
10 that constitutional officer.

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

1 (c) On the first day of each quarterly period in each
2 fiscal year, until such time as a report indicates that all
3 moneys borrowed and interest pursuant to this Section have been
4 repaid, the Governor's Office of Management and Budget shall
5 provide to the President and the Minority Leader of the Senate,
6 the Speaker and the Minority Leader of the House of
7 Representatives, and the Commission on Government Forecasting
8 and Accountability a report on all transfers made pursuant to
9 this Section in the prior quarterly period. The report must be
10 provided in both written and electronic format. The report must
11 include all of the following:

12 (1) The date each transfer was made.

13 (2) The amount of each transfer.

14 (3) In the case of a transfer from the General Revenue
15 Fund, the Healthcare Provider Relief Fund, or the Common
16 School Fund to a fund of origin pursuant to subsection (b)
17 of this Section, the amount of interest being paid to the
18 fund of origin.

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

23 (Source: P.A. 96-958, eff. 7-1-10; 96-1500, eff. 1-18-11;
24 97-72, eff. 7-1-11 (see also P.A. 97-613 regarding effective
25 date of P.A. 97-72).)

1 (30 ILCS 105/6z-17) (from Ch. 127, par. 142z-17)

2 Sec. 6z-17. Of the money paid into the State and Local
3 Sales Tax Reform Fund: (i) subject to appropriation to the
4 Department of Revenue, Municipalities having 1,000,000 or more
5 inhabitants shall receive 20% and may expend such amount to
6 fund and establish a program for developing and coordinating
7 public and private resources targeted to meet the affordable
8 housing needs of low-income and very low-income households
9 within such municipality, (ii) 10% shall be transferred into
10 the Regional Transportation Authority Occupation and Use Tax
11 Replacement Fund, a special fund in the State treasury which is
12 hereby created, (iii) until July 1, 2013, subject to
13 appropriation to the Department of Transportation, ~~the~~ the
14 Madison County Mass Transit District shall receive .6%, and
15 beginning on July 1, 2013, subject to appropriation to the
16 Department of Revenue, 0.6% shall be distributed each month out
17 of the Fund to the Madison County Mass Transit District, (iv)
18 the following amounts, plus any cumulative deficiency in such
19 transfers for prior months, shall be transferred monthly into
20 the Build Illinois Fund and credited to the Build Illinois Bond
21 Account therein:

22 Fiscal Year	Amount
23 1990	\$2,700,000
24 1991	1,850,000
25 1992	2,750,000
26 1993	2,950,000

1 From Fiscal Year 1994 through Fiscal Year 2025 the transfer
2 shall total \$3,150,000 monthly, plus any cumulative deficiency
3 in such transfers for prior months, and (v) the remainder of
4 the money paid into the State and Local Sales Tax Reform Fund
5 shall be transferred into the Local Government Distributive
6 Fund and, except for municipalities with 1,000,000 or more
7 inhabitants which shall receive no portion of such remainder,
8 shall be distributed, subject to appropriation, in the manner
9 provided by Section 2 of "An Act in relation to State revenue
10 sharing with local government entities", approved July 31,
11 1969, as now or hereafter amended. Municipalities with more
12 than 50,000 inhabitants according to the 1980 U.S. Census and
13 located within the Metro East Mass Transit District receiving
14 funds pursuant to provision (v) of this paragraph may expend
15 such amounts to fund and establish a program for developing and
16 coordinating public and private resources targeted to meet the
17 affordable housing needs of low-income and very low-income
18 households within such municipality.

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

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

22 (30 ILCS 270/5)

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

24 Sec. 5. Federal stimulus tracking.

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

5 (b) Each quarterly ~~monthly~~ report shall list the amount of
6 the State's federal stimulus spending, by category, based on
7 available federal and State data. The reports may also list any
8 required matching funds required by the State to be eligible
9 for federal stimulus funding. The reports may make
10 recommendations (i) concerning ways for Illinois to maximize
11 its share of federal stimulus spending or (ii) suggesting
12 changes to Illinois law that could help to maximize its share
13 of federal stimulus spending. A final report compiling data
14 from the quarterly ~~monthly~~ reports shall be available online at
15 the conclusion of the American Recovery and Reinvestment Act
16 program or by December 31, 2014, whichever occurs first.

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

20 (d) The General Assembly may by resolution request that
21 specific data, findings, or analyses be included in a monthly
22 report. The Commission on Government Forecasting and
23 Accountability shall provide the Governor's Office technical,
24 analytical, and substantive assistance in preparing the
25 requested data, findings, or analyses.

