



Village of Brookfield

8820 Brookfield Avenue • Brookfield, Illinois 60513-1688
(708) 485-7344 • FAX (708) 485-4971
www.brookfieldil.gov

VILLAGE PRESIDENT
Kit P. Ketchmark

VILLAGE CLERK
Catherine A. Colgrass-Edwards

BOARD OF TRUSTEES
Ryan P. Evans
Michael J. Garvey
Nicole M. Gilhooley
David P. LeClere
Brian S. Oberhauser
Michelle D. Ryan

VILLAGE MANAGER
Keith R. Sbiral

MEMBER OF
Illinois Municipal League
Proviso Township
Municipal League
West Central
Municipal Conference

TREE CITY U.S.A. Since 1981

HOME OF THE CHICAGO
ZOOLOGICAL SOCIETY

Planning, Zoning, and Economic Development Committee

June 8, 2015 at 5:30 PM

Location: Edward Barcal Hall, 8820 Brookfield Avenue, Brookfield, Illinois

AGENDA

- I. Call to Order
- II. Roll Call
- III. New Business
 - a. Presentation of Economic Development Initiatives
 - b. Current Development Update
- IV. Old Business
 - a. Redevelopment Agreement Update– Sherwin Williams
 - b. Staff Update
- V. Public Comment
- VI. Adjournment

Individuals with a disability requiring a reasonable accommodation in order to participate in any meeting should contact the Village of Brookfield (708)485-7344 prior to the meeting. Wheelchair access may be gained through the front (South) entrance of the Village Hall.



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VILLAGE OF BROOKFIELD
BROOKFIELD, ILLINOIS 60513

BROOKFIELD VILLAGE BOARD MEETING AGENDA

Monday, June 8, 2015
6:30 P.M.

Edward Barcal Hall
8820 Brookfield Avenue
Brookfield, IL 60513

I. OPENING CEREMONIES: Pledge of Allegiance to the Flag

II. Roll Call

III. Appointments and Presentations

Planning and Zoning Board Commission Reappointments

- Patrick Benjamin – Commissioner – Term to expire 4/02/2018
- Karen Ann Miller – Commissioner – Term to expire 4/02/2018
- Christopher Straka – Commissioner – Term to expire 4/02/2018
- Mark Weber – Commissioner – Term to expire 4/02/2018

Fire and Police Commission Reappointments

- Alan Dorobiala – Commissioner – Term to expire 4/30/2017
- Thomas Hagle – Commissioner – Term to expire 4/30/2016
- Sharon Skweres – Commissioner – Term to expire 4/30/2018

IV. PUBLIC COMMENT – LIMITED TO ITEMS ON OMNIBUS AND NEW BUSINESS ON TONIGHT'S AGENDA

V. OMNIBUS AGENDA

- A. **Approval of Minutes:** Village Board Meeting Tuesday, May 26, 2015; Committee of the Whole Meeting, Tuesday, May 26, 2015.

Individuals with a disability requiring a reasonable accommodation in order to participate in any meeting should contact the Village of Brookfield (708)485-7344 prior to the meeting. Wheelchair access may be gained through the police department (East) entrance of the Village Hall.

VI. REPORTS OF SPECIAL COMMITTEES

Trustee Oberhauser	Finance, Conservation Approval of Warrant(s)
Trustee Gilhooley	Recreation, Library
Trustee Ryan	Beautification, Chamber of Commerce
Trustee Evans	Administration, DPW, Public Safety
Trustee Garvey	Planning and Zoning Commission, WCMC Solid Waste
Trustee LeClere	Special Events
President Ketchmark	Economic Development, Brookfield Zoo, WCMC, PZED
Clerk Edwards	Aging Well Liaison

VII. New Business

- A. **Ordinance 2015-34** - Supplemental Appropriation Ordinance
- B. **Ordinance 2015-35** - An Ordinance Amending Chapter 6 of the Village of Brookfield Code of Ordinances to Increase the Maximum Number of Class 8 Liquor Licenses
- C. **Ordinance 2015-36** - An Ordinance Amending Chapter 6 of the Village of Brookfield Code of Ordinances to Increase the Maximum Number of Class S3 Liquor Licenses
- D. **Resolution 2015-997** – A Resolution Authorizing the Execution of a Consultant Services Agreement by and between Kane, McKenna and Associates, Inc. and the Village of Brookfield, Illinois, for the Refunding of the Series 2006A and 2008B Bonds
- E. **Resolution 2015-998** – A Resolution Authorizing the Issuance of a Change Order Number Two to the Contract for the 2015 Street Improvements Project for the Village of Brookfield, Illinois

VIII. Managers Report

IX. Executive Session – Litigation, Land Acquisition/Sales, Personnel

X. Adjournment

VILLAGE OF BROOKFIELD
BROOKFIELD, ILLINOIS 60513

JOURNAL OF THE PROCEEDINGS OF THE PRESIDENT AND THE BOARD OF TRUSTEES
AT A REGULAR VILLAGE BOARD MEETING

HELD ON MONDAY, MAY 26, 2015
IN THE BROOKFIELD MUNICIPAL BUILDING

MEMBERS PRESENT: President Kit Ketchmark, Trustees Ryan Evans, Michael Garvey, Brian Oberhauser, Michelle Ryan and David LeClerc. Village Clerk Catherine Edwards

MEMBERS ABSENT: Trustee Nicole Gilhooley

ALSO PRESENT: Village Manager Keith Sbiral, Finance Director Doug Cooper, Human Resources Director Michelle Robbins, Police Department Chief Steve Stelter, Lieutenant James Episcopo, Community Economic Development Director Nick Greifer, Village Attorney Richard Ramello and Village Engineer Bill Peterhansen

On Monday May 26, 2015 President Ketchmark called the Village Board of Trustees meeting to order at 6:30 P.M. and led the Pledge of Allegiance to the Flag.

APPOINTMENTS AND PRESENTATIONS

Appointment – C. P. Hall, II – West Suburban Mass Transit District Representative - Term to Expire 12/01/2018

Motion by Trustee Ryan, seconded by Trustee Evans, to appoint C. P. Hall, II – West Suburban Mass Transit District Representative - Term to Expire 12/01/2018. Upon roll call, the motion carried as follows: Ayes: Trustees Evans, Garvey, Oberhauser, Ryan and Hall. Nays: None. Absent: Trustee Gilhooley.

Zoning Ordinance Update Work Group Appointments

President Ketchmark announced that the following persons had been asked to serve on the Zoning Ordinance Work Group along with him:

Ed Marcin
Scott Sanders
Dan Chopp
Chuck Grund
C.P. Hall
Michelle Ryan
Keith Sbiral
Nick Greifer

Certificate of Achievement – John Henry Thomas McClellan – Eagle Scout

PUBLIC COMMENT

OMNIBUS AGENDA

Approval of Minutes: Village Board Meeting Monday, May 11, 2015; Committee of the Whole Meeting, Monday, May 11, 2015

Motion by Trustee Garvey, seconded by Trustee Oberhauser, to approve the Omnibus Agenda of the Regular Village Board meeting of May 26, 2015 as presented. Upon roll call, the motion carried as follows: Ayes: Trustees Evans, Garvey, Oberhauser, Ryan and Hall. Nays: None. Absent: Trustee Gilhooley

REPORTS OF SPECIAL COMMITTEES

Finance, Public Safety, Public Works & Chamber of Commerce – Trustee Oberhauser

Motion by Trustee Oberhauser, seconded by Trustee Ryan, to table approval vote on Corporate Warrant dated May 26, 2015 in the amount of \$,416,906.32. Upon roll call, the motion carried as follows: Ayes: Trustees Evans, Garvey, Oberhauser, Ryan and Hall. Nays: None. Absent: Trustee Gilhooley

Library & Conservation – Trustee Oberhauser

- Commission scheduled to meet May 26, 2015 to discuss recent bird walk and summer work days

Recreation – Trustee Gilhooley

- Absent – no report.

Chamber of Commerce & Beautification Commission – Trustee Ryan

- Beautification Commission: "Prairie Spirit" sculpture will be completed this summer.
- Special Meeting for the Commission's Community Arts Program is being held this evening at 7:00 P.M. in the Recreation Department's conference room.
- Next regular meeting of Beautification Commission scheduled for June 9, 2015 at 6:00 P.M.
- Chamber After Hours being hosted by Sokol Spirit at 5:30 P.M. (date?)
- Street Dance a success
- Farmers' Market opens June 6, 2015 - every Saturday thru October 17, 2015 – featuring "theme days".

Public Safety and Department of Public Works – Trustee Evans

- President Ketchmark announced that a Public Works employee, Andy Zantos, rescued an elderly woman who had fallen from her wheel chair attempting to cross the tracks minutes before an oncoming train sped past the area. Special commendation to be given to Andy Zantos at future meeting.
- Public Safety meeting held May 26, 2015 to discuss Hollywood School – two different items regarding traffic safety around the school as well as possible placement of a stop sign. Both topics to be discussed further.
- Next Public Safety meeting scheduled for July 28, 2015

Planning & Zoning, WCMC – Trustee Garvey

- PZC Meeting scheduled for Thursday, May 28, 2015 to discuss two cases: One is related to a potential text amendment to the Zoning code to deal with medical cannabis facilities as required by state statutes; the other relates to a possible setback variation at 8650 Riverside Drive.

Special Events Commission – Trustee LeClere

- Battle of the Bands was very successful
- Commission working on Fourth of July, concerts and movie nights in the park.
- Next meeting scheduled for June 2, 2015

Economic Development, Zoo, PZED – President Ketchmark

- No report

Aging Well Liaison – Village Clerk Edwards

- No report

NEW BUSINESS

Resolution 2015-996 – A Resolution to Approve and Authorize the Execution of a Settlement Agreement and General Release of Claims between SEIU National Industry Pension Fund and the Village of Brookfield, Illinois for the Village's Withdrawal from the SEIU National Industry Pension Fund.

Motion by Trustee Garvey, seconded by Trustee Evans, to approve Resolution 2015-996 – A Resolution to Approve and Authorize the Execution of a Settlement Agreement and General Release of Claims between SEIU National Industry Pension Fund and the Village of Brookfield, Illinois for the Village's Withdrawal from the SEIU National Industry Pension Fund. Upon roll call, the motion carried as follows: Ayes: Trustees Evans, Garvey, Oberhauser, Ryan and Hall. Nays: None. Absent: Trustee Gilhooley

Corporate Warrant dated May 25, 2015 - \$1,416,906.32 – Trustee Oberhauser

Motion by Trustee Oberhauser, seconded by Trustee Evans to approve the Corporate Warrant dated May 25, 2015, in the amount of \$1,416,906.32. Upon roll call, the motion carried as follows: Ayes: Trustees Evans, Garvey, Oberhauser, Ryan and Hall. Nays: None. Absent: Trustee Gilhooley

MANAGER'S REPORT

- Groundbreaking for Sherwin Williams is scheduled for the next week – "...or so."
- PZED meeting scheduled for June 8m 2015
- Another input meeting for Candy Cane Park scheduled for June 8, 2015 during the Committee of the Whole meeting.
- Bike Rodeo – a successful event.
- Community Development summer intern started May 26, 2015.

ADJOURNMENT TO COMMITTEE OF THE WHOLE MEETING

Motion by Trustee Garvey, seconded by Trustee LeClere to Temporarily Recess the Regular Village Board meeting of May 26, 2015 at 6:55 P.M. in order to conduct a Committee of the Whole Meeting. Upon roll call, the motion carried as follows: Ayes: Trustees Evans, Garvey, Oberhauser, Ryan and Hall. Nays: None. Absent: Trustee Gilhooley

RECONVENE REGULAR VILLAGE BOARD MEETING

Motion by Trustee LeClere, seconded by Trustee Oberhauser, to reconvene the Regular Village Board of Trustees Meeting of May 26, 2015 at 8:04 P.M. Upon roll call, the motion carried as follows: Ayes: Trustees Evans, Garvey, Oberhauser, Ryan and Hall. Nays: None. Absent: Trustee Gilhooley

EXECUTIVE SESSION - Litigation, Land Acquisition/Sales, Personnel

Motion by Trustee Garvey, seconded by Trustee Evans, to adjourn the Regular Village Board of Trustees Meeting of May 26, 2015 at 8:05 P.M. in order to conduct an Executive Session. Upon roll call, the motion carried as follows: Ayes: Trustees Evans, Garvey, Oberhauser, Ryan and Hall. Nays: None. Absent: Trustee Gilhooley

RECONVENE REGULAR VILLAGE BOARD MEETING

Motion by Trustee Garvey, seconded by Trustee Evans, to reconvene the Regular Village Board of Trustees Meeting of May 26, 2015 at 9:09 P.M. Upon roll call, the motion carried as follows: Ayes: Trustees Evans, Garvey, Oberhauser, Ryan and Hall. Nays: None. Absent: Trustee Gilhooley

ADJOURNMENT

Motion by Trustee Garvey, seconded by Trustee Evans to adjourn the Regular Village Board meeting of May 26, 2015 at 9:09 P.M. Upon roll call, the motion carried as follows: Ayes: Trustees Evans, Garvey, Oberhauser, Ryan and Hall. Nays: None. Absent: Trustee Gilhooley

**Catherine Colgrass Edwards
Village Clerk
Village of Brookfield**

/lls

**JOURNAL OF THE PROCEEDINGS OF THE PRESIDENT AND THE BOARD OF TRUSTEES
AT A COMMITTEE OF THE WHOLE MEETING
HELD ON MONDAY MAY 26, 2015
IN THE BROOKFIELD MUNICIPAL BUILDING**

MEMBERS PRESENT: President Kit Ketchmark, Trustees Ryan Evans, Michael Garvey, Brian Oberhauser, Michelle Ryan and David LeClere. Village Clerk Catherine Edwards

MEMBERS ABSENT: Trustee Nicole Gilhooley

ALSO PRESENT: Village Manager Keith Sbiral, Finance Director Doug Cooper, Human Resources Director Michelle Robbins, Police Department Chief Steve Stelter, Fire Department Chief Patrick Lenzi, Community Economic Development Director Nick Greifer, Village Attorney Richard Ramello and Village Engineer Bill Peterhansen

On Monday, May 26, 2015, President Kit Ketchmark called the Committee of the Whole meeting to order at 6:55 P.M.

Discussion Items:

VFW Annual Picnic Liquor License Change

VFW changed date of event for which Class 8 and Class S3 Liquor Licenses had been formerly approved by Board on February 9, 2015. A change of date has been requested to Saturday, September 12, 2015 (originally September 5, 2015) for same licensing. Item to be on Agenda for Board approval at the Regular Village Board meeting scheduled for June 8, 2015.

Bond Refunding Authority

Staff recommends approval of Letter of Agreement between Village and Kane, McKenna Capital and commencement of services required in order for KMC to act as a municipal advisor in managing the refunding of the Series 2006A and Series 2006B Bonds. Consensus of Board approved.

Sewer Televising Report

Presented by Hancock Engineer

Open Burning Ordinance Revision

Staff recommends that the Committee of the Whole agree with the need for a new ordinance concerning "Open Burning" and forward to the Board a recommendation for a new ordinance.

Additional Work on Woodside/Change Order

Additional \$54,746.25 to 2015 Street Improvement Program estimated cost for improving Woodside Avenue from the alley return south of Riverside Drive to Waubensee Road. Item to be on Agenda for approval vote at Regular Village Board meeting scheduled for June 8, 2015.

Flood Control Program/Supplemental Appropriations 2015

An additional \$100,000.00 to be appropriated via Ordinance 2015-34 for the flood mitigation program in which residents are reimbursed a portion of flood control measures they undertake at their individual residences. Item to be on Agenda for approval vote at Regular Village Board meeting scheduled for June 8, 2015.

PUBLIC COMMENT

ADJOURN

Motion by Trustee Evans, seconded by Trustee Garvey, to adjourn the Committee of the Whole meeting of May 26, 2015 at 8:04 P.M. Upon roll call, the motion carried as follows: Ayes: Trustees Evans, Garvey, Oberhauser, Ryan and Hall. Nays: None. Absent: Trustee Gilhooley.

Catherine Colgrass Edwards
Village Clerk
Village of Brookfield

/lls

VILLAGE OF BROOKFIELD

CORPORATE WARRANT – 06/08/2015 FOR THE PERIOD 05/26/2015 TO 06/08/2015

TO THE TREASURER OF THE VILLAGE OF BROOKFIELD –

YOU ARE HEREBY AUTHORIZED AND DIRECTED TO MAKE PAYMENT ON THE ITEMS LISTED AND APPROVED BY THE PRESIDENT AND TRUSTEES AND TO CHARGE THE SAME TO THE ACCOUNTS SO DESIGNATED.

******APPROVED FOR PAYMENT – VILLAGE OF BROOKFIELD BOARD******

Corporate Warrant # 06/08/2015 in the Total Amount of \$1,443,136.07

President

Chairman of Finance Committee

Village Manager

Village Clerk

Corporate Warrant - 06/08/2015

From Payment Date: 5/26/2015 - To Payment Date: 6/8/2015

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
PFC - PUBLIC FUND CHECKING									
Check									
17155	05/26/2015	Open			Utility Management Refund	CAVANAUGH R/D, K	\$98.10		
	<u>Account Type</u>		<u>Account Number</u>		<u>Description</u>	<u>Transaction Date</u>	<u>Transaction Type</u>		
	Residential		100056-001			05/21/2015	REFUND ADJUSTMENT		
17156	05/26/2015	Open			Utility Management Refund	WRIGHT, M	\$26.75		
17157	05/27/2015	Open			Utility Management Refund	AURRICHIO, T	\$6.94		
17158	05/28/2015	Open			Utility Management Refund	BEATTY*, P	\$0.30		
17159	06/01/2015	Open			Utility Management Refund	BALTCO INC	\$36.11		
17160	06/01/2015	Open			Utility Management Refund	WIEGAND, LEAH	\$11.80		
17161	06/08/2015	Open			Accounts Payable	A & M Parts Inc.	\$48.27		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	509835		06/01/2015		emergency lamp, halogen capsule		\$48.27		
17162	06/08/2015	Open			Accounts Payable	AAA Accurate Appliance Service Inc.	\$69.00		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	3990		05/28/2015		bad compressor		\$69.00		
17163	06/08/2015	Open			Accounts Payable	Aftermath	\$105.00		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	JC2015-3712		06/01/2015		biohazard cleanup - booking room and cell		\$105.00		
17164	06/08/2015	Open			Accounts Payable	Airgas USA, LLC	\$141.20		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	9500260788		06/01/2015		medical oxygen		\$141.20		
17165	06/08/2015	Open			Accounts Payable	AIS	\$13,578.75		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	52057		06/01/2015		IT services		\$8,181.25		
	51619		06/01/2015		IT services		\$5,397.50		
17166	06/08/2015	Open			Accounts Payable	AT&T	\$3,474.80		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	2015-00000351		06/01/2015		708-Z14-0030 532 9		\$268.23		
	2015-00000352		06/01/2015		708-Z14-0033 533 4		\$268.23		
	2015-00000353		06/01/2015		708-Z14-0045 566 0		\$1,877.64		
	2015-00000354		06/01/2015		708-Z14-0019 530 8		\$268.23		
	2015-00000355		06/01/2015		708-485-0076 203 0		\$397.06		
	2015-00000356		06/01/2015		708-485-8121 978 5		\$339.16		
	2015-00000357		06/01/2015		E911 051 565-2556 001		\$56.25		
17167	06/08/2015	Open			Accounts Payable	AT&T Long Distance	\$1,898.88		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	2015-00000365		06/01/2015		long distance		\$1,898.88		

Corporate Warrant - 06/08/2015

From Payment Date: 5/26/2015 - To Payment Date: 6/8/2015

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
17168	06/08/2015	Open			Accounts Payable	B & F Construction Code Services, Inc.	\$738.08		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	41544		05/28/2015		Project #113834, 3716 Woodside		\$538.08		
	41557		05/28/2015		Project #1113783, 9540 Jackson		\$200.00		
17169	06/08/2015	Open			Accounts Payable	Brite	\$4,136.55		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	INV02307		05/28/2015		computer equipment for squad cars		\$4,136.55		
17170	06/08/2015	Open			Accounts Payable	Brookfield/North Riverside Water Commission	\$294,470.44		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	060115		06/01/2015		May 2015 water bill		\$294,470.44		
17171	06/08/2015	Open			Accounts Payable	Case Lots, Inc.	\$467.25		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	005733		06/01/2015		janitorial supplies		\$467.25		
17172	06/08/2015	Open			Accounts Payable	Cintas Corp	\$272.32		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	5002943886		06/01/2015		first aid supplies		\$67.61		
	5002645386		06/01/2015		eye wash station service & supplies		\$204.71		
17173	06/08/2015	Open			Accounts Payable	Comcast	\$160.49		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	2015-00000358		06/01/2015		8771 20 167 0009616 - cable at VH		\$10.53		
	2015-00000359		06/01/2015		8771 20 167 0016389 - cable at DPW		\$2.11		
	2015-00000360		06/01/2015		internet @ VH		\$147.85		
17174	06/08/2015	Open			Accounts Payable	ComEd	\$632.99		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	2015-00000342		05/28/2015		2427077087 - svc @ 4315 Park Concession Stand		\$123.03		
	2015-00000343		05/28/2015		6292126004		\$381.30		
	2015-00000361		06/01/2015		3543076047 - svc @ 9001 Shields		\$128.66		
17175	06/08/2015	Open			Accounts Payable	FedEx	\$24.74		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	5-045-21788		06/01/2015		shipping svc		\$24.74		
17176	06/08/2015	Open			Accounts Payable	FIAT	\$3,500.00		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	BPD15-16		05/28/2015		2015-16 annual dues		\$3,500.00		
17177	06/08/2015	Open			Accounts Payable	Fire Service, Inc.	\$262.83		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	9839		06/01/2015		ext spring		\$57.20		
	19289		06/01/2015		check/repair cummins engine		\$205.63		
17178	06/08/2015	Open			Accounts Payable	Galva Road Equipment LLC	\$651.39		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	051815118		06/01/2015		misc parts		\$651.39		
17179	06/08/2015	Open			Accounts Payable	Groot Industries, Inc.	\$2,504.15		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	CR124878		06/01/2015		dumping charges		\$2,504.15		

Corporate Warrant - 06/08/2015

From Payment Date: 5/26/2015 - To Payment Date: 6/8/2015

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
17180	06/08/2015	Open			Accounts Payable	Hancock Engineering	\$82,947.00		
	Invoice		Date	Description			Amount		
	15-0318		06/01/2015	Shields Ave (Eberly-Maple) - Design Engineering			\$41,438.00		
	15-0327		06/01/2015	2015 Street Improvements Project			\$14,986.00		
	15-0328		06/01/2015	2015 Street Improvements Project			\$17,023.00		
	15-0325		06/01/2015	9540 Jackson - Residential Development			\$750.00		
	15-0324		06/01/2015	3643 Forest - Residential Development			\$250.00		
	15-0319		06/01/2015	8837 Ogden - Parking Lot Improvements			\$750.00		
	15-0315		06/01/2015	Sherwin Williams Development			\$375.00		
	15-0313		06/01/2015	Development Ordinance			\$6,500.00		
	15-0323		06/01/2015	Jam Lab - 9234 47th St			\$875.00		
17181	06/08/2015	Open			Accounts Payable	ILCMA	\$318.00		
	Invoice		Date	Description			Amount		
	2015-16		06/01/2015	2015-16 Membership Renewal			\$318.00		
17182	06/08/2015	Open			Accounts Payable	Illinois Public Safety Agency Network	\$4,350.00		
	Invoice		Date	Description			Amount		
	040517		05/28/2015	ALERTS/ALECS/BULLET/MINIBULLET billing for 6 months			\$4,350.00		
17183	06/08/2015	Open			Accounts Payable	IPELRA	\$440.00		
	Invoice		Date	Description			Amount		
	052215		05/28/2015	Seminar at Brookfield Zoo			\$440.00		
17184	06/08/2015	Open			Accounts Payable	J & L Electronic Service, Inc.	\$525.00		
	Invoice		Date	Description			Amount		
	88639G		06/01/2015	replace elevator phone			\$525.00		
17185	06/08/2015	Open			Accounts Payable	Kara Co Inc.	\$38.04		
	Invoice		Date	Description			Amount		
	309786		06/01/2015	barricade tape			\$38.04		
17186	06/08/2015	Open			Accounts Payable	Koch, Chad	\$632.00		
	Invoice		Date	Description			Amount		
	150528		05/28/2015	Martial Arts Instruction - Winter Session 4			\$632.00		
17187	06/08/2015	Open			Accounts Payable	Kopicki's Tower Home for Funerals	\$365.00		
	Invoice		Date	Description			Amount		
	15T35-2		05/28/2015	transfer to CCME			\$365.00		
17188	06/08/2015	Open			Accounts Payable	L-K Fire Extinguisher Service	\$75.00		
	Invoice		Date	Description			Amount		
	67043		06/01/2015	fire extinguishers at water tower			\$75.00		
17189	06/08/2015	Open			Accounts Payable	Lehigh Hanson	\$239.55		
	Invoice		Date	Description			Amount		
	5491065		06/01/2015	016CA07 Bed/Backfill			\$85.91		
	5489259		06/01/2015	016CA07 Bed/Backfill			\$153.64		
17190	06/08/2015	Open			Accounts Payable	Leslie Heating & Cooling Inc.	\$2,289.00		
	Invoice		Date	Description			Amount		
	S-18720		06/01/2015	preventative maint			\$2,289.00		

Corporate Warrant - 06/08/2015

From Payment Date: 5/26/2015 - To Payment Date: 6/8/2015

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
17191	06/08/2015	Open			Accounts Payable	Miner Electronics Corp	\$95.00		
	Invoice		Date	Description		Amount			
	257075		05/28/2015	car-470 computer issues		\$95.00			
17192	06/08/2015	Open			Accounts Payable	National Seed	\$1,094.00		
	Invoice		Date	Description		Amount			
	552782SI		06/01/2015	greenskeeper glamour mix		\$1,094.00			
17193	06/08/2015	Open			Accounts Payable	Paramedic Billing Services	\$3,859.12		
	Invoice		Date	Description		Amount			
	04/2015		06/01/2015	April 2015 Ambulance Collections		\$3,859.12			
17194	06/08/2015	Open			Accounts Payable	Portable John, Inc.	\$160.97		
	Invoice		Date	Description		Amount			
	A-200747		06/01/2015	service at Ehler Park		\$160.97			
17195	06/08/2015	Open			Accounts Payable	Powers, Pam	\$337.64		
	Invoice		Date	Description		Amount			
	052915		06/01/2015	Project Nice tools, sculpture dedication supplies		\$337.64			
17196	06/08/2015	Open			Accounts Payable	Quarry Materials, Inc.	\$1,530.00		
	Invoice		Date	Description		Amount			
	00053279		06/01/2015	N50 D surface		\$81.00			
	00053083		06/01/2015	N50 D surface		\$486.00			
	00053064		06/01/2015	N50 D surface, prime ss-1		\$180.00			
	00053108		06/01/2015	N50 D surface		\$324.00			
	00053141		06/01/2015	N50 D surface		\$216.00			
	00053189		06/01/2015	N50 D surface		\$243.00			
17197	06/08/2015	Open			Accounts Payable	Richardson, Anita	\$1,800.00		
	Invoice		Date	Description		Amount			
	2015-05		06/01/2015	May 2015 adjudication		\$1,800.00			
17198	06/08/2015	Open			Accounts Payable	Rush Truck Center - Chicago	\$3,601.39		
	Invoice		Date	Description		Amount			
	97991143		06/01/2015	truck repairs		\$3,601.39			
17199	06/08/2015	Open			Accounts Payable	Staples Advantage	\$538.62		
	Invoice		Date	Description		Amount			
	3265302334		05/28/2015	office supplies		\$140.91			
	3265302333		05/28/2015	office supplies		\$97.51			
	3265302332		05/28/2015	permit folders		\$169.78			
	3265825985		06/01/2015	permit folders, pens		\$130.42			
17200	06/08/2015	Open			Accounts Payable	Storino, Ramello & Durkin	\$15,769.42		
	Invoice		Date	Description		Amount			
	66450		06/01/2015	Acquisition of 3526 Forest		\$2,122.22			
	2015-00000367		06/02/2015	village legal fees		\$13,647.20			
17201	06/08/2015	Open			Accounts Payable	Suburban Laboratories, Inc.	\$130.00		
	Invoice		Date	Description		Amount			
	122927		06/01/2015	coliform presence-absence for IEPA		\$130.00			
17202	06/08/2015	Open			Accounts Payable	Suburban Truck Parts	\$1,470.62		
	Invoice		Date	Description		Amount			
	23045		06/01/2015	fuel tank, insul, strap assy		\$1,470.62			

Corporate Warrant - 06/08/2015

From Payment Date: 5/26/2015 - To Payment Date: 6/8/2015

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
17203	06/08/2015	Open			Accounts Payable	Swan Cleaners	\$45.00		
	Invoice		Date	Description			Amount		
	2500		06/01/2015	blankets			\$20.00		
	2512		06/01/2015	blankets			\$25.00		
17204	06/08/2015	Open			Accounts Payable	Third Millennium Associates, Inc	\$687.89		
	Invoice		Date	Description			Amount		
	18221		05/28/2015	water bills - B route, D route, D route rerun w/inserts			\$687.89		
17205	06/08/2015	Open			Accounts Payable	Thomson Reuters - West	\$189.00		
	Invoice		Date	Description			Amount		
	831812267		05/28/2015	subscription product charges			\$189.00		
17206	06/08/2015	Open			Accounts Payable	Traffic Control Corporation	\$895.00		
	Invoice		Date	Description			Amount		
	83980		06/01/2015	emitter, high priority, opticom m492			\$895.00		
17207	06/08/2015	Open			Accounts Payable	Troop Contracting, Inc.	\$37,674.88		
	Invoice		Date	Description			Amount		
	Pmt3		06/01/2015	Village Hall renovation - Pay Request 3 (Final)			\$37,674.88		
17208	06/08/2015	Open			Accounts Payable	Unifirst Corporation	\$394.53		
	Invoice		Date	Description			Amount		
	081 1034966		06/01/2015	laundry service			\$219.34		
	081 1033415		06/01/2015	laundry service			\$175.19		
17209	06/08/2015	Open			Accounts Payable	Verizon Wireless	\$72.22		
	Invoice		Date	Description			Amount		
	9745829906		06/01/2015	wireless service			\$72.22		
17210	06/08/2015	Open			Accounts Payable	Visa	\$1,124.96		
	Invoice		Date	Description			Amount		
	2015-00000348		05/28/2015	recreation acct *0953			\$37.93		
	2015-00000366		06/01/2015	fire dept *0938			\$1,087.03		
17211	06/08/2015	Open			Accounts Payable	West Central Municipal Conference	\$750.00		
	Invoice		Date	Description			Amount		
	0008080-IN		06/01/2015	annual dinner			\$750.00		
17212	06/08/2015	Open			Accounts Payable	West Cook County Solid Waste Agency	\$22,367.07		
	Invoice		Date	Description			Amount		
	0003577-IN		06/01/2015	disposal/admin fee			\$22,367.07		
17213	06/08/2015	Open			Accounts Payable	Western Suburbs Concrete, Inc	\$2,100.00		
	Invoice		Date	Description			Amount		
	052115		06/01/2015	replace steps at Village Hall employee entrance			\$2,100.00		
17214	06/08/2015	Open			Accounts Payable	Bandola, Christopher	\$146.08		
	Invoice		Date	Description			Amount		
	052215		05/28/2015	bike officer necessities			\$146.08		
17215	06/08/2015	Open			Accounts Payable	Golden, Kathleen	\$46.54		
	Invoice		Date	Description			Amount		
	052215		05/28/2015	equipment allowance			\$46.54		

Corporate Warrant - 06/08/2015

From Payment Date: 5/26/2015 - To Payment Date: 6/8/2015

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
17216	06/08/2015	Open			Accounts Payable	Lowry, Andrew	\$150.00		
	Invoice		Date	Description		Amount			
	052215		05/28/2015	equipment allowance balance remaining		\$150.00			
17217	06/08/2015	Open			Accounts Payable	Petrak, Edward	\$358.00		
	Invoice		Date	Description		Amount			
	052615		05/28/2015	FBINA expenses		\$358.00			
17218	06/08/2015	Open			Accounts Payable	Anything Entertainment	\$1,300.00		
	Invoice		Date	Description		Amount			
	052115		05/28/2015	Balance due for Small Town Dave - June 26 Concert		\$1,300.00			
17219	06/08/2015	Open			Accounts Payable	Chicago Cuatro Orchestra Project	\$900.00		
	Invoice		Date	Description		Amount			
	052115		05/28/2015	July 10 performance in Kiwanis Park		\$900.00			
17220	06/08/2015	Open			Accounts Payable	KUST, J	\$25.00		
	Invoice		Date	Description		Amount			
	052115		05/28/2015	July 10 performance in Kiwanis Park		\$25.00			
17221	06/08/2015	Open			Accounts Payable	Mason Rivers	\$1,000.00		
	Invoice		Date	Description		Amount			
	052115		05/28/2015	July 31 concert in Kiwanis Park		\$1,000.00			
17222	06/08/2015	Open			Accounts Payable	J.A. Johnson Paving	\$375,725.39		
	Invoice		Date	Description		Amount			
	Pmt1		06/01/2015	2015 Street Improvements Project - Pay Est 1		\$375,725.39			
17223	06/08/2015	Open			Accounts Payable	Village of Brookfield - petty cash	\$150.53		
	Invoice		Date	Description		Amount			
	052015		05/28/2015	Rec Dept Petty Cash		\$150.53			
17224	06/08/2015	Open			Accounts Payable	Visa	\$2,186.08		
	Invoice		Date	Description		Amount			
	2015-00000350		06/01/2015	police dept *1886		\$1,638.46			
	2015-00000364		06/01/2015	admin acct *1795		\$547.62			
17225	06/08/2015	Open			Accounts Payable	Sam's Club	\$393.40		
	Invoice		Date	Description		Amount			
	004898		06/01/2015	Let's Win supplies		\$61.78			
	002631		06/01/2015	Let's Win supplies		\$331.62			
17226	06/08/2015	Open			Accounts Payable	Del Fiacco Sewer & Plumbing	\$3,000.00		
	Invoice		Date	Description		Amount			
	052915		06/01/2015	refund of parkway/street bond for 9129 Grant, #2014-00001483		\$3,000.00			
17227	06/08/2015	Open			Accounts Payable	KV Construction Consulting Inc	\$3,000.00		
	Invoice		Date	Description		Amount			
	052915		06/01/2015	refund of parkway/street bond for 3419 Prairie, #2014-00001081		\$3,000.00			
17228	06/08/2015	Open			Accounts Payable	Reliance Plumbing Sewer & Drainage	\$1,000.00		
	Invoice		Date	Description		Amount			
	052915		06/01/2015	refund of parkway bond for 3936 Vernon, #2014-00001223		\$1,000.00			