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

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

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

4 (30 ILCS 330/11) (from Ch. 127, par. 661)

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

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

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

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

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

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

3 (30 ILCS 425/8) (from Ch. 127, par. 2808)

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

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

1 If Bonds are to be sold pursuant to notice of sale and
2 public bid, the Director of the Governor's Office of Management
3 and Budget may ~~shall~~, from time to time, as Bonds are to be
4 sold, advertise the sale of the Bonds in at least 2 daily
5 newspapers, one of which is published in the City of
6 Springfield and one in the City of Chicago. The sale of the
7 Bonds shall also be advertised in the volume of the Illinois
8 Procurement Bulletin that is published by the Department of
9 Central Management Services, and ~~. Each of the advertisements~~
10 ~~for proposals~~ shall be published once at least 10 days prior to
11 the date fixed for the opening of the bids. The Director of the
12 Governor's Office of Management and Budget may reschedule the
13 date of sale upon the giving of such additional notice as the
14 Director deems adequate to inform prospective bidders of the
15 change; provided, however, that all other conditions of the
16 sale shall continue as originally advertised. Executed Bonds
17 shall, upon payment therefor, be delivered to the purchaser,
18 and the proceeds of Bonds shall be paid into the State Treasury
19 as directed by Section 9 of this Act. The Governor or the
20 Director of the Governor's Office of Management and Budget is
21 hereby authorized and directed to execute and deliver contracts
22 of sale with underwriters and to execute and deliver such
23 certificates, indentures, agreements and documents, including
24 any supplements or amendments thereto, and to take such actions
25 and do such things as shall be necessary or desirable to carry
26 out the purposes of this Act. Any action authorized or

1 permitted to be taken by the Director of the Governor's Office
2 of Management and Budget pursuant to this Act is hereby
3 authorized to be taken by any person specifically designated by
4 the Governor to take such action in a certificate signed by the
5 Governor and filed with the Secretary of State.

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

7 (50 ILCS 330/5 rep.)

8 Section 50. The Illinois Municipal Budget Law is amended by
9 repealing Section 5.

10 Section 55. The School Code is amended by changing Section
11 14-8.04 as follows:

12 (105 ILCS 5/14-8.04) (from Ch. 122, par. 14-8.04)

13 Sec. 14-8.04. Supported employment. The school board that
14 is the governing body of any secondary school in this State
15 that provides special education services and facilities for
16 children with disabilities shall include, as part of preparing
17 the transition planning for disabled children who are 16 years
18 of age or more, consideration of a supported employment
19 component with experiences in integrated community settings
20 for those eligible children with disabilities who have been
21 determined at an IEP meeting to be in need of participation in
22 the supported employment services offered pursuant to this
23 Section.

1 Supported employment services made available as part of
2 transition planning under this Section shall be designed and
3 developed for school boards by the State Board of Education, in
4 consultation with programs such as Project CHOICES (Children
5 Have Opportunities In Integrated Community Environments),
6 parents and advocates of children with disabilities, and the
7 Departments of Central Management Services and Human Services,
8 ~~and shall be maintained and operated in such manner as to~~
9 ~~coordinate with supported employee programs administered under~~
10 ~~the Supported Employees Act.~~

11 (Source: P.A. 89-397, eff. 8-20-95; 89-507, eff. 7-1-97.)

12 (105 ILCS 55/Act rep.)

13 Section 60. The School Employee Benefit Act is repealed.

14 Section 65. The Illinois Banking Act is amended by changing
15 Section 5 as follows:

16 (205 ILCS 5/5) (from Ch. 17, par. 311)

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

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

1 (2) To have a corporate seal, which may be altered at
2 pleasure, and to use the same by causing it or a facsimile
3 thereof to be impressed or affixed or in any manner reproduced,
4 provided that the affixing of a corporate seal to an instrument
5 shall not give the instrument additional force or effect, or
6 change the construction thereof, and the use of a corporate
7 seal is not mandatory.

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

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

18 (5) To adopt and operate reasonable bonus plans,
19 profit-sharing plans, stock-bonus plans, stock-option plans,
20 pension plans and similar incentive plans for its directors,
21 officers and employees.

22 (5.1) To manage, operate and administer a fund for the
23 investment of funds by a public agency or agencies, including
24 any unit of local government or school district, or any person.
25 The fund for a public agency shall invest in the same type of
26 investments and be subject to the same limitations provided for

1 the investment of public funds. The fund for public agencies
2 shall maintain a separate ledger showing the amount of
3 investment for each public agency in the fund. "Public funds"
4 and "public agency" as used in this Section shall have the
5 meanings ascribed to them in Section 1 of the Public Funds
6 Investment Act.

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

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

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

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

15 (c) to secure deposits of public money of the United
16 States, whenever required by the laws of the United States,
17 including without being limited to, revenues and funds the
18 deposit of which is subject to the control or regulation of
19 the United States or any of its officers, agents, or
20 employees and Postal Savings funds;

21 (d) to secure deposits of public money of any state or
22 of any political corporation or subdivision thereof
23 including, without being limited to, revenues and funds the
24 deposit of which is subject to the control or regulation of
25 any state or of any political corporation or subdivisions
26 thereof or of any of their officers, agents, or employees;

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

3 (f) (blank); and

4 (g) to secure trust funds commingled with the bank's
5 funds, whether deposited by the bank or an affiliate of the
6 bank, pursuant to Section 2-8 of the Corporate Fiduciary
7 Act.

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

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

26 (10) To do any act, including the acquisition of stock,

1 necessary to obtain insurance of its deposits, or part thereof,
2 and any act necessary to obtain a guaranty, in whole or in
3 part, of any of its loans or investments by the United States
4 or any agency thereof, and any act necessary to sell or
5 otherwise dispose of any of its loans or investments to the
6 United States or any agency thereof, and to acquire and hold
7 membership in the Federal Reserve System.

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

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

19 (a) holding title to and administering assets acquired
20 as a result of the collection or liquidating of loans,
21 investments, or discounts; or

22 (b) holding title to and administering personal
23 property acquired by the bank, directly or indirectly
24 through a subsidiary, for the purpose of leasing to others,
25 provided the lease or leases and the investment of the
26 bank, directly or through a subsidiary, in that personal

1 property otherwise comply with Section 35.1 of this Act; or

2 (c) carrying on or administering any of the activities
3 excepting the receipt of deposits or the payment of checks
4 or other orders for the payment of money in which a bank
5 may engage in carrying on its general banking business;
6 provided, however, that nothing contained in this
7 paragraph (c) shall be deemed to permit a bank organized
8 under this Act or subject hereto to do, either directly or
9 indirectly through any subsidiary, any act, including the
10 making of any loan or investment, or to own, possess, or
11 carry as assets any property that if done by or owned,
12 possessed, or carried by the State bank would be in
13 violation of or prohibited by any provision of this Act.

14 The provisions of this subsection (12) shall not apply to
15 and shall not be deemed to limit the powers of a State bank
16 with respect to the ownership, possession, and carrying of
17 stock that a State bank is permitted to own, possess, or carry
18 under this Act.

19 Any bank intending to establish a subsidiary under this
20 subsection (12) shall give written notice to the Commissioner
21 60 days prior to the subsidiary's commencing of business or, as
22 the case may be, prior to acquiring stock in a corporation that
23 has already commenced business. After receiving the notice, the
24 Commissioner may waive or reduce the balance of the 60 day
25 notice period. The Commissioner may specify the form of the
26 notice, may designate the types of subsidiaries not subject to

1 this notice requirement, and may promulgate rules and
2 regulations to administer this subsection (12).

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

8 (14) To own and lease personal property acquired by the
9 bank at the request of a prospective lessee and upon the
10 agreement of that person to lease the personal property
11 provided that the lease, the agreement with respect thereto,
12 and the amount of the investment of the bank in the property
13 comply with Section 35.1 of this Act.

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

17 (b) To establish and maintain, after May 31, 1997,
18 branches in another state that may conduct any activity in
19 that state that is authorized or permitted for any bank
20 that has a banking charter issued by that state, subject to
21 the same limitations and restrictions that are applicable
22 to banks chartered by that state.

23 (16) (Blank).

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

26 (18) To establish and maintain temporary service booths at

1 any International Fair held in this State which is approved by
2 the United States Department of Commerce, for the duration of
3 the international fair for the sole purpose of providing a
4 convenient place for foreign trade customers at the fair to
5 exchange their home countries' currency into United States
6 currency or the converse. This power shall not be construed as
7 establishing a new place or change of location for the bank
8 providing the service booth.