Corporate Warrant - 06/08/2015

From Payment Date: 5/26/2015 - To Payment Date: 6/8/2015

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
17229	06/08/2015	Open			Accounts Payable	CANAVERA, A	\$75.00		
	Invoice		Date	Description		Amount			
	052915		06/01/2015	refund of zoning sign deposit		\$75.00			
17230	06/08/2015	Open			Accounts Payable	Gronke, Brad	\$80.00		
	Invoice		Date	Description		Amount			
	RT2179		05/28/2015	refund for cancelled picnic		\$80.00			
17231	06/08/2015	Open			Accounts Payable	TRACY, L	\$50.00		
	Invoice		Date	Description		Amount			
	RT2216		06/01/2015	refund of picnic deposit		\$50.00			
17232	06/08/2015	Open			Accounts Payable	Wascher, Chris	\$110.00		
	Invoice		Date	Description		Amount			
	RT2215		06/01/2015	refund of picnic deposit		\$110.00			
17233	06/08/2015	Open			Accounts Payable	Rochowiak, P, F	\$32.00		
	Invoice		Date	Description		Amount			
	052215		05/28/2015	refund of overpayment for vehicle sticker		\$32.00			
17234	06/08/2015	Open			Accounts Payable	Siran, J	\$20.00		
	Invoice		Date	Description		Amount			
	052215		05/28/2015	refund of overpayment for vehicle stickers		\$20.00			
17235	06/08/2015	Open			Accounts Payable	Janecko, Shannon	\$50.00		
	Invoice		Date	Description		Amount			
	RT2185		05/28/2015	refund of picnic deposit		\$50.00			
17236	06/08/2015	Open			Accounts Payable	Newsom, Mary Ellen	\$200.00		
	Invoice		Date	Description		Amount			
	RT2186		05/28/2015	refund of picnic deposit		\$200.00			
17237	06/08/2015	Open			Accounts Payable	Porcayo, Mario	\$50.00		
	Invoice		Date	Description		Amount			
	RT2214		06/01/2015	refund of picnic deposit		\$50.00			
Type Check Totals:									
					83 Transactions		\$906,271.07		
<u>EFT</u>									
298	05/28/2015	Open			Accounts Payable	Village of Brookfield	\$305,930.13		
	Invoice		Date	Description		Amount			
	2015-00000344		05/28/2015	salaries		\$305,930.13			
299	05/28/2015	Open			Accounts Payable	IMRF	\$34,812.18		
	Invoice		Date	Description		Amount			
	2015-00000345		05/28/2015	employee/employer contributions		\$34,812.18			
300	05/28/2015	Open			Accounts Payable	Village of Brookfield	\$10,876.77		
	Invoice		Date	Description		Amount			
	2015-00000346		05/28/2015	FICA/Medicare		\$10,876.77			
301	05/28/2015	Open			Accounts Payable	Village of Brookfield	\$142.79		
	Invoice		Date	Description		Amount			
	2015-00000347		05/28/2015	SUI		\$142.79			
302	06/01/2015	Open			Accounts Payable	Amalgamated Bank of Chicago	\$68,452.50		
	Invoice		Date	Description		Amount			
	2006B-060115		06/01/2015	2006B Bonds Interest		\$68,452.50			

Corporate Warrant - 06/08/2015

From Payment Date: 5/26/2015 - To Payment Date: 6/8/2015

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
303	06/01/2015	Open			Accounts Payable	Amalgamated Bank of Chicago	\$49,291.25		
	Invoice		Date	Description		Amount			
	2013REF-060115		06/01/2015	2013 Ref Bond Interest		\$49,291.25			
304	06/01/2015	Open			Accounts Payable	Amalgamated Bank of Chicago	\$48,594.38		
	Invoice		Date	Description		Amount			
	2006A-060115		06/01/2015	2006A Bonds Interest		\$48,594.38			
305	06/01/2015	Open			Accounts Payable	Amalgamated Bank of Chicago	\$18,765.00		
	Invoice		Date	Description		Amount			
	2009AR-060115		06/01/2015	2009 Alt Rev Bonds Interest		\$18,765.00			

Type EFT Totals:

PFC - PUBLIC FUND CHECKING Totals

8 Transactions

\$536,865.00

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	83	\$906,271.07	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	83	\$906,271.07	\$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	8	\$536,865.00	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	8	\$536,865.00	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	91	\$1,443,136.07	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	91	\$1,443,136.07	\$0.00

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	83	\$906,271.07	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	83	\$906,271.07	\$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	8	\$536,865.00	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	8	\$536,865.00	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	91	\$1,443,136.07	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	91	\$1,443,136.07	\$0.00

ORDINANCE NO. 2015 - 34

SUPPLEMENTAL APPROPRIATION ORDINANCE

**PASSED AND APPROVED BY
THE PRESIDENT AND BOARD OF TRUSTEES
THE 8th DAY OF JUNE, 2015.**

Published in pamphlet form by
authority of the Corporate
Authorities of the Village of
Brookfield, Illinois this 8th day
of June, 2015

ORDINANCE NO. 2015 - 34

SUPPLEMENTAL APPROPRIATION ORDINANCE

WHEREAS, the Village has determined that additional Village funds exist which were not previously appropriated; and

WHEREAS, it is in best interest of the Village to provide for a supplemental appropriation of those funds in accordance with Section 8-2-9 of the Illinois Municipal Code, as amended.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Brookfield, Cook County, Illinois as follows:

Section 1. Additional Revenue.

That the Village finds it has the following unappropriated revenues:

<u>Source</u>	<u>Amount</u>
WATER AND SEWER FUND	
61.3500 FB - UNRESERVED UNDESIGNATED	\$ 100,000

Section 2. Supplemental Appropriation.

That the following Supplemental Appropriations are hereby made:

<u>Fund/Account/Expense</u>	<u>Supplemental Appropriation</u>
WATER AND SEWER FUND	
61-63-00-5560 PURCHASED PROGRAM SERVICES	\$ 100,000

Section 3. Effective Date of Ordinance.

That this Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

AYES: _____

NAYS: _____

ABSENT: _____

ABSTENTION: _____

Kit P. Ketchmark, Village President

PASSED: This 8th day of June 2015.

APPROVED: This 8th day of June 2015.

PUBLISHED: This 8th day of June 2015.

ATTEST:

Catherine Colgrass-Edwards
Village Clerk of the Village of Brookfield, Illinois

ORDINANCE NO. 2015 - 35

**AN ORDINANCE AMENDING CHAPTER 6 OF THE VILLAGE OF BROOKFIELD
CODE OF ORDINANCES TO INCREASE THE MAXIMUM NUMBER OF
CLASS 8 LIQUOR LICENSES**

**PASSED AND APPROVED BY
THE PRESIDENT AND BOARD OF TRUSTEES
THE 8TH DAY OF JUNE 2015**

Published in pamphlet form by
authority of the Corporate
Authorities of Brookfield, Illinois,
the 8th day of June 2015

ORDINANCE NO. 2015 - 35

**AN ORDINANCE AMENDING CHAPTER 6 OF THE VILLAGE OF BROOKFIELD
CODE OF ORDINANCES TO INCREASE THE MAXIMUM NUMBER OF
CLASS 8 LIQUOR LICENSES**

WHEREAS, the Village of Brookfield is authorized by the Illinois Municipal Code, 65 ILCS 5/4-1, to regulate and restrict the licensing of retail liquor establishments within the boundaries of the Village;

WHEREAS, Section 06-98 of the Village of Brookfield Code of Ordinances, as amended, provides for the issuance of a Class 8 liquor license, which is temporary in nature, for the retail sale of alcoholic liquor to be consumed on the premises in conjunction with events of short duration such as festivals, picnics and banquets by certain not-for-profit organizations or other public function the Liquor Commissioner deems appropriate;

WHEREAS, due to the temporary nature of Class 8 liquor licenses and by operation of Section 06-85 entitled "Reduction in the Number of Licenses" of the Village of Brookfield Code of Ordinances, as amended, which provides in relevant part that:

"Whenever a license previously issued under this Chapter is revoked, surrendered or terminated by dormancy as provided in this Chapter, the maximum number of licenses in the class of the license which is revoked, surrendered or terminated by dormancy as set forth in Section 06-84 above shall be automatically and immediately reduced by one,"

the number of Class 8 liquor licenses for which Section 06-84 of the Village of Brookfield Code of Ordinances, as amended, provides is four (4);

WHEREAS, there is an application submitted by the VFW Post 2868 for its annual picnic to be held on Saturday, September 12, 2015, from 12:00 p.m. until dusk at

Ehlert Park, Brookfield, Illinois, currently pending for the issuance of a Class 8 liquor license;

WHEREAS, the corporate authorities of the Village of Brookfield deem it to be in the best interests of the Village and its residents to create a Class 8 liquor license to accommodate the currently pending license application;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Brookfield as follows:

Section 1. Recitals.

The facts and statements contained in the preambles to this ordinance are found to be true and correct and are hereby adopted as part of this ordinance.

Section 2. Creation of a Class 8 Liquor License.

Section 06-84 entitled "Limitation on the Number of Licenses" of the Village of Brookfield Code of Ordinances, as amended, be and is hereby further amended to read in its entirety as follows:

The maximum number of licenses that may be issued for each class shall be as follows:

- (1) The total number of Class 1 licenses shall not exceed three (3).
- (2) The total number of Class 2 licenses shall not exceed eleven (11).
- (3) The total number of Class 2A licenses shall not exceed zero (0).
- (4) The total number of Class 2B licenses shall not exceed one (1).
- (5) The total number of Class 2C licenses shall not exceed one (1).
- (6) The total number of Class 3 licenses shall not exceed seven (7).
- (7) The total number of Class 4 licenses shall not exceed three (3).
- (8) The total number of Class 5 licenses shall not exceed three (3).

- (9) The total number of Class 6 licenses shall not exceed three (3).
- (10) The total number of Class 7 licenses shall not exceed one (1).
- (11) The total number of Class 7A licenses shall not exceed (1).
- (12) The total number of Class 8 licenses shall not exceed five (5).
- (13) The total number of Class 9 licenses shall not exceed zero (0).
- (14) The total number of Class 10 licenses shall not exceed one (1).
- (15) The total number of Class 11 licenses shall not exceed one (1).
- (16) The total number of Class 12 licenses shall not exceed one (1).
- (17) The total number of Class S licenses shall not exceed eight (8)
- (18) The total number of Class S1 licenses shall not exceed zero (0).
- (19) The total number of Class S2 licenses shall not exceed zero (0).
- (20) The total number of Class S3 licenses shall not exceed five (5).

[The remainder of this page is left blank intentionally.]

Section 3. Effective Date.

This ordinance shall take effect upon its passage, approval and publication in pamphlet form.

ADOPTED this 8th day of June 2015, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTENTION: _____

APPROVED by me this 8th day of June 2015.

Kit P. Ketchmark, President of the
Village of Brookfield, Cook County, Illinois

ATTESTED and filed in my office
and published in pamphlet form
this 8th day of June 2015.

Catherine Colgrass-Edwards, Clerk of the
Village of Brookfield, Cook County, Illinois

ORDINANCE NO. 2015 - 36

**AN ORDINANCE AMENDING CHAPTER 6 OF THE VILLAGE OF BROOKFIELD
CODE OF ORDINANCES TO INCREASE THE MAXIMUM NUMBER OF
CLASS S3 LIQUOR LICENSES**

**PASSED AND APPROVED BY
THE PRESIDENT AND BOARD OF TRUSTEES
THE 8TH DAY OF JUNE 2015**

Published in pamphlet form by
authority of the Corporate
Authorities of Brookfield, Illinois,
the 8th day of June 2015

ORDINANCE NO. 2015 - 36

**AN ORDINANCE AMENDING CHAPTER 6 OF THE VILLAGE OF BROOKFIELD
CODE OF ORDINANCES TO INCREASE THE MAXIMUM NUMBER OF
CLASS S3 LIQUOR LICENSES**

WHEREAS, the Village of Brookfield is authorized by the Illinois Municipal Code, 65 ILCS 5/4-1, to regulate and restrict the licensing of retail liquor establishments within the boundaries of the Village;

WHEREAS, the Village of Brookfield Code of Ordinances, as amended, provides for the issuance of a Class S3 liquor license, which is a license subsidiary to a Class 8 liquor license only, for the retail sale of alcoholic liquor on public property including, without limitation, a park, playground, public right-of-way or building belonging to or under the control of the Village of Brookfield;

WHEREAS, due to the temporary nature of Class S3 liquor licenses and by operation of Section 06-85 entitled "Reduction in the Number of Licenses" of the Village of Brookfield Code of Ordinances, as amended, which provides in relevant part that:

"Whenever a license previously issued under this Chapter is revoked, surrendered or terminated by dormancy as provided in this Chapter, the maximum number of licenses in the class of the license which is revoked, surrendered or terminated by dormancy as set forth in Section 06-84 above shall be automatically and immediately reduced by one,"

the number of Class S3 liquor licenses for which Section 06-84 of the Village of Brookfield Code of Ordinances, as amended, provides is four (4);

WHEREAS, there is an application submitted by the VFW Post 2868 for its annual picnic to be held on Saturday, September 12, 2015, from 12:00 p.m. until dusk at Ehlert Park, Brookfield, Illinois, currently pending for the issuance of a Class S3 liquor license;

WHEREAS, the corporate authorities of the Village of Brookfield deem it to be in the best interests of the Village and its residents to create a Class S3 liquor license to

accommodate the currently pending license application;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Brookfield as follows:

Section 1. Recitals.

The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Creation of a Class S3 License.

Section 06-84 entitled "Limitation on the Number of Licenses" of the Village of Brookfield Code of Ordinances, as amended, be and is hereby further amended to read in its entirety as follows:

The maximum number of licenses that may be issued for each class shall be as follows:

- (1) The total number of Class 1 licenses shall not exceed three (3).
- (2) The total number of Class 2 licenses shall not exceed eleven (11).
- (3) The total number of Class 2A licenses shall not exceed zero (0).
- (4) The total number of Class 2B licenses shall not exceed one (1).
- (5) The total number of Class 2C licenses shall not exceed one (1).
- (6) The total number of Class 3 licenses shall not exceed seven (7).
- (7) The total number of Class 4 licenses shall not exceed three (3).
- (8) The total number of Class 5 licenses shall not exceed three (3).
- (9) The total number of Class 6 licenses shall not exceed three (3).
- (10) The total number of Class 7 licenses shall not exceed one (1).
- (11) The total number of Class 7A licenses shall not exceed (1).
- (12) The total number of Class 8 licenses shall not exceed five (5).
- (13) The total number of Class 9 licenses shall not exceed zero (0).

- (14) The total number of Class 10 licenses shall not exceed one (1).
- (15) The total number of Class 11 licenses shall not exceed one (1).
- (16) The total number of Class 12 licenses shall not exceed one (1).
- (17) The total number of Class S licenses shall not exceed eight (8)
- (18) The total number of Class S1 licenses shall not exceed zero (0).
- (19) The total number of Class S2 licenses shall not exceed zero (0).
- (20) The total number of Class S3 licenses shall not exceed ~~five (5) four (4)~~ five (5).

Section 3. Effective Date.

This Ordinance shall take effect upon its passage, approval and publication in pamphlet form.

ADOPTED this 8th day of June 2015 pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTENTION: _____

APPROVED by me this 8th day of June 2015.

 Kit P. Ketchmark, President of the
 Village of Brookfield, Cook County, Illinois

ATTESTED and filed in my office
 and published in pamphlet form
 this 8th day of June 2015.

 Catherine Colgrass-Edwards, Clerk of the
 Village of Brookfield, Cook County, Illinois

RESOLUTION NO. R - 2015 - 997

**A RESOLUTION AUTHORIZING THE EXECUTION OF A CONSULTANT SERVICES
AGREEMENT BY AND BETWEEN KANE, MCKENNA CAPITAL, INC.
AND THE VILLAGE OF BROOKFIELD, ILLINOIS, FOR THE REFUNDING OF THE
SERIES 2006A AND 2008B BONDS**

PASSED AND APPROVED BY
THE PRESIDENT AND BOARD OF TRUSTEES
THE 8TH DAY OF JUNE 2015

RESOLUTION NO. R - 2015- 997

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONSULTANT SERVICES AGREEMENT BY AND BETWEEN KANE, MCKENNA CAPITAL, INC. AND THE VILLAGE OF BROOKFIELD, ILLINOIS, FOR THE REFUNDING OF THE SERIES 2006A AND 2008B BONDS

WHEREAS, due to the professional skills required to study, evaluate and administer the issuance of general obligation refunding bonds it is, in the opinion of a majority of the corporate authorities of the Village of Brookfield, advisable, necessary and in the public interest that the Village of Brookfield waive newspaper advertisement for bids, waive the procedure prescribed for open market purchases and contract for professional financial services for the issuance of a general obligation refunding bonds by the Village; and

WHEREAS, in the opinion of a majority of the corporate authorities of the Village of Brookfield, it is advisable, necessary and in the public interest that the Village of Brookfield enter into a Consultant Services Agreement with Kane, McKenna Capital, Inc., to provide professional financial services for the issuance of a general obligation refunding bonds by the Village;

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Brookfield, Cook County, Illinois, as follows:

Section 1: It is hereby determined that due to professional skills required to study, evaluate and administer the issuance of general obligation refunding bonds, it is advisable, necessary and in the public interest that the Village of Brookfield waive newspaper advertisement for bids, waive the procedure prescribed for open market purchases and enter into a Consultant Services Agreement with Kane, McKenna

Capital, Inc. for professional services to assist the Village with the issuance of general obligation refunding bonds by the Village.

Section 2: The President shall be and is hereby authorized and directed to execute and the Village Clerk shall be and is hereby authorized and directed to attest and to place the municipal seal on the Consultant Services Agreement with Kane, McKenna Capital, Inc. in substantially the form attached hereto as Exhibit "A."

Section 3: This Resolution shall be in full force and effect upon its passage and approval in accordance with law.

ADOPTED this 8th day of June 2015, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTENTION: _____

APPROVED by me this 8th day of June 2015.

Kit P. Ketchmark, President of the
Village of Brookfield, Cook County, Illinois

ATTESTED and filed in my office,
this 8th day of June 2015.

Catherine Colgrass-Edwards, Clerk of the
Village of Brookfield, Cook County, Illinois

Exhibit "A"

**CONSULTANT SERVICES AGREEMENT
WITH
KANE, MCKENNA CAPITAL, INC.**

CONSULTANT SERVICES AGREEMENT

WITH

KANE, MCKENNA CAPITAL, INC.

FOR THE

VILLAGE OF BROOKFIELD - GENERAL OBLIGATION REFUNDING BONDS - 2015

This Agreement made this 8th day of June 2015, between the Village of Brookfield, Illinois (the "Village"), an Illinois municipal corporation, and Kane, McKenna Capital, Inc., an Illinois corporation ("Consultant"), for financial advisory services for the proposed refunding of the Village of Brookfield outstanding Series 2006A and 2008B General Obligation Bonds (the "Refunding Bonds") by the Village.

The Consultant hereby agrees as hereinafter set forth:

1. Scope of Services. The Consultant is registered as a Municipal Financial Advisor pursuant to Securities and Exchange Commission (SEC) regulations. Neither Kane, McKenna Capital, Inc. nor Kane, McKenna and Associates, Inc. shall participate in any bidding, underwriting, or sale of securities. The Consultant shall act as the Village's Independent Registered Municipal Advisor ("Municipal Advisor") to provide advice on any proposals from financial services firms concerning the issuance of municipal securities and the municipal financial products, This designation may be relied upon by broker-dealers and/or other municipal finance vendors, for purposes of the independent registered municipal advisor exemption to the SEC municipal Advisor Rule, until the latter of either the final details relating to the Refunding Bonds are completed or October 15, 2015. The Consultant agrees to perform the following Services to the Village as and when required:

1.1 EVALUATION OF APPROPRIATE FINANCING STRATEGY

To assist the Village in the issuance of the Refunding Bonds, the Consultant shall:

- 1) Analyze the potential savings which could be achieved from issuing the Refunding Bonds;
- 2) Advise the Village on a recommended financing maturity structure for the proposed Refunding Bonds, taking into consideration all existing bonds; and
- 3) Report regularly to the Village and attend any meetings as required.

1.2 IMPLEMENTATION OF FINANCING STRATEGY

To assist the Village in the issuance of the Refunding Bonds, the Consultant shall perform the following key services, where appropriate:

- 1) Draft the Preliminary and Final Official Statements, and other documents associated with the sale of the Refunding Bonds. The Official Statement will include the following:
 - a) Tax base/revenue analysis: evaluate components of tax base (i.e., major taxpayers);
 - (b) Trend analysis of property tax base: evaluate changes in assessed valuation over past 5 years; changes in tax base;
 - (c) Trend analysis of revenues, expenditures, changes in financial position and cash flow; composition of tax/revenue base;
 - (d) Employment base analysis - major employers, type of employers (e.g., service, commercial); and
 - (e) Outstanding debt - nature and level of debt and debt structure; assumptions relating to the timing and valuation of development projects.

The diligence undertaken during preparation of the Preliminary and Final Official Statements will provide the Consultant and the Village with an overall assessment of the Village's financial and economic well-being. This analysis aids in evaluating the Village's financial and economic strengths in comparison to the bond investors' evaluations and perceptions of the Village. It also enables the Consultant to communicate the Village's whole picture to bond investors.

- 2) Prepare and submit all letters, documents, and other necessary information to bond rating agencies and bond investors;
- 3) Serve as liaison in communications with bond rating agencies and bond investors;
- 4) Facilitate procuring services of other service providers and obtaining price quotes to minimize costs of issuance and maintain quality and efficient service;
- 5) Assist in preparation of necessary ordinances, agreements, contracts, and other documents as required in conjunction with the Village, Bond Counsel and the Village's Attorneys;
- 6) Review projected market interest rates in light of current market conditions and advise the Village regarding any issues and timing considerations related thereto;
- 7) Conduct, as necessary, all activities essential to the sale of securities including, but not limited to, arranging for: competitive bids (if competitive bidding is selected); preparation of notice of sale; rating agency meeting; printing of the Official Statement, the registration and delivery of the Bonds, and closing of the bond issues;
- 8) Prepare a full report to the Village board of trustees on the financing, including explanation of our review of the debt structuring, interest rates and market conditions;

- 9) Report to the Village administration and Village Counsel, as appropriate; and
- 10) Coordinate all activities for the timely closing of the financing.

The Services described herein are hereinafter referred to as the “Services.”

2. Commencement and Completion of Services. The Consultant shall be prepared and ready to commence the Services provided for in this Agreement at the direction of the Village, following execution of this Agreement by the Village. Subject to reasonable allowances for delay in the Services due to causes beyond the control of Consultant, Consultant shall complete all Services to be performed under this Agreement in a timely manner. Consultant acknowledges that time is of the essence of this Agreement and in the performance and completion of Consultant’s Services.

3. Village’s Cooperation. The Village shall (i) provide Consultant with relevant material, data, and information in its possession pertaining to the specific project or activity; (ii) consult with Consultant when requested; and (iii) ensure reasonable cooperation of the Village’s employees in Consultant’s activities.

4. Consultant’s Compensation. The Village shall pay Consultant for the performance of the Services a flat fee of Twenty-Three Thousand Five Hundred Dollars (\$23,500.00).

5. Payments. Consultant’s compensation shall be payable from the proceeds of the Refunding Bonds issue and shall be made in accordance with the Local Government Prompt Payment Act (50 ILCS 505/1 *et seq.*)

6. Confidentiality.

6.1 It is anticipated that the Village will disclose to Consultant certain proprietary information which is identified as proprietary and confidential at the time of disclosure or which can reasonably be regarded as confidential (“Confidential Information”). The disclosure of Confidential Information shall not be construed to grant to Consultant any ownership or other proprietary interest in the Confidential Information. Consultant does not acquire any title, ownership, or other intellectual property right or license by virtue of such disclosure. Consultant shall employ diligent efforts to maintain the secrecy and confidentiality of all Confidential Information. Consultant will not at any time, either directly or indirectly, disclose, use or communicate or attempt to disclose, use or communicate to any person, firm, or corporation any Confidential Information or any other information concerning the business, services, finances or operations of the Village except as expressly authorized by the Village. Consultant shall treat such Confidential Information at all times as confidential, provided, however, that the Confidential Information may be disclosed only for purposes of the performance of the Services to employees of the Village or Consultant with a need to know for purposes of the performance of the Services hereunder. Consultant acknowledges that each of the following can contain Confidential Information of the Village and that the disclosure of

any of the following by Consultant without the Village's express authorization would be harmful and damaging to the Village's interests:

6.1.1 All information relating to the Services being performed by Consultant under this Agreement regardless of its type or form which is not known to the public.

6.1.2 Financial information, emergency response and homeland security information and law enforcement records which are not known to the public.

6.2 This itemization of Confidential Information is not exclusive, as there may be other information that is included within this covenant of confidentiality. This information is confidential whether or not it is expressed on paper, disk, diskette, electronic memory, magnetic media, optical media, monitor, screen, or any other medium or form of expression. The phrase "directly or indirectly" includes, but is not limited to, acting through the consultant's wife, children, parents, brothers, sisters, or any other relatives, friends, partners, trustees, agents or associates.

6.3 All books, papers, records, lists, files, forms, reports, documents, manuals, handbooks, instructions, computer programs, computer software, computer disks and diskettes, printouts, backups, and computer databases relating in any manner to the Village's business, services, programs, software or residents, whether prepared by Consultant or anyone else, are the exclusive property of the Village. In addition, all papers, notes, data, reference material, documentation, programs, diskettes (demonstration or otherwise), magnetic media, optical media, printouts, backups, and all other media and forms of expression that in any way include, incorporate or reflect any Confidential Information of the Village are the exclusive property of the Village.

6.4 Consultant shall have no obligation to keep confidential any Confidential Information disclosed hereunder, which Consultant can demonstrate by clear and convincing evidence: (a) was rightfully in Consultant's possession before receipt from the Village other than through prior disclosure by the Village; or (b) is or becomes a matter of general public knowledge through no breach of this Agreement; or (c) is rightfully received by Consultant from a third party without an obligation of confidentiality; or (d) is independently developed by Consultant; or (e) is disclosed under operation of law, governmental regulation, including but not limited to, regulation by the Securities and Exchange Commission or the Securities Department of the Illinois Secretary of State, or court order, provided Consultant first gives the Village notice and a reasonable opportunity to secure confidential protection of such Confidential Information.

6.5 Upon termination of this Agreement or earlier at the Village's request at any time, Consultant shall (a) immediately cease using the Confidential Information, and (b) promptly deliver to the Village all tangible embodiments of the Confidential Information.

6.6 In the event of breach of the confidentiality provisions of this Agreement, it shall be conclusively presumed that irreparable injury would result to the Village; and there would be no an adequate remedy at law. The Village shall be entitled to obtain temporary and permanent injunctions, without bond and without proving damages, to enforce this Agreement. The Village is entitled to damages for any breach of the injunction, including, but not limited to, compensatory, incidental, consequential, exemplary and punitive damages. The confidentiality provisions of this Agreement survive the termination or performance of this Agreement.

7. Work Made for Hire.

7.1 All work product created or developed hereunder, including, but not limited to, specifications, reports and any other documents prepared by Consultant in connection with any or all of the Services delivered to the Village is for the use of and shall be the exclusive property of the Village. All books, papers, notes, records, lists, data, files, forms, reports, accounts, documents, manuals, handbooks, instructions, computer programs, computer software, computer disks and diskettes, magnetic media, electronic files, printouts, backups, and computer databases created or modified by Consultant relating in any manner to the Services performed by Consultant or by anyone else and used by Consultant in performance of the Services shall be a “work made for hire” as defined by the laws of the United States regarding copyrights.

7.2 Consultant hereby irrevocably assigns and transfers to the Village and its successors and assigns all of its right, title, interest and ownership in the Services, including, but not limited to, copyrights, trademarks, patents, trade secret rights, all intellectual property rights and the rights to secure any renewals, reissues, and extensions thereof. Consultant grants permission to the Village to register the copyright and other rights in the Services in the Village’s name. Consultant shall give the Village or any other person designated by the Village all assistance reasonably necessary to perfect its rights under this Agreement and to sign such applications, documents, assignment forms and other papers as the Village requests from time to time to further confirm this assignment. Consultant further grants to the Village full, complete and exclusive ownership of the Services. Consultant shall not use the Services for the benefit of anyone other than the Village, without the Village’s prior written permission. Upon completion of the Services or other termination of this Agreement, Consultant shall deliver to the Village all copies of any and all materials relating or pertaining to this Agreement. Consultant irrevocably and unconditionally waives all rights in all such Services products. Consultant warrants that all work product of Consultant will be original, except as otherwise agreed in writing with the Village.

7.3 In the event that the Village provides Consultant with materials, equipment or property of any kind, all such materials, equipment and property shall remain the property of the Village; and Consultant shall immediately deliver all such materials, equipment and property to the Village at the conclusion of Services hereunder or at any earlier time upon demand by the Village.

8. Insurance Requirements. Consultant shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the Services by Consultant, its agents, representatives, employees or subcontractors.

8.1. Minimum Scope of Insurance. Coverage shall be at least as broad as:

- (1) Commercial General Liability - Occurrence form; and
- (2) Automobile Liability; and
- (3) Professional Liability/ Errors and Omissions policy; and
- (4) Worker's Compensation as required by the Labor Code of the State of Illinois and Employers' Liability Insurance.

8.2 Minimum Limits of Insurance. Consultant shall maintain limits no less than:

- (1) Commercial General Liability: \$1,000,000 combined single limit per occurrence for bodily injury, personal injury, and property damage. Minimum General Aggregate shall be no less than \$1,000,000 per person per aggregate.
- (2) Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage.
- (3) Professional Liability: \$1,000,000 single limit for errors and omissions, professional/malpractice liability.
- (4) Worker's Compensation and Employers' Liability: Worker's Compensation limits as required by the Labor Code of the State of Illinois and Employers' Liability limits of \$500,000 per accident.

8.3 Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by the Village.

8.4 Other Insurance Provisions. The policies are to contain, or be endorsed to contain the following provisions:

- (1) Commercial General Liability and Automobile Liability Coverages:
 - a. The Village, its officials, employees and volunteers are to be covered as insureds as respects: liability arising out of Services performed by or on behalf of Consultant as well as equipment procured, owned, leased, hired or borrowed by Consultant. The coverage shall contain no

special limits on the scope of the protection afforded to the Village, its officials, employees or volunteers.

b. Consultant's insurance coverage shall be primary insurance as respects the Village, its officials, employees and volunteers. Any insurance or self-insurance maintained by the Village, its officials, employees or volunteers shall be in excess of Consultant's insurance and shall not contribute with it.

c. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Village, its officials, employees or volunteers.

d. Coverage shall state that Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

(2) Worker's Compensation and Employers' Liability Coverage:

The insurer shall agree to waive all rights or subrogation against the Village, its officials, employees or volunteers for losses arising from Services performed by Consultant for the Village.

(3) All Coverages

Each insurance policy required by this clause shall be endorsed to state that the coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the Village.

(4) Acceptability of Insurers

a. The insurance carrier used by Consultant shall have a minimum insurance rating of A:VII according to the AM Best Insurance Rating Schedule and licensed to do business in the State of Illinois.

b. Consultant shall furnish the Village with certificates of insurance naming the Village, its officials, agents, employees and volunteers as additional insureds, and with original endorsements affecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements may be on forms provided by the Village and are to be received and approved by the Village before any Services commences. The Village reserves the right to request full certified copies of the insurance policies.

9. Certifications.

9.1 Consultant shall submit to the Village a certification that Consultant, its shareholders holding more than five percent (5%) of the outstanding shares of the Consultant, its officers and directors are:

9.1.1 Not delinquent in the payment of taxes to the Illinois Department of Revenue in accordance with 65 ILCS 5/11-42.1-1;

9.1.2 Not barred from contracting as a result of a violation of either Section 33E-3 (bid-rigging) or 33E-4 (bid-totaling) of the Criminal Code of 1961 (720 ILCS 5/33E-3 and 5/33E-4);

9.1.3 Not in default, as defined in 5 ILCS 385/2, on an educational loan, as defined in 5 ILCS 385/1.

9.2 In addition, Consultant shall represent and warrant to the Village that as a condition of any Agreement with the Village that:

9.2.1 Consultant maintains and will maintain a drug free workplace in accordance with the Drug Free Workplace Act (30 ILCS 580/1 *et seq.*);

9.2.2 Consultant provides equal employment opportunities in accordance with the Illinois Human Rights Act (775 ILCS 5/1-101 *et seq.*)

9.2.3 Consultant is in compliance with 775 ILCS 5/2-105(A)(4) requiring a written sexual harassment policy;

9.2.4 No Village official, spouse or dependent child of a Village official, agent on behalf of any Village official or trust in which a Village official, the spouse or dependent child of a Village official or a beneficiary is a holder of more than five percent (5%) of Consultant in accordance with Code of Ordinances of the Village of Brookfield, Chapter 3, Article XI;

9.2.5 No officer or employee of the Village has solicited any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to the government employment or the official position of the employee or officer from the bidder in violation of Chapter 2, Article XIX of the Code of Ordinances of the Village of Brookfield; and

9.2.6 Consultant has not given to any officer or employee of the Village any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to the government employment or the official position of the employee or officer in

violation of Chapter 2, Article XIX of the Code of Ordinances of the Village of Brookfield.

10. Assignment of Contract. The Contract shall be deemed to be exclusive between Village and Consultant. This Contract shall not be assigned by Consultant without first obtaining permission in writing from the Village. The Village may refuse to accept any substitute Consultant for any reason.

11. Indemnification. Consultant shall defend, indemnify and hold harmless the Village, its officials, employees and volunteers against all injuries, deaths, loss, damages, claims, suits, liabilities, judgments, costs and expenses, which may in any way accrue against the Village, its officials, employees and volunteers, arising in whole or in part in consequence of the negligent or willful misconduct in performance of the Services by Consultant, its employees, or subcontractors, or which may in any way result therefor, except that arising out of the negligence or willful act of the Village, its officials, employees and volunteers.