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

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

21 (21) To make debt or equity investments in corporations or
22 projects, whether for profit or not for profit, designed to
23 promote the development of the community and its welfare,
24 provided that the aggregate investment in all of these
25 corporations and in all of these projects does not exceed 10%
26 of the unimpaired capital and unimpaired surplus of the bank

1 and provided that this limitation shall not apply to
2 creditworthy loans by the bank to those corporations or
3 projects. Upon written application to the Commissioner, a bank
4 may make an investment that would, when aggregated with all
5 other such investments, exceed 10% of the unimpaired capital
6 and unimpaired surplus of the bank. The Commissioner may
7 approve the investment if he is of the opinion and finds that
8 the proposed investment will not have a material adverse effect
9 on the safety and soundness of the bank.

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

13 (23) With respect to affiliate facilities:

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

18 (b) to authorize a commonly owned bank to conduct for
19 and on behalf of it any of the transactions it is
20 authorized or permitted to perform at one or more affiliate
21 facilities.

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

1 (24) To act as the agent for any fire, life, or other
2 insurance company authorized by the State of Illinois, by
3 soliciting and selling insurance and collecting premiums on
4 policies issued by such company; and to receive for services so
5 rendered such fees or commissions as may be agreed upon between
6 the bank and the insurance company for which it may act as
7 agent; provided, however, that no such bank shall in any case
8 assume or guarantee the payment of any premium on insurance
9 policies issued through its agency by its principal; and
10 provided further, that the bank shall not guarantee the truth
11 of any statement made by an assured in filing his application
12 for insurance.

13 (25) Notwithstanding any other provisions of this Act or
14 any other law, to offer any product or service that is at the
15 time authorized or permitted to any insured savings association
16 or out-of-state bank by applicable law, provided that powers
17 conferred only by this subsection (25):

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

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

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

1 (d) shall not be construed to include the establishment
2 or maintenance of a branch, nor shall they be construed to
3 limit the establishment or maintenance of a branch pursuant
4 to subsection (11).

5 Not less than 30 days before engaging in any activity under
6 the authority of this subsection, a bank shall provide written
7 notice to the Commissioner of its intent to engage in the
8 activity. The notice shall indicate the specific federal or
9 state law, rule, regulation, or interpretation the bank intends
10 to use as authority to engage in the activity.

11 (Source: P.A. 92-483, eff. 8-23-01; 92-811, eff. 8-21-02;
12 93-561; eff.1-1-04.)

13 Section 70. The Savings Bank Act is amended by changing
14 Section 8006 as follows:

15 (205 ILCS 205/8006) (from Ch. 17, par. 7308-6)

16 Sec. 8006. Merger; Secretary's certificate. The executed
17 merger agreement together with copies of the resolutions of the
18 members or stockholders of each merging depository institution
19 approving it, certified by the president or vice president, and
20 attested to by the secretary of the savings bank, shall be
21 filed with the Secretary. The Secretary shall then issue to the
22 continuing savings bank a certificate of merger, setting forth
23 the name of each merging depository institution, the name of
24 the continuing savings bank, and the articles of incorporation

1 of the continuing savings bank. The merger takes effect upon
2 the issuance of the certificate of merger ~~recording of the~~
3 ~~certificate in the same manner as the articles of incorporation~~
4 ~~in each county in which the business office of any of the~~
5 ~~merging depository institutions was located and in the county~~
6 ~~in which the business office of the continuing savings bank is~~
7 ~~located. When duly recorded, the certificate shall be~~
8 ~~conclusive evidence of the merger and of the correctness of the~~
9 ~~proceedings therefor except against the State.~~

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

11 Section 75. The Sales Finance Agency Act is amended by
12 changing Section 13 as follows:

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

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

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

1 Section 80. The Consumer Installment Loan Act is amended by
2 changing Section 22 as follows:

3 (205 ILCS 670/22) (from Ch. 17, par. 5428)

4 Sec. 22. Rules and regulations. The Department may make and
5 enforce such reasonable rules, regulations, directions,
6 orders, decisions, and findings as the execution and
7 enforcement of the provisions of this Act require, and as are
8 not inconsistent therewith. In addition, the Department may
9 promulgate rules in connection with the activities of licensees
10 that are necessary and appropriate for the protection of
11 consumers in this State. All rules, regulations and directions
12 of a general character shall be sent electronically to ~~printed~~
13 ~~and copies thereof mailed to~~ all licensees.