12. Notices. Written notices between Village and Consultant shall be deemed sufficiently given after being placed in the United States mail, registered or certified, postage pre-paid, addressed to the above parties as follows:

A. If to the Village:

Village of Brookfield
8820 Brookfield Avenue
Brookfield, Illinois 60513
Attn: Keith Sbiral, Village Manager

B. If to Consultant:

Kane, McKenna Capital, Inc.
150 North Wacker Drive
Suite 1600
Chicago, IL 60606
Attn: Phillip R. McKenna, President

C. Either party may change its mailing address by giving written notice to the other party as provided above. Whenever this contract requires one party to give the other notice, such notice shall be given only in the form and to the addresses described in this paragraph.

13. Entire Agreement. This Agreement represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, representations or understandings, whether written or oral. This Agreement may only be amended or a provision hereof waived by the parties by written instrument executed by authorized signatories of the Village and Consultant. This Agreement is executed that day and year first written above.

14. Termination of Agreement. This Agreement may be terminated by either party only by notifying the other party in writing, by certified mail, return receipt requested, seven (7) days prior to the proposed termination date. In such event, Consultant shall be paid for any and all Services rendered to the date of receipt of the notice of termination, including all reimbursements due, based upon the Services performed.

15. Severability. If any term, covenant, or condition of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement or such other documents, or the applications of such term, covenant or condition, to persons or circumstances other than those as to which it held invalid or unenforceable shall not be affected thereby; and each term, covenant or condition of this Agreement or such other document shall be valid and shall be enforced to the fullest extent permitted by law.

16. Applicable State Law. This Agreement shall be construed under and governed by the laws of the State of Illinois, and all actions brought to enforce any item of this Agreement shall be so brought in the State of Illinois.

Village:

Consultant:

Village of Brookfield, Illinois

Kane, McKenna Capital, Inc.

By: _____
Kit P. Ketchmark,
Village President

By: _____
Phillip R. McKenna, President

ATTEST:

ATTEST:

By: _____
Catherine Colgrass-Edwards,
Village Clerk

By: _____
Robert Rychlicki, Secretary

CONSULTANT'S CERTIFICATION

I, Phillip R. McKenna, hereby certify, represent and warrant to the Village of Brookfield, Illinois (the "Village") as a condition of any Agreement with the Village that Consultant, its shareholders holding more than five percent (5%) of the outstanding shares of Consultant, its officers and directors are:

1. Not delinquent in the payment of taxes to the Illinois Department of Revenue in accordance with 65 ILCS 5/11-42.1-1;
2. Not barred from contracting as a result of a violation of either Section 33E-3 (bid-rigging) or 33E-4 (bid-totaling) of the Criminal Code of 1961 (720 ILCS 5/33E-3 and 5/33E-4);
3. Not in default, as defined in 5ILCS 385/2, on an educational loan, as defined in 5ILCS 385/1.

In addition, Consultant hereby represents and warrants to the Village as a condition of any Agreement with the Village that Consultant:

Pursuant to 30 ILCS 580/1 *et seq.* ("Drug-Free Workplace Act"), will provide a drug-free workplace by:

- A. Publishing a statement:
 1. Notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance including cannabis, is prohibited in Consultant's workplace.
 2. Specifying the actions that will be taken against employees for violations of such prohibition.
 3. Notifying the employee that, as a condition of employment on this Agreement, the employee will:
 - a. Abide by the terms of the statement;
 - b. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

- B. Establishing a drug-free awareness program to inform employees about:
 - 1. The dangers of drug abuse in the workplace;
 - 2. Consultant's policy of maintaining a drug-free workplace;
 - 3. Any available drug counseling, rehabilitation, and employee assistance program; and
 - 4. The penalties that may be imposed upon employees for drug violations.
 - C. Making it a requirement to give a copy of the statement required by Subsection A to each employee engaged in the performance of the Agreement, and to post the statement in a prominent place in the workplace.
 - D. Notifying the Village within ten (10) days after receiving notice under Paragraph A.3(b) from an employee or otherwise receiving actual notice of such conviction.
 - E. Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who is so convicted, as required by 30 ILCS 580/5.
 - F. Assisting employees in selecting a course of action in the event drug counseling treatment and rehabilitation is required and indicating that a trained referral team is in place.
 - G. Making a good faith effort to continue to maintain a drug-free workplace through implementation of this section.
2. During the performance of this Agreement, Consultant agrees as follows:
- A. It will not discriminate against any employee or applicant for employment because of race, color, religion, sex, marital status, national origin or ancestry, age, physical or mental handicap unrelated to ability, or an unfavorable discharge from military service; and further that it will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any such underutilization.
 - B. If it hires additional employees in order to perform this Agreement or any portion hereof, it will determine the availability (in accordance with the Department's Rules and Regulations) of minorities and women in the area(s) from which it may reasonably recruit; and it will hire for each job classification for which employees are hired in such a way that minorities and women are not underutilized.
 - C. In all solicitations or advertisements for employees placed by him or on his behalf, it will state that all applicants will be afforded equal opportunity without

discrimination because of race, color, religion, sex, marital status, national origin or ancestry, age, physical or mental handicap unrelated to ability, or an unfavorable discharge from military service.

- D. It will send to each labor organization or representative of workers with which it has or is bound by a collective bargaining or other agreement or understanding, a notice advising such labor organization or representative of Consultant's obligations under the Illinois Human Rights Act and the Department's Rules and Regulations. If any such labor organization or representative fails or refuses to cooperate with Consultant in his efforts to comply with such Act and Rules and Regulations, Consultant will promptly so notify the Illinois Department of Human Rights and the Village and will recruit employees from other sources when necessary to fulfill its obligations thereunder.
 - E. It will submit reports as required by the Illinois Department of Human Rights, Rules and Regulations, furnish all relevant information as may from time to time be requested by the Department or the Village, and in all respects comply with the Illinois Human Rights Act and the Department's Rules and Regulations.
 - F. It will permit access to all relevant books, records, accounts and work sites by personnel of the Village and the Illinois Department of Human Rights for purposes of investigation to ascertain compliance with the Illinois Human Rights Act and the Department's Rules and Regulations.
 - G. It will not maintain or provide for his employees any segregated facilities at any of its establishments, and not permit his employees to perform their Services at any location, under his control, where segregated facilities are maintained. As used in this section, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis or race, creed, color, or national origin because of habit, local custom, or otherwise.
3. Consultant has and will have in place and will enforce a written sexual harassment policy in compliance with 775 ILCS 5/2-105 (A)(4).
 4. No Village officials, their spouses, their dependent children, or no agent of any Village official or trust in which a Village official, his or her spouse or dependent children of a Village official is a beneficiary of Consultant.
 5. No officer or employee of the Village has solicited any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to the government employment or the official

position of the employee or officer from Consultant in violation of Chapter 2, Article XIX of the Code of Ordinances of the Village of Brookfield.

- 6. Consultant has not given to any officer or employee of the Village any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to the government employment or the official position of the employee or officer in violation of Chapter 2, Article XIX of the Code of Ordinances of the Village of Brookfield.

Dated: June _____, 2015

Consultant: Kane, McKenna Capital, Inc.

By: _____

Phillip R. McKenna, President

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

I, the undersigned, a notary public in and for the State and County aforesaid, hereby certify that Phillip R. McKenna appeared before me this day in person and, being first duly sworn on oath, acknowledged that he executed the foregoing certification as his free act and deed.

Dated: _____

Notary Public

RESOLUTION NO. R – 2015 - 998

**A RESOLUTION AUTHORIZING THE ISSUANCE OF CHANGE ORDER NUMBER
TWO TO THE CONTRACT FOR THE 2015 STREET IMPROVEMENTS PROJECT
FOR THE VILLAGE OF BROOKFIELD, ILLINOIS**

PASSED AND APPROVED BY
THE PRESIDENT AND BOARD OF TRUSTEES
THE 8TH DAY OF JUNE 2015

RESOLUTION NO. R - 2015 - 998

A RESOLUTION AUTHORIZING THE ISSUANCE OF CHANGE ORDER NUMBER TWO TO THE CONTRACT FOR THE 2015 STREET IMPROVEMENTS PROJECT FOR THE VILLAGE OF BROOKFIELD, ILLINOIS

WHEREAS, the Village of Brookfield (the "Village") entered into a Contract with J. A. Johnson Paving Company of Arlington Heights, Illinois for the 2015 Street Improvements Project (the "Project"); and

WHEREAS, the corporate authorities of the Village have determined that Woodside Avenue from the alley return south of Riverside Drive to Waubensee Road is in poor condition and should be added to the Project and thereby necessitate changes to the Contract.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Brookfield, Cook County, Illinois, as follows:

Section 1: Incorporation of Preamble. The facts and statements contained in the preambles to this resolution are found to be true and correct and are hereby adopted as part of this resolution.

Section 2: Compliance with Section 33E-9 of the Illinois Criminal Code. The corporate authorities find that (1) the circumstances said to necessitate the changes to the Contract with J. A. Johnson Paving Company for the Project were not reasonably foreseeable at the time the Contract was bid; or (2) the changes to the Contract with J. A. Johnson Paving Company for the Project are germane to the original Contract as signed; and (3) the Change Order is in the best interest of the Village.

Section 3: Compliance with the Public Works Contract Change Order Act. The corporate authorities find that this change order does not authorize or necessitate

an increase in the contract price that is fifty percent (50%) or more of the original contract price and that it does not authorize or necessitate an increase in the price of a subcontract under the contract that is fifty percent (50%) or more of the original subcontract price.

Section 4: Authorization to Execute Change Order. The Village President is hereby authorized to execute Change Order Number Two to the Contract substantially in the form attached hereto marked as Exhibit "A" and made a part hereof with such terms therein, consistent with this resolution as may be approved by the officials executing the same, their execution thereof shall constitute conclusive evidence of their approval of the same, subject to review and approval of such Change Order by the Village President and the Village Attorney.

Section 5: Payment of Prevailing Rate of Wages. The general prevailing rate of wages in Cook County, Illinois, for each craft or type of worker or mechanic needed to execute the contract or perform the work, also the general prevailing rate for legal holiday and overtime work, as ascertained by the Illinois Department of Labor shall be paid for each craft or type of worker needed to execute the Contract or to perform such work.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

Section 6: Effective Date. This resolution shall take effect upon its passage and approval in pamphlet form.

ADOPTED this 8th day of June 2015, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTENTION: _____

APPROVED by me this 8th day of June 2015.

Kit P. Ketchmark, Village President of the
Village of Brookfield, Cook County, Illinois

ATTESTED and filed in my office,
and published in pamphlet form
this 8th day of June 2015.

Catherine Colgrass-Edwards, Clerk of the
Village of Brookfield, Cook County, Illinois

Exhibit "A"

Change Order No. 2

Date: June 8 2015

PROJECT: Village of Brookfield, Illinois - 2015 Street Improvements Project
 CONTRACTOR: J. A. Johnson Paving Company

The following changes are hereby made to the Contract Documents:

250' of additional work on Woodside Avenue from the alley south of Riverside Drive to Waubensee Road is added to the Project.

No.	Item	Original Quantity	Change	New Quantity	Unit Price	Original Amount	Change	New Amount
1	Add 250' of Woodside Avenue from the alley south of Riverside Drive to Waubensee Road.	0	1	1	\$54,746.25	\$0.00	\$54,746.25	\$54,746.25
	TOTAL						\$54,746.25	

Change to CONTRACT SUM:	
Original CONTRACT SUM	\$1,549,270.25
Net change to CONTRACT SUM by previously authorized Change Orders	(\$284,347.95)
CONTRACT SUM prior to this Change Order	\$1,264,922.30
Change to the CONTRACT SUM authorized by this Change Order	\$54,746.25
CONTRACT SUM including this Change Order	\$1,319,668.55
Change to CONTRACT TIME:	
Original DATE OF SUBSTANTIAL COMPLETION	100 calendar days from Notice of Award
Net change to CONTRACT TIME by previously authorized Change Orders	-15 calendar days
DATE OF SUBSTANTIAL COMPLETION prior to this Change Order	85 calendar days from Notice of Award
Change authorized by this Change Order	3 calendar days
DATE OF SUBSTANTIAL COMPLETION as of the date of this Change Order	88 calendar days from Notice of Award

Contractor:

J. A. Johnson Paving Company

By: _____
 Dale A. Johnson, President

Village:

Village of Brookfield, Illinois

By: _____
 Kit P. Ketchmark, Village President of the Village of Brookfield, Cook County, Illinois



Village of Brookfield

8820 Brookfield Avenue • Brookfield, Illinois 60513-1688
(708) 485-7344 • FAX (708) 485-4971
www.brookfieldil.gov

VILLAGE OF BROOKFIELD
BROOKFIELD, ILLINOIS 60513

**BROOKFIELD VILLAGE BOARD
COMMITTEE OF THE WHOLE MEETING
Monday, June 8, 2015**

**7:00 p.m. or Immediately following Village Board Meeting
Edward Barcal Hall
8820 Brookfield Avenue
Brookfield, IL 60513**

AGENDA

- A. **Discussion** – Fuego Cantina Independence Day Vendor Liquor License
- B. **Discussion**- Sewer Cleaning and Televising
- C. **Discussion** – Brookfield Vehicle Sticker Ordinance
- D. **Discussion** – Medical Marijuana Text Amendment, PZC Case 15-03
- E. **Discussion** – Variation for 8650 Riverside Avenue, PZC Case 15-04
- F. **Discussion** – Candy Cane Park Hearing
- G. **Addresses from the Audience** – Any member of the audience who wishes to address the President and Village Board may do so at this time
- H. **Adjournment**

VILLAGE PRESIDENT
Kit P. Ketchmark

VILLAGE CLERK
Catherine A. Colgrass-Edwards

BOARD OF TRUSTEES
Ryan P. Evans
Michael J. Garvey
Nicole M. Gilhooley
David P. LeClere
Brian S. Oberhauser
Michelle D. Ryan

VILLAGE MANAGER
Keith R. Sbiral

MEMBER OF
Illinois Municipal League
Proviso Township
Municipal League
West Central
Municipal Conference

TREE CITY U.S.A. Since 1981

HOME OF THE CHICAGO
ZOOLOGICAL SOCIETY

Individuals with a disability requiring a reasonable accommodation in order to participate in any meeting should contact the Village of Brookfield (708)485-7344 prior to the meeting. Wheelchair access may be gained through the police department (East) entrance of the Village Hall.



COMMITTEE ITEM MEMO

ITEM: Class 8 & S3 Liquor License Fuego Cantina
Independence Day Celebration, Kiwanis Park

COMMITTEE DATE: June 1, 2015

PREPARED BY: Theresa M. Coady

PURPOSE: Board approval of a Class 8 & S3 Liquor License

BUDGET AMOUNT: N/A

BACKGROUND:

Fuego Cantina will be the vendor at the picnic in Kiwanis Park after the July 4th Parade. They will be selling food and beverages including beer, wine and Margaritas. This will require a Class 8 and S3 Liquor License.

CLASS 8. Authorizes the retail sale of all alcoholic liquors to be consumed on the premises in conjunction with events of short durations such as festivals, picnics, business, open house, banquets, or other special events, either for a structure or an outdoor location. This license is limited to occasions when groups are assembled on the premises for the promotion of some common object other than the sale and consumption of alcoholic liquor.

Issuance of such license shall be granted to schools, churches, hospitals, homes for the aged, indigent or veterans, military or naval station, government group, community or fraternal organization incorporated under a community or fraternal organization incorporated under a general not-for-profit corporation act, or any other public function the Local Liquor Commissioner deems appropriate, provided however, that no applicant may receive such temporary license for more than twelve (12) events per year, each of which may not last longer than three (3) days. This license is exempt from the provisions of Sections 03-30.

The license shall state the place and times at which and during which the retail sale may take place.

The fee for such license shall be Thirty Dollars (\$30) unless waived by the Local Liquor Control Commissioner.

Class S3 subsidiary license is required for retail sale of alcoholic liquor on public property including, without limitation, park, playground, public right-of-way or building belonging to or under the control of the Village. This license will only be issued to holders of a Class 8 license

ATTACHMENTS:

None

STAFF RECOMMENDATION:

Staff requests the Village Board consider the applicants request for the Class 8 & S3 Liquor License.

REQUESTED COURSE OF ACTION:

An Ordinance to approve this request be prepared and voted on at the June 22, 2015 Village Board Meeting.



COMMITTEE ITEM MEMO

ITEM: SEWER CLEANING AND TELEVISIONING
COMMITTEE DATE: June 8, 2015
PREPARED BY: Derek Treichel, Village Engineer
PURPOSE: Discussion Regarding Sewer Televising Results
BUDGET AMOUNT: N/A

BACKGROUND:

In response to repeated flooding complaints in the following 2 areas, staff recommended televising the combined sewers in these areas to determine whether there were any sections of collapsed pipe or other conditions contributing to the flooding.

Area 1 – South Hollywood Area

Area 2 – Area surrounding the intersection of Monroe Avenue and Harrison Avenue

Staff has reviewed the video inspections of the sewer and will present a summary of the findings, options for future maintenance, and a preliminary estimate of costs for sewer repairs.

ATTACHMENTS:

NONE

STAFF RECOMMENDATION:

The village board consider whether to obtain a proposal for treating certain sections of combined sewers in these areas with a root inhibiting agent and whether to move forward with repairs of certain deteriorated sections of the combined sewer system.

REQUESTED COURSE OF ACTION:

The village board authorize the village manager to obtain a proposal for root treatment and enter into a contact if it is within his authorized limit for contract approval.

The village board direct the engineer to prepare bidding documents for repairs of certain deteriorated sections of the combined sewer system.



COMMITTEE ITEM MEMO

ITEM: Brookfield Vehicle Sticker Ordinance
COMMITTEE DATE: June 8, 2015
PREPARED BY: Chief Steven Stelter
PURPOSE: Revise current ordinance to allow the issuance of citations to vehicles in private parking facilities
BUDGET AMOUNT: N/A

BACKGROUND:

Recently, at local police adjudication hearings, residents are contesting citations issued for no vehicle sticker displayed when their vehicle was parked inside a private parking facility. The complaint is that the citation was issued while their vehicle was not parked in a public place. While the adjudicator has upheld most of the citations; it is highly recommended by the adjudicator ordinance 54-325 be amended. The current ordinance specifically provides that a violation of the vehicle-license-and-display requirement only occurs when a vehicle that should be licensed, but is not, is located "upon the streets, avenues, alleys or parking facilities of the Village."

I propose that Section 54-325 of the code of ordinances be amended in such a way as to apply the vehicle-sticker-and-display requirement to vehicles parked in private parking facilities so that those vehicles can be cited when no sticker is displayed.

The following revision has been suggested by Village Attorney Richard Ramello;

"It shall be unlawful for any person or corporation residing within the Village, as evidenced by the registration of the motor vehicle with the secretary of state, to own, to base or to have situs of a motor vehicle within the Village except commercial motor vehicles as defined in Section 18b-101 of the Illinois Vehicle Code (625 ILCS 5/3-402.1), unless such motor vehicle is licensed by the Village or unless such motor vehicle is licensed by another municipality of this state."

ATTACHMENTS:

1. Memo from Village Adjudicator Anita Richardson

STAFF RECOMMENDATION:

Staffs desire is to have the current ordinance revised to reflect the recommended language.

REQUESTED COURSE OF ACTION:

That this proposal is forwarded to the Village Board for approval.

Re: Brookfield Vehicle Sticker Ordinance
Section 54-325

Recently, officers have begun issuing no-village-vehicle-sticker-displayed citations to vehicles parked off-street in private parking facilities. (The parking facilities in question are not gated and do not otherwise restrict access. Accordingly, the facilities are accessible to officers as they are to other persons lawfully on the premises.)

Many of the citations have been contested on the ground that the vehicle cited was not parked in a public place. While I have upheld most of the citations, the defense is well taken as the current ordinance specifically provides that a violation of the vehicle-license-and-display requirement only occurs when a vehicle that should be licensed but is not is located "upon the streets, avenues, alleys, or parking facilities of the Village." (See Section 54-325.)

I suggest that Section 54-325 be amended in such a way as to apply the vehicle-sticker-and-display requirement to vehicles parked in private parking facilities so that those vehicles can be cited when no sticker is displayed. Draft language is given below. (Please note that a vehicle parked in a private garage or parking facility that cannot be accessed without a warrant or other legal justification cannot be cited, just as such a vehicle cannot be cited under the current version of Section 54-325.)

Draft Language

Whenever a motor vehicle is registered to a Brookfield address or has its situs or base of operation in Brookfield, the vehicle must be licensed by the Village of Brookfield, provided the vehicle has not been licensed in another municipality of the State of Illinois.

ORDINANCE NO. 2015 -

**AN ORDINANCE AMENDING SECTION 54-325 ENTITLED "REQUIRED" OF
ARTICLE IV ENTITLED "VEHICLE LICENSES" OF CHAPTER 54 ENTITLED
"TRAFFIC AND MOTOR VEHICLES" OF THE
CODE OF ORDINANCES, VILLAGE OF BROOKFIELD, ILLINOIS**

**PASSED AND APPROVED BY
THE PRESIDENT AND BOARD OF TRUSTEES
THE 22ND DAY OF JUNE 2015**

Published in pamphlet form by
Authority of the Corporate
Authorities of Brookfield, Illinois,
the 22nd day of June 2015

ORDINANCE NO. 2014 -

AN ORDINANCE AMENDING SECTION 54-325 ENTITLED "REQUIRED" OF ARTICLE IV ENTITLED "VEHICLE LICENSES" OF CHAPTER 54 ENTITLED "TRAFFIC AND MOTOR VEHICLES" OF THE CODE OF ORDINANCES, VILLAGE OF BROOKFIELD, ILLINOIS

WHEREAS, Section 8-11-4 of the Illinois Municipal Code (65 ILCS 5/8-11-14) Section 2-121 of the Illinois Vehicle Code (625 ILCS 5/2-121) expressly empowers the corporate authorities of the Village of Brookfield to impose a tax or license fee for the use of such motor vehicle on the owner of a motor vehicle residing in the village or a motor vehicle based or having a *situs* in the village;

WHEREAS, the corporate authorities of the Village of Brookfield deem it necessary, desirable and in the public interest to amend Section 54-325 of Chapter 54 of the Code of Ordinances, Village of Brookfield, Illinois;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Brookfield, Illinois, as follows:

Section 1. Recitals.

The facts and statements contained in the preambles to this ordinance are found to be true and correct and are hereby adopted as part of this ordinance.

Section 2: Amendment of Code of Ordinances.

Section 54-325 entitled "Required" of Article IV entitled "Vehicle licenses" of Chapter 54 entitled "Traffic and Motor Vehicles" of the Code of Ordinances, Village of Brookfield, Illinois, as amended, shall be and is hereby further amended to read as follows:

SEC. 54-325. Required.

It shall be unlawful for any person or corporation residing within the village, as evidenced by the registration of such vehicle with the secretary of state, to own, to base or to have *situs* of a motor vehicle within the village, except commercial motor vehicles as defined in Section 18b-101 of the Illinois Vehicle Code (625 ILCS 5/18b-101) that are registered under Section 3-402.1 of the Illinois Vehicle Code (625 ILCS 5/3-402.1), unless such motor vehicle is licensed by the village or unless such motor vehicle is licensed by another municipality of this state.

Section 3: Repealer.

All ordinances or parts of ordinances in conflict with these ordinance revisions and additions are repealed, insofar as a conflict may exist.

Section 4. Effective Date.

This Ordinance shall take effect ten (10) days after its passage, approval and publication in pamphlet form as required by law.

ADOPTED this 22nd day of June 2015 pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTENTION: _____

APPROVED by me this 22nd day of June 2015.

Kit P. Ketchmark, President of the
Village of Brookfield, Cook County, Illinois

ATTESTED and filed in my office,
and published in pamphlet form
this 22nd day of June 2015.

Catherine Colgrass-Edwards, Clerk of the
Village of Brookfield, Cook County, Illinois



COMMITTEE ITEM MEMO

ITEM: Text Amendment to Chapter 62 Zoning (PZC Case # 15-03)
COMMITTEE DATE: June 1, 2015
PREPARED BY: Nicholas Greifer, Director of the Department of Community & Economic Development
PURPOSE: The Planning and Zoning Commission recommends approval of zoning for medical cannabis facilities as required by the Illinois Act 98-012 "Compassionate Use of Medical Cannabis Pilot Program."
BUDGET AMOUNT: N/A

BACKGROUND:

The Planning and Zoning Commission (PZC) held a public hearing concerning the local implementation of a state statute requiring local zoning for medical marijuana (cannabis) facilities. The Commissioners voted 5-1 to recommend approval to comply with the state mandate as summarized on the subsequent pages.

ATTACHMENTS:

1. PZC Meeting Packet from May 28, 2015 public hearing.

STAFF RECOMMENDATION:

Staff recommends the Village of Brookfield Committee of the Whole review and approve the PZC recommendation for subsequent adoption by the Village Board.

REQUESTED COURSE OF ACTION:

Review and approval



Village of Brookfield

Planning and Zoning Commission Staff Report

TO: Village of Brookfield Planning and Zoning Commission

HEARING DATE: May 28th, 2015

FROM: Community and Economic Development Department

PREPARED BY: Heather Milway, Village Planner

TITLE

PZC 15-03 – Text Amendment; the Village of Brookfield requests a Text Amendment to Chapter 62 Zoning to zone for medical cannabis facilities as required by the Illinois legislation Act 98-012 “Compassionate Use of Medical Cannabis Pilot Program.”

GENERAL INFORMATION

APPLICANT: Village of Brookfield
8820 Brookfield Ave
Brookfield, IL 60513

APPLICATION/NOTICE: The application has been filed in conformance with applicable procedural and public notice requirements.

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Community and Economic Development Department:

1. Application for Public Hearing and Required Fees
2. Certification of Legal Notice Published April 1, 2015 in the Landmark
3. Petitioner Project Submittal Including:
 - a. Application
 - b. State of Illinois Act 98-0122 Compassionate Use of Medical Cannabis
 - c. Village Attorney Review of State of Illinois Act 98-0122
 - d. Village Zoning Map
 - e. Proposed Medical Cannabis Dispensing Facilities Map
 - f. Proposed Medical Cannabis Cultivation Centers Map

DESCRIPTION

The applicant requests a text amendment to Section 62-2 (definitions) and to add an article XII to include an overlay district to permit medical cannabis dispensing and cultivation centers within Village limits as required by the State Act 98-0122 (Act 98-0122). Based on the state requirements, staff has drafted a text amendment to zone for medical cannabis facilities.

BACKGROUND

The Illinois legislature passed Public Act 98-0122 entitled "Compassionate Use of Medical Cannabis Pilot Program Act" (Act 98-0122) which took effect January 1st, 2014. The Village Board issued a temporary moratorium on medical cannabis facilities applications within Village limits until research on proper zoning classification for the use could be conducted. The moratorium has expired and the Village must create zoning and implement zoning regulations for medical cannabis facilities.

PUBLIC COMMENT

No public comments have been submitted to Village Hall in-person or by written document as of the writing of this report. Any comments that are submitted will be presented at the Planning and Zoning Commission Hearing.

DISCUSSION

Section 140 of Act 98-0122 prohibits local governments from regulating registered medical cannabis organizations other than as required by the state and bans the unreasonable prohibition of the cultivation, dispensing, and use of medical cannabis. Act 98-0122 does allow local governments to enact reasonable zoning regulations that are not in conflict with the state requirements.

Act 98-0122 authorized up to 22 cultivation centers in the state, not more than one to be located within each Illinois State Police District boundary of the state. Suburban Cook County was allocated up to 11 dispensaries. The suburban Cook County allocation is further allocated by townships. The license for the designated zone that Brookfield is located in has already issued a dispensary license to a neighboring Village. Since the license has been issued and only one is available no medical cannabis dispensary can locate in Brookfield until Act 98-0122 is expanded and more licenses are available.

Act 98-0122 restricts the location of both medical cannabis dispensary facilities and cultivation centers. Dispensaries must not be located in residentially zoned districts or locate within 1,000 lineal feet of a school or

daycare facility. Cultivation centers cannot locate in a residentially zoned district or locate within 2,500 lineal feet from residential uses, schools, or daycare facilities. The Act 98-0122 restrictions preclude cultivation centers from locating in Brookfield.

To enact reasonable zoning regulations that are not in conflict with Act 98-0122 staff has studied the possible locations for licensed cannabis cultivation centers and licensed cannabis dispensaries within the corporate limits of Brookfield. The village staff proposes text amendments to provide zoning regulations for licensed cannabis cultivation centers and licensed cannabis dispensaries within the corporate limits of the village to insure that licensed cannabis cultivation centers and licensed cannabis dispensaries that may in the future propose to locate within Brookfield comply with Act 98-0122. The proposed text amendments are intended to provide impact and compatibility of licensed cannabis cultivation centers and licensed cannabis dispensaries with the existing and anticipated future uses of land within the village in order to promote, preserve, and facilitate compatible uses in the various zoning districts, and to further promote the public health, safety, and welfare of the citizens of the Village of Brookfield. For a detailed review of Act 98-0122 See Application Attachment C.

RESEARCH

Examining neighboring municipalities that have already amended their zoning ordinances to accommodate Act 98-0122, many have chosen to allow for the use as a special use in industrial zoning districts with the 98-0122 location restrictions.

1. Burr Ridge: Medical cannabis facilities are permitted as a special use in General Industrial districts with the location restrictions outlined in Act 98-0122.
2. Berwyn: Medical Cannabis facilities are permitted as a conditional use in Commercial district type 4 with the location restrictions outlined in Act 98-0122.
3. Countryside: Dispensaries are permitted as a special use in Manufacturing district type 4 with the location restrictions outlined in Act 98-0122 and an additional location restriction of a 1,000 linear feet from a residential use. Cultivation centers are permitted as a special use in Manufacturing district type 1 with the location restrictions outlined in Act 98-0122.
4. La Grange: Medical cannabis facilities are permitted in Commercial District type 3 with the location restrictions outlined in Act 98-0122.
5. Riverside: Medical cannabis facilities are a permitted use in a Business district type 1 as a "right" with the location restrictions outlined in Act 98-0122.
6. Willowbrook: Dispensaries are permitted as a special use in Office and Research districts with the location restrictions outlined in Act 98-0122 and an additional location restriction of 70 linear feet from a residential use. Cultivation centers are also permitted as a special use in Office and Light Manufacturing districts with the location restrictions of Act 98-0122.

PROPOSED TEXT AMENDMENT

Amend Section 62-2 entitled, "Definitions," of Article I entitled, "General," of Chapter 62 entitled, "Zoning," to add the following definitions:

- A. **CANNABIS**. Marijuana, hashish and other substances which are identified as including any parts of the plant *Cannabis sativa* and including any and all derivatives or subspecies, such as *Cannabis indica*, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other

compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

B. *MEDICAL CANNABIS*. Cannabis and its constituent cannabinoids, such as tetrahydrocannabinol (THC) and cannabidiol (CBD), used as an herbal remedy or therapy to treat disease or alleviate symptoms which can be administered by a variety of routes, including, but not limited to, vaporizing or smoking dried buds; administering tinctures or tonics; applying topicals such as ointments or balms; consuming infused food products, soda or teas; or taking capsules;

C. *MEDICAL CANNABIS CULTIVATION CENTER*. A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

D. *MEDICAL CANNABIS DISPENSING FACILITY*. A facility where medical cannabis, paraphernalia, or related supplies and educational materials is dispensed to registered qualifying patients operated by a medical cannabis dispensing organization.

E. *MEDICAL CANNABIS DISPENSING ORGANIZATION*. An organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered medical cannabis cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

Add Division 7 entitled, "Medical Cannabis Dispensing Facility Overlay District," to Article II entitled, "Districts," of Chapter 62 entitled, "Zoning," to create an overlay district within the I-1 General Light industrial Zoning as follows:

- (A) *Property between Raymond Avenue and Arthur Avenue.*
 - 1. Lots 37, 38, 39, 40, 41, 42, 43 and 44 in Arthur T. Mcintosh's Congress Park Farms, a subdivision of the southeast quarter of the southwest quarter of Section 3, Township 38 North, Range 12 East of the Third Principal Meridian in the county.
 - 2. Lot 3 in Butkovick's Resubdivision of Lots 35 and 36 in Arthur T. Mcintosh's Congress Park Farms, a subdivision of the southeast quarter of the southwest quarter of Section 3, Township 38 North, Range 12 East of the Third Principal Meridian in the county.
- (B) *Property between Arthur Avenue and Elm Avenue.* Lots 9 and 10, except those parts of said lots dedicated for Maple Avenue, and Lots 11, 12, 13, 14, 15, 16, 17 and 18 in Arthur T. Mcintosh's Congress Park Farms, a subdivision of the southeast quarter of the southwest quarter of Section 3, Township 38 North, Range 12 East of the Third Principal Meridian in the county.
- (C) *Property Between Elm Avenue and Plainfield Road.*
 - 1. That part of Lot 13 lying south of the north line of Lot 14 extended easterly, and Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 in Block 12 in Oliver Salinger and Company's Bungalow Park, a subdivision in the northeast quarter of the southwest quarter and part of the west half of the southeast quarter of Section 3, Township 38 North, Range 12 East of the Third Principal Meridian in the county.

2. That part of the west half of the southeast quarter of Section 3, Township 38 North, Range 12 East of the Third Principal Meridian described as follows:

Beginning in the centerline of Plainfield Road, 62 feet northeasterly from the point of intersection of the south line of the southeast quarter of said Section 3 with the said centerline of Plainfield Road; thence northeasterly, along the centerline of Plainfield Road 350 feet; thence northwesterly, at right angles to the centerline of Plainfield Road 311.14 feet; thence southwesterly, parallel with the centerline of Plainfield Road, 350 feet; thence southeasterly 311.14 feet to the point of beginning (except that part used for public road known as Plainfield Road), in the county.

(D) *Property between Plainfield Road and Vernon Avenue.*

1. Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 in Block 13 in Oliver Salinger and Company's Bungalow Park, a subdivision in the northeast quarter of the southwest quarter and part of the west half of the southeast quarter of Section 3, Township 38 North, Range 12 East of the Third Principal Meridian in the county.
2. Lots 1, 2, 3, 4, 5 and 6 in Auspitz and Oakes Brookfield Park Subdivision in the southeast quarter of Section 3, Township 38 North, Range 12 East of the Third Principal Meridian in the county.