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

15 Section 85. The Illinois Chemical Safety Act is amended by
16 changing Section 3 as follows:

17 (430 ILCS 45/3) (from Ch. 111 1/2, par. 953)

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

19 "Agency" means the Illinois Environmental Protection
20 Agency.

21 "Business" means any individual, partnership, corporation,
22 or association in the State engaged in a business operation
23 that has 5 or more full-time employees, or 20 or more part-time

1 employees, and that is properly assigned or included within one
2 of the following Standard Industrial Classifications (SIC), as
3 designated in the Standard Industrial Classification Manual
4 prepared by the Federal Office of Management and Budget:

5 2295 Coated fabrics, not rubberized;

6 2491 Wood preserving;

7 2671 Packaging paper and plastics film, coated and
8 laminated;

9 2672 Coated and laminated paper, not elsewhere classified;

10 2812 Alkalies and chlorine;

11 2813 Industrial gases;

12 2819 Industrial inorganic chemicals, not elsewhere
13 classified;

14 2821 Plastic materials, synthetic resins, and
15 non-vulcanizable elastomers;

16 2834 Pharmaceutical preparations;

17 2842 Specialty cleaning, polishing and sanitation
18 preparations;

19 2851 Paints, varnishes, lacquers, enamels, and allied
20 products;

21 2865 Cyclic (coal tar) crudes, and cyclic intermediaries,
22 dyes and organic pigments (lakes and toners);

23 2869 Industrial organic chemicals, not elsewhere
24 classified;

25 2873 Nitrogenous fertilizer;

26 2874 Phosphatic fertilizers;

1 2879 Pesticides and agricultural chemicals, not elsewhere
2 classified;

3 2891 Adhesives and sealants;

4 2892 Explosives;

5 2911 Petroleum refining;

6 2952 Asphalt felts and coatings;

7 2999 Products of petroleum and coal, not elsewhere
8 classified;

9 3081 Unsupported plastics, film and sheet;

10 3082 Unsupported plastics profile shapes;

11 3083 Laminated plastics plate, sheet and profile shapes;

12 3084 Plastic pipe;

13 3085 Plastic bottles;

14 3086 Plastic foam products;

15 3087 Custom compounding of purchased plastic resin;

16 3088 Plastic plumbing fixtures;

17 3089 Plastic products, not elsewhere classified;

18 3111 Leather tanning and finishing;

19 3339 Primary smelting and refining of nonferrous metals,
20 except copper and aluminum;

21 3432 Plumbing fixture fittings and trim;

22 3471 Electroplating, plating, polishing, anodizing and
23 coloring;

24 4953 Refuse systems;

25 5085 Industrial supplies;

26 5162 Plastic materials and basic forms and shapes;

1 5169 Chemicals and allied products, not elsewhere
2 classified;

3 5171 Petroleum bulk stations and terminals;

4 5172 Petroleum and petroleum products, wholesalers, except
5 bulk stations and terminals.

6 For the purposes of this Act, the SIC Code that a business
7 uses for determining its coverage under The Unemployment
8 Insurance Act shall be the SIC Code for determining the
9 applicability of this Act. ~~On an annual basis, the Department
10 of Employment Security shall provide the IEMA with a list of
11 those regulated facilities covered by the above mentioned SIC
12 codes.~~

13 "Business" also means any facility not covered by the above
14 SIC codes that is subject to the provisions of Section 302 of
15 the federal Emergency Planning and Community Right-to-Know Act
16 of 1986 and that is found by the Agency to use, store, or
17 manufacture a chemical substance in a quantity that poses a
18 threat to the environment or public health. Such a
19 determination shall be based on an on-site inspection conducted
20 by the Agency and certified to the IEMA. The Agency shall also
21 conduct inspections at the request of IEMA or upon a written
22 request setting forth a justification to the IEMA from the
23 chairman of the local emergency planning committee upon
24 recommendation of the committee. The IEMA shall transmit a copy
25 of the request to the Agency. The Agency may, in the event of a
26 reportable release that occurs at any facility operated or

1 owned by a business not covered by the above SIC codes, conduct
2 inspections if the site hazard appears to warrant such action.
3 The above notwithstanding, any farm operation shall not be
4 considered as a facility subject to this definition.