(E) *Property between Vernon Avenue and Prairie Avenue.* Lots 7, 8, 9, 10 and 11 in Auspitz and Oakes Brookfield Park Subdivision in the southeast quarter of Section 3, Township 38 North, Range 12 East of the Third Principal Meridian in the county.

(F) *Property between Prairie Avenue and Forest Avenue.* Lots 22, 23, 24, 25, 26 and the south 20 feet of the east 100 feet of Lot 27 Auspitz and Oakes Brookfield Park subdivision in the southeast quarter of Section 3, Township 38 North, Range 12 East of the Third Principal Meridian in the county.

(G) *Property between Forest Avenue and Grove Avenue.* Lot 1 in Stocker's Resubdivision Number 1, a resubdivision of Lots 7 to 12 in Block 2 in Pinkert's State Road Addition, a subdivision of the east half of the southeast quarter of the southeast quarter of Section 3, Township 38 North, Range 12 East of the Third Principal Meridian in the county.

(H) *Property between Grove Avenue and Custer Avenue.* Lots 8, 9, 10 and 11 in Block 3 in Pinkert's State Road Addition, a subdivision of the east half of the southeast quarter of the southeast quarter of Section 3, Township 38 North, Range 12 East of the Third Principal Meridian in the county.

In addition, the new Division 7 will provide criteria for the regulation of Medical Cannabis Dispensing Facilities as follows:

Medical cannabis dispensing facilities. Medical Cannabis Dispensing Facilities shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of properties in the vicinity of the proposed use:

(A) The issuance or absence of issuance of a valid registration as a Medical Cannabis Dispensing Facility by the Illinois Department of Financial and Professional Regulation to the proposed Medical Cannabis Dispensing Facility.

(B) The existing number of Medical Cannabis Dispensing Facilities, if any, located within the Medical Cannabis Dispensing Organization district within which the Village of Brookfield is located as established by the regulations of the Illinois Department of Financial and Professional Regulation.

(C) The existing number of Medical Cannabis Dispensing Facilities, if any, located within the Village of Brookfield.

(D) Compliance by the Medical Cannabis Dispensing Facility with the following Medical Cannabis Dispensing Facility restrictions:

Medical Cannabis Dispensing Facility restrictions.

(A) Compliance with state law and regulations. Medical Cannabis Dispensing Facilities shall comply with the requirements of the Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122) and all regulations promulgated thereunder, as may be amended from time to time.

(B) Minimum distance from incompatible uses. No Medical Cannabis Dispensing Facility shall be located, established, maintained, or operated in a house, apartment or condominium, or an area zoned for residential use, or on any lot that has a property line within 1,000 feet of the property line of any of the following uses:

- (1) a pre-existing public or private preschool or elementary or secondary school;
or
- (2) a pre-existing day care center, day care home, group day care home or part day child care facility.

(C) Measurement. For the purposes of this Section, distances shall be measured linearly in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which the Medical Cannabis Dispensing Facility is located to the nearest point on a property line of a use listed in sections (B) (1) and (B) (2) of the Medical Cannabis Dispensing Facility restrictions.

(D) Hours of operation. Medical Cannabis Dispensing Facilities shall only operate between the hours of 6:00 a.m. and 8:00 p.m.

(E). Drive-through windows. Medical Cannabis Dispensing Facilities shall not dispense Medical Cannabis or other products through a drive-through window.

Medical Cannabis Cultivation Facility restrictions.

(A) Compliance with state law and regulations. Medical Cannabis Cultivation Centers shall comply with the requirements of the Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122) and all regulations promulgated thereunder, as may be amended from time to time.

(B) Minimum distance from incompatible uses. No Medical Cannabis Cultivation Center shall be located, established, maintained, or operated in a house, apartment or condominium, or an area zoned for residential use, or on any lot that has a property line within 2,500 feet of the property line of any of the following uses:

- (1) a pre-existing public or private preschool or elementary or secondary school;

- (2) a pre-existing day care center, day care home, group day care home or part day care facility; or
- (3) an area zoned for residential use.

(C) Measurement. For the purposes of this Section, distances shall be measured linearly in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which the Medical Cannabis Cultivation Center is located to the nearest point on a property line of a use listed in sections (B) (1), (B) (2), and (B) (3) of the Medical Cannabis Cultivation Center restrictions.

See Application Attachments E and F for maps depicting the locations where medical cannabis facilities can locate with the restrictions of the proposed text amendment.

RECOMMENDATIONS

Based on the analysis above, Staff believes that the proposed text amendment to zone for medical cannabis facilities, as drafted above, are reasonable zoning regulations that are not in conflict with Act 98-0122 requirements. The Planning and Zoning Commission should discuss the requested text amendment and determine whether the request should be recommended for approval of an amendment to the Zoning Ordinance when presented to the Village Board of Trustees.

The Planning and Zoning Commission can also utilize the staff finding of facts or develop their own findings of fact for their report to the Board of Trustees.



Village of Brookfield
 Planning and Zoning Commission Application Packet

Text Amendment Application

Applicant Information:

- 1. Name and Phone Number of contact person for application process Heather Milway, Village Planner, (708) 485-7344
- 2. Petitioner's Name Village of Brookfield
- 3. Petitioner's Address 8820 Brookfield Ave Brookfield, IL 60513
- 4. Phone Number (708) 485-7344
- 5. Email Address _____
- 6. Fax Number (708) 485-8090
- 7. Owner of Record Name Keith Sbiral
- 8. Owner of Record Address 8820 Brookfield Ave

Property Information:

- 9. Common Street Address N/A
- 10. Legal Description N/A
- _____
- _____
- _____
- 11. Permanent Tax Index Number N/A
- 12. When did the owner acquire the property? _____

13. Is the petitioner in the process of purchasing/leasing the property? Yes _____ No
 If so, is the purchase/lease contingent on approval of the map amendment? Yes _____ No _____

14. Is your property use presently (check one): Conforming _____ Non-conforming _____

15. If the property is a non-conforming use, please explain: _____

16. Surrounding Zoning and Land Use:

	Zoning District	Land Use
North	N/A	N/A
South	N/A	N/A
East	N/A	N/A
West	N/A	N/A

Text Amendment Application, continued

17. What is the Zoning Classification of the subject property? N/A

18. What is the requested text amendment and why? (Please attach another sheet if necessary)
The text amendment is required for the Village to meet the requirements of Illinois legislative Public Act 98-0122 "Compassionate use of Medical Cannabis Pilot Program."

Please note that additional information may be required upon staff review.

Any person who shall knowingly make or cause to be made, or conspire, combine, aid or assist in, agree to, arrange for, or in any way procure the making of a false or fraudulent application, affidavit, certificate, or statement, shall be guilty of a misdemeanor as provided by statute by the State of Illinois.



Petitioners Signature

4/10/15
Date



Owner's Signature (or authorized agent)

4/10/15
Date

Official Zoning Map for the Village of Brookfield

This Map is the official zoning map for the Village of Brookfield, IL.

Approved by the Brookfield Village Board on the 8th Day of September 2014

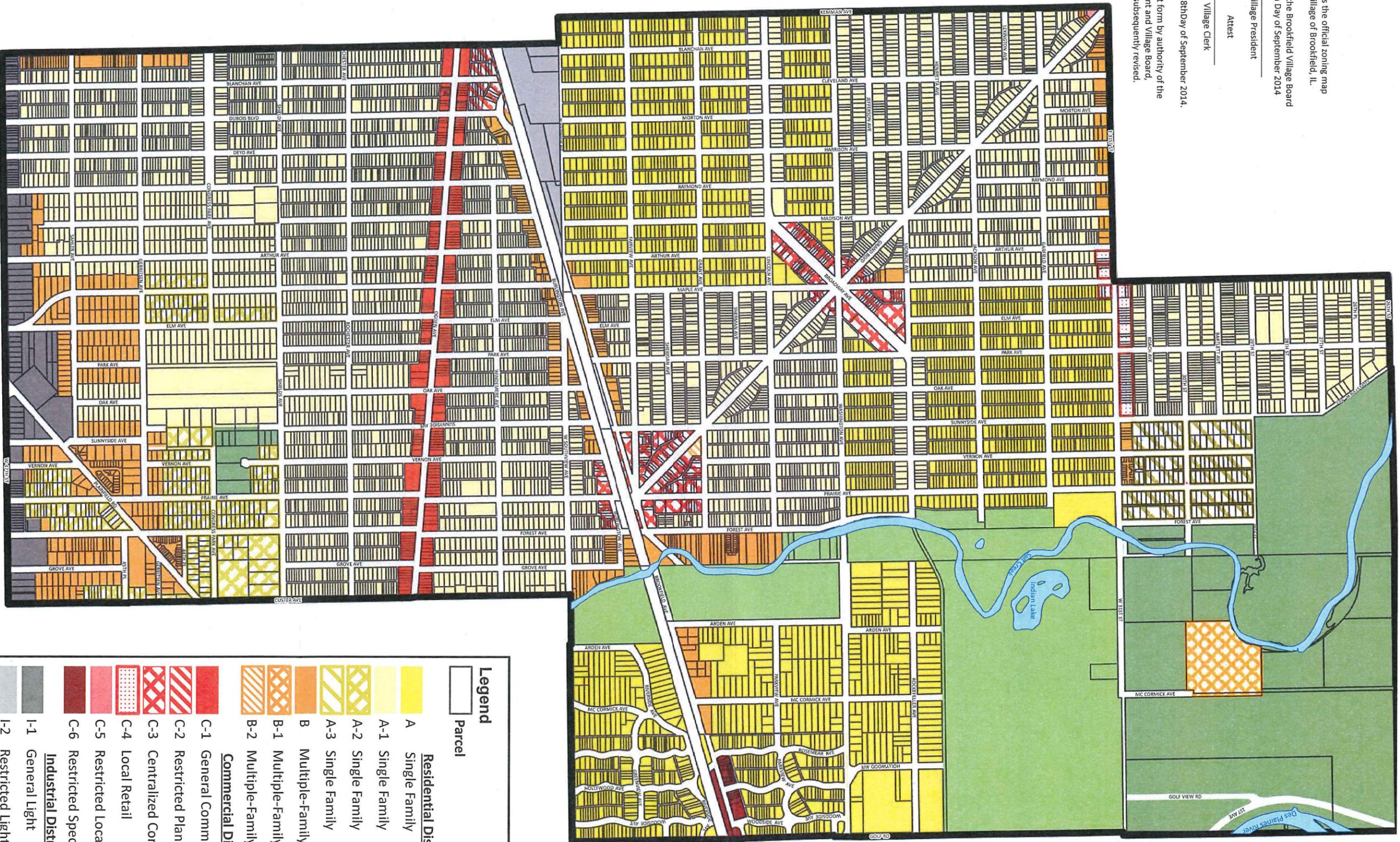
Village President _____

Attest _____

Village Clerk _____

Published this 8th Day of September 2014.

In pamphlet form by authority of the President and Village Board, and as subsequently revised.



Legend
Parcel

Residential Districts

- A Single Family
- A-1 Single Family
- A-2 Single Family
- A-3 Single Family
- B Multiple-Family
- B-1 Multiple-Family
- B-2 Multiple-Family

Commercial Districts

- C-1 General Commercial
- C-2 Restricted Planned Service
- C-3 Centralized Commercial
- C-4 Local Retail
- C-5 Restricted Local Retail
- C-6 Restricted Special Service

Industrial Districts

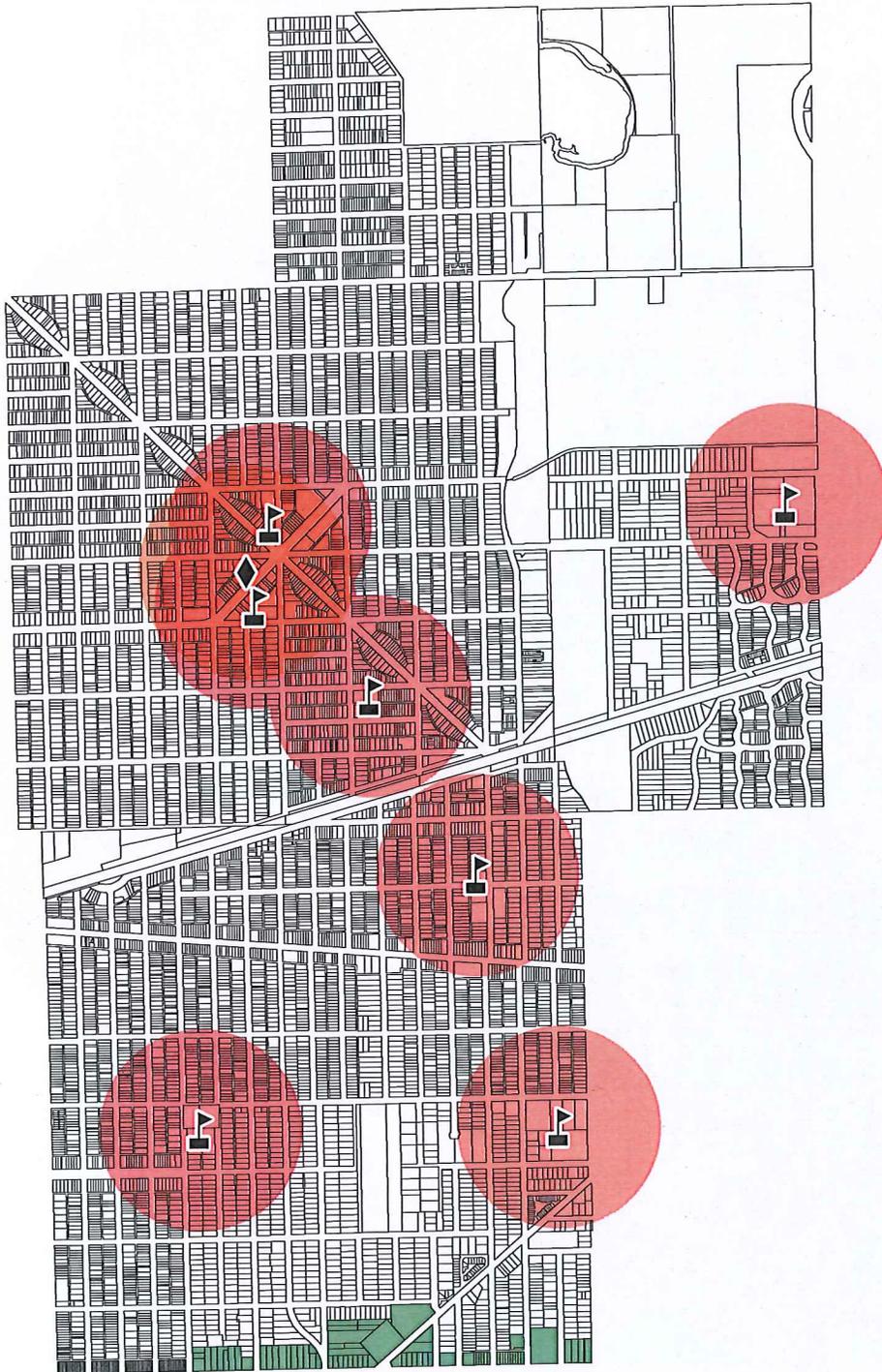
- I-1 General Light
- I-2 Restricted Light

Special Districts

- S-1 General Open Space
- S-2 Restricted Planned Open Space



Medical Cannabis Dispensing Facility Overlay District Analysis



Legend

-  Brookfield Schools
-  Schools 1,000 Ft Buffer
-  Registered Day Care Facilities
-  Day Care Facilities 1,000 Ft Buffer
-  Parcel
-  General Light Industrial Zoned Parcels
-  Cannabis Dispensing Facilities Could Locate

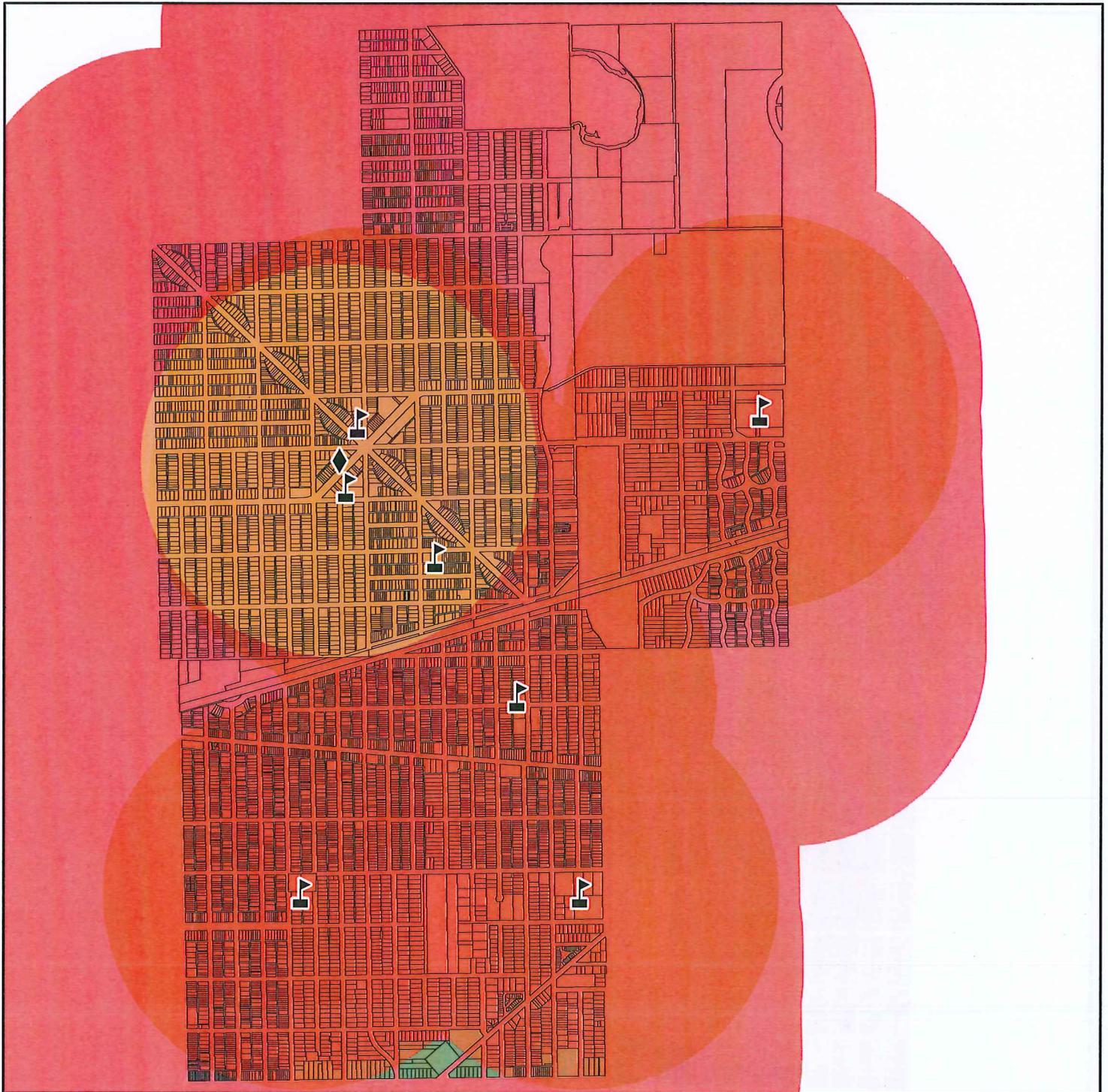
The proposed text amendment for chapter 62, to zone for medical Cannabis dispensing facilities, places the following three regulations where this use can locate:

1. Only in General Light Industrial (GLI) Parcels.
2. Of the Parcels zoned GLI only the parcels bound to the west by Raymond Ave, to the east by Custer Ave, and to the south by 47th St
3. Must be a 1,000 linear feet from a school property,
4. Must be a 1,000 linear feet from a day care facility.