5 Notwithstanding the above, for purposes of this Act,
6 "business" does not mean any facility for which the
7 requirements promulgated at Part 1910.119 of Title 29 of the
8 Code of Federal Regulations are applicable or which has
9 completed and submitted the plan required by Part 68 of Title
10 40 of the Code of Federal Regulations, provided that such
11 business conducts and documents in writing an assessment for
12 any instance where the Agency provides notice that a
13 significant release of a chemical substance has occurred at a
14 facility. Such assessment shall explain the nature, cause and
15 known effects of the release, any mitigating actions taken, and
16 preventive measures that can be employed to avoid a future
17 release. Such assessment shall be available at the facility for
18 review within 30 days after the Agency notifies the facility
19 that a significant release has occurred. The Agency may provide
20 written comments to the business following an on-site review of
21 an assessment.

22 "Chemical name" means the scientific designation of a
23 chemical in accordance with the nomenclature system developed
24 by the International Union of Pure and Applied Chemistry
25 (IUPAC) or the American Chemical Society's Chemical Abstracts
26 Service (CAS) rules of nomenclature, or a name that will

1 clearly identify the chemical for hazard evaluation purposes.

2 "Chemical substance" means any "extremely hazardous
3 substance" listed in Appendix A of 40 C.F.R. Part 355 that is
4 present at a facility in an amount in excess of its threshold
5 planning quantity, any "hazardous substance" listed in 40
6 C.F.R. Section 302.4 that is present at a facility in an amount
7 in excess of its reportable quantity or in excess of its
8 threshold planning quantity if it is also an "extremely
9 hazardous substance", and any petroleum including crude oil or
10 any fraction thereof that is present at a facility in an amount
11 exceeding 100 pounds unless it is specifically listed as a
12 "hazardous substance" or an "extremely hazardous substance".
13 "Chemical substance" does not mean any substance to the extent
14 it is used for personal, family, or household purposes or to
15 the extent it is present in the same form and concentration as
16 a product packaged for distribution to and use by the general
17 public.

18 "IEMA" means the Illinois Emergency Management Agency.

19 "Facility" means the buildings and all real property
20 contiguous thereto, and the equipment at a single location used
21 for the conduct of business.

22 "Local emergency planning committee" means the committee
23 that is appointed for an emergency planning district under the
24 provisions of Section 301 of the federal Emergency Planning and
25 Community Right-to-Know Act of 1986.

26 "Release" means any sudden spilling, leaking, pumping,

1 pouring, emitting, escaping, emptying, discharging, injecting,
2 leaching, dumping, or disposing into the environment beyond the
3 boundaries of a facility, but excludes the following:

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

7 (b) Emissions from the engine exhaust of a motor
8 vehicle, rolling stock, aircraft, vessel, or pipeline
9 pumping station engine.

10 (c) Release of source, byproduct, or special nuclear
11 material from a nuclear incident, as those terms are
12 defined in the Atomic Energy Act of 1954, if the release is
13 subject to requirements with respect to financial
14 protection established by the Nuclear Regulatory
15 Commission under Section 170 of the Atomic Energy Act of
16 1954.

17 (d) The normal application of fertilizer.

18 "Significant release" means any release which is so
19 designated in writing by the Agency or the IEMA based upon an
20 inspection at the site of an emergency incident, or any release
21 which results in any evacuation, hospitalization, or
22 fatalities of the public.

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

24 (625 ILCS 5/15-115 rep.)

25 Section 90. The Illinois Vehicle Code is amended by

1 repealing Section 15-115.

2 Section 95. The Payday Loan Reform Act is amended by
3 changing Section 4-30 as follows:

4 (815 ILCS 122/4-30)

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

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

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

20 (c) After the effective date of this Act, the Department
21 shall, over a 3-year period, conduct a study of the payday loan
22 industry to determine the impact and effectiveness of this Act.
23 The Department shall report its findings to the General
24 Assembly within 3 months of the third anniversary of the

1 effective date of this Act. The study shall determine the
2 effect of this Act on the protection of consumers in this State
3 and on the fair and reasonable regulation of the payday loan
4 industry. The study shall include, but shall not be limited to,
5 an analysis of the ability of the industry to use private
6 reporting tools that:

7 (1) ensure substantial compliance with this Act,
8 including real time reporting of outstanding payday loans;
9 and

10 (2) provide data to the Department in an appropriate
11 form and with appropriate content to allow the Department
12 to adequately monitor the industry.

13 The report of the Department shall, if necessary, identify
14 and recommend specific amendments to this Act to further
15 protect consumers and to guarantee fair and reasonable
16 regulation of the payday loan industry.

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

18 Section 999. Effective date. This Act takes effect upon
19 becoming law.