0 1,000 2,000
Feet

Medical Cannabis Cultivation Center Overlay District Analysis



Legend

-  Brookfield Schools
-  Registered Day Care Facilities
-  Parcel
-  General Light Industrial Zoned Parcels
-  Day Care Facility Buffer 2,500 ft
-  School Buffer 2,500 ft
-  Residential Buffer 2,500 ft



0 1,000 2,000 Feet

The proposed text amendment for chapter 62, to zone for medical Cannabis cultivation centers, places the following three regulations where this use can locate:

1. Only in General Light Industrial (GLI) Parcels.
2. Of the Parcels zoned GLI only the parcels bound to the west by Raymond Ave, to the east by Custer Ave, and to the south by 47th St
3. Must be a 2,500 linear feet from a school property,
4. Must be a 2,500 linear feet from a day care facility.
5. Must be a 2,500 linear feet from a residential use

Memorandum

To: Keith Sbiral, Village Manager
Heather Millway, Village Planner

From: Peter A. Pacione

Re: Text Amendments to Chapter 62 entitled, "Zoning" ("Zoning Ordinance")
Public Hearing Date: To be determined

Date: February 16, 2015

BACKGROUND:

The Illinois legislature passed Public Act 098-0122 entitled, "Compassionate Use of Medical Cannabis Pilot Program Act" (the "Act") which became effective on January 1, 2014. The Act provides for the lawful use of cannabis by qualifying state residents and establishes a process for the licensing and operation of cannabis cultivation centers (where cannabis may be grown) and cannabis dispensaries (where cannabis may be sold) throughout the State.

The Act provides that the Illinois Department of Agriculture, the Illinois Department of Financial and Professional Regulation and the Illinois Department of Public Health shall within 120 days from the effective date of the Act develop administrative rules needed to implement the Act and to submit the rules developed to the Joint Commission on Administrative Rules. The Joint Commission on Administrative Rules adopted the Illinois Department of Financial and Professional Regulation's administrative rules needed to implement the Act effective July 24, 2014. The Joint Commission on Administrative Rules adopted the Illinois Department of Agriculture's administrative rules needed to implement the Act effective July 25, 2014. The Joint Commission on Administrative Rules adopted the Illinois Department of Public Health's administrative rules needed to implement the Act effective July 29, 2014.

Section 140 of the Act prohibits units of local government, including home rule units, from regulating registered medical cannabis organizations other than as provided in the Act and bans the unreasonable prohibition of the cultivation, dispensing, and use of medical cannabis authorized by the Act. The Act does allow units of local government to enact reasonable zoning regulations that are not in conflict with the Act or regulations promulgated thereunder. Section 1290.465 the Illinois Department of Financial and Professional Regulation's administrative rules entitled *Zoning Rules Related to Dispensary* provide:

No local municipality or jurisdiction shall impose zoning ordinances, special use permits, conditions or requirements that conflict with the Act or this Part, that concern or address issues or subject matters that are within the regulatory jurisdiction of the Division, or that would otherwise place unreasonable

restrictions on the location of dispensaries contrary to the mandate of the Act that dispensing organizations shall be geographically dispersed throughout the State to allow all registered qualified patients reasonable proximity and access to a dispensing organization.

The Village of Brookfield recognizes a need to regulate the location of licensed cannabis cultivation centers and licensed cannabis dispensaries within the village. On May 27, 2014, the village adopted Ordinance No. 2014-36 entitled, *An Ordinance Imposing a Temporary Moratorium on the Acceptance and Processing of Applications for and the Issuance of Zoning Approvals for Licensed Cannabis Cultivation Centers and Licensed Medical Cannabis Dispensaries in the Zoning Districts of the Village of Brookfield, Cook County, Illinois*. The ordinance imposed a temporary moratorium on the acceptance and processing of applications for zoning approval or zoning relief for uses related to licensed cannabis cultivation centers and licensed medical cannabis dispensaries. The temporary moratorium remained in effect until January 25, 2015.

The Act authorized up to 22 cultivation centers in the state, not more than one to be located within each Illinois State Police District boundary of the state. Cook County has two Illinois State Police Districts. The Act authorized up to 60 dispensaries to be geographically dispersed throughout the State. Chicago was allocated up to 13 dispensaries. Suburban Cook County was allocated up to 11 dispensaries. The suburban Cook County allocation is further allocated by townships. Since portions of Brookfield lie within Riverside, Proviso and Lyons townships, three dispensaries could theoretically locate within the village.¹ Three entities applied for dispensary licenses in Berwyn, Cicero, Oak Park, River Forest and Riverside Townships. Twelve entities applied for dispensary licenses in Leyden, Norwood Park and Proviso Townships. Four entities applied for dispensary licenses in Lemont, Lyons and Palos Townships. The State of Illinois recently issued licenses for cannabis cultivation centers and cannabis dispensaries. One cultivation center license was issued in Cook County to Bedford Grow, LLC and one license remains to be awarded. One dispensary license was issued in each of the Dispensing Organization Districts that include portions of the village. Floramedex, LLC was issued a dispensary license in the Leyden, Norwood Park and Proviso Townships Dispensing Organization District. Future Transactions Holdings, LLC was issued a dispensary license in Berwyn, Cicero, Oak Park, River Forest and Riverside Townships Dispensing Organization District. WCCC, LLC was issued a dispensary license in Lemont, Lyons and Palos Townships Dispensing Organization District. None of the cultivation centers or dispensaries currently issued licenses proposed to open in the Village of Brookfield.

In order to accomplish the objective of enacting reasonable zoning regulations that are not in conflict with the Act or regulations promulgated thereunder, the Village of

¹ Leyden, Norwood Park and Proviso Townships combined were designated a Dispensing Organization District and allocated one dispensary registration. Berwyn, Cicero, Oak Park, River Forest and Riverside Townships combined were designated a Dispensing Organization District and were allocated one dispensary registration. Lemont, Lyons and Palos Townships combined were designated a Dispensing Organization District and were allocated one dispensary registration.

Brookfield staff has studied the possible locations for licensed cannabis cultivation centers and licensed cannabis dispensaries within the corporate limits of the Village of Brookfield. The village staff proposes text amendments to provide reasonable regulations regarding the location of licensed cannabis cultivation centers and licensed cannabis dispensaries within the corporate limits of the village to insure that licensed cannabis cultivation centers and licensed cannabis dispensaries that may in the future propose to locate within the corporate limits of the village comply with the Act and the regulations promulgated thereunder. The proposed text amendments are intended to provide, in a reasonable manner, for the impact and compatibility of licensed cannabis cultivation centers and licensed cannabis dispensaries with the existing and anticipated future uses of land within the village in order to promote, preserve, and facilitate compatible uses in the various zoning districts, and to further promote the public health, safety, and welfare of the citizens of the Village of Brookfield.

PROPOSED TEXT AMENDMENTS:

A Public Hearing before the Planning and Zoning Commission of the Village of Brookfield will be required to consider the request by the Village of Brookfield for the following text amendments to the Zoning Ordinance:

1. Amend Section 62-2 entitled, "Definitions," of Article I entitled, "General," of Chapter 62 entitled, "Zoning," to add the following definitions:

A. *CANNABIS*. Marijuana, hashish and other substances which are identified as including any parts of the plant *Cannabis sativa* and including any and all derivatives or subspecies, such as *Cannabis indica*, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

B. *MEDICAL CANNABIS*. Cannabis and its constituent cannabinoids, such as tetrahydrocannabinol (THC) and cannabidiol (CBD), used as an herbal remedy or therapy to treat disease or alleviate symptoms which can be administered by a variety of routes, including, but not limited to, vaporizing or smoking dried buds; administering tinctures or tonics;

applying topicals such as ointments or balms; consuming infused food products, soda or teas; or taking capsules;

C. *MEDICAL CANNABIS CULTIVATION CENTER.* A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

D. *MEDICAL CANNABIS DISPENSING FACILITY.* A facility where medical cannabis, paraphernalia, or related supplies and educational materials is dispensed to registered qualifying patients operated by a medical cannabis dispensing organization.

E. *MEDICAL CANNABIS DISPENSING ORGANIZATION.* An organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered medical cannabis cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

2. Add Division 7 entitled, "Medical Cannabis Dispensing Facility Overlay District," to Article II entitled, "Districts," of Chapter 62 entitled, "Zoning," to create an overlay district within the I-1 General Light industrial Zoning District with similar boundaries as the Sexually Oriented Business Overlay District as follows:

(A) *Property between Raymond Avenue and Arthur Avenue.*

1. Lots 37, 38, 39, 40, 41, 42, 43 and 44 in Arthur T. Mcintosh's Congress Park Farms, a subdivision of the southeast quarter of the southwest quarter of Section 3, Township 38 North, Range 12 East of the Third Principal Meridian in the county.
2. Lot 3 in Butkovick's Resubdivision of Lots 35 and 36 in Arthur T. Mcintosh's Congress Park Farms, a subdivision of the southeast quarter of the southwest quarter of Section 3, Township 38 North, Range 12 East of the Third Principal Meridian in the county.

(B) *Property between Arthur Avenue and Elm Avenue.* Lots 9 and 10, except those parts of said lots dedicated for Maple Avenue, and Lots 11, 12, 13, 14, 15, 16, 17 and 18 in Arthur T. Mcintosh's Congress Park Farms, a subdivision of the southeast quarter of the southwest quarter of Section 3, Township 38 North, Range 12 East of the Third Principal Meridian in the county.

(C) *Property Between Elm Avenue and Plainfield Road.*

1. That part of Lot 13 lying south of the north line of Lot 14 extended easterly, and Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 in Block 12 in Oliver Salinger and Company's Bungalow Park, a subdivision

in the northeast quarter of the southwest quarter and part of the west half of the southeast quarter of Section 3, Township 38 North, Range 12 East of the Third Principal Meridian in the county.

2. That part of the west half of the southeast quarter of Section 3, Township 38 North, Range 12 East of the Third Principal Meridian described as follows:

Beginning in the centerline of Plainfield Road, 62 feet northeasterly from the point of intersection of the south line of the southeast quarter of said Section 3 with the said centerline of Plainfield Road; thence northeasterly, along the centerline of Plainfield Road 350 feet; thence northwesterly, at right angles to the centerline of Plainfield Road 311.14 feet; thence southwesterly, parallel with the centerline of Plainfield Road, 350 feet; thence southeasterly 311.14 feet to the point of beginning (except that part used for public road known as Plainfield Road), in the county.

(D) *Property between Plainfield Road and Vernon Avenue.*

1. Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 in Block 13 in Oliver Salinger and Company's Bungalow Park, a subdivision in the northeast quarter of the southwest quarter and part of the west half of the southeast quarter of Section 3, Township 38 North, Range 12 East of the Third Principal Meridian in the county.
2. Lots 1, 2, 3, 4, 5 and 6 in Auspitz and Oakes Brookfield Park Subdivision in the southeast quarter of Section 3, Township 38 North, Range 12 East of the Third Principal Meridian in the county.

(E) *Property between Vernon Avenue and Prairie Avenue.* Lots 7, 8, 9, 10 and 11 in Auspitz and Oakes Brookfield Park Subdivision in the southeast quarter of Section 3, Township 38 North, Range 12 East of the Third Principal Meridian in the county.

(F) *Property between Prairie Avenue and Forest Avenue.* Lots 22, 23, 24, 25, 26 and the south 20 feet of the east 100 feet of Lot 27 Auspitz and Oakes Brookfield Park subdivision in the southeast quarter of Section 3, Township 38 North, Range 12 East of the Third Principal Meridian in the county.

(G) *Property between Forest Avenue and Grove Avenue.* Lot 1 in Stocker's Resubdivision Number 1, a resubdivision of Lots 7 to 12 in Block 2 in Pinkert's State Road Addition, a subdivision of the east half of the southeast quarter of the southeast quarter of Section 3, Township 38 North, Range 12 East of the Third Principal Meridian in the county.

(H) *Property between Grove Avenue and Custer Avenue.* Lots 8, 9, 10 and 11 in Block 3 in Pinkert's State Road Addition, a subdivision of the east half of the southeast quarter of the southeast quarter of Section 3, Township 38 North, Range 12 East of the Third Principal Meridian in the county.

In addition, the new Division 7 will provide criteria for the regulation of Medical Cannabis Dispensing Facilities as follows:

Medical cannabis dispensing facilities. Medical Cannabis Dispensing Facilities shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of properties in the vicinity of the proposed use:

(A) The issuance or absence of issuance of a valid registration as a Medical Cannabis Dispensing Facility by the Illinois Department of Financial and Professional Regulation to the proposed Medical Cannabis Dispensing Facility.

(B) The existing number of Medical Cannabis Dispensing Facilities, if any, located within the Medical Cannabis Dispensing Organization district within which the Village of Brookfield is located as established by the regulations of the Illinois Department of Financial and Professional Regulation.

(C) The existing number of Medical Cannabis Dispensing Facilities, if any, located within the Village of Brookfield.

(D) Compliance by the Medical Cannabis Dispensing Facility with the following Medical Cannabis Dispensing Facility restrictions:

Medical Cannabis Dispensing Facility restrictions.

(A) Compliance with state law and regulations. Medical Cannabis Dispensing Facilities shall comply with the requirements of the Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122) and all regulations promulgated thereunder, as may be amended from time to time.

(B) Minimum distance from incompatible uses. No Medical Cannabis Dispensing Facility shall be located, established, maintained, or operated in a house, apartment or condominium, or an area zoned for residential use, or on any lot that has a property line within 1,000 feet of the property line of any of the following uses:

(1) a pre-existing public or private preschool or elementary or secondary school; or

(2) a pre-existing day care center, day care home, group day care home or part day child care facility.

(C) Measurement. For the purposes of this Section, distances shall be measured linearly in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which the Medical Cannabis Dispensing Facility is located to the nearest point on a property line of a use listed in sections (B) (1) and (B) (2) of the Medical Cannabis Dispensing Facility restrictions.

(D) Hours of operation. Medical Cannabis Dispensing Facilities shall only operate between the hours of 6:00 a.m. and 8:00 p.m.

(E). Drive-through windows. Medical Cannabis Dispensing Facilities shall not dispense Medical Cannabis or other products through a drive-through window.

3. An initial review of the Zoning Map discloses that there is apparently no lot within the Village of Brookfield upon which a Medical Cannabis Cultivation Center could be located because of the state requirement that it be located, established, maintained, or operated on a lot that has a property line more than 2,500 feet from the property line of any of the following uses:

(A) a pre-existing public or private preschool or elementary or secondary school;

(B) a pre-existing day care center, day care home, group day care home or part day care facility; or

(C) an area zoned for residential use.

This fact should be verified by the Village Engineer. Based upon the Village Engineer's determination, a decision will need to be made on how to address the zoning of Medical Cannabis Cultivation Centers.

REQUEST FOR DIRECTION TO PROCEED:

If the above meets with your approval, it will be necessary to complete an application for a text amendment, publish a legal notice for a public hearing before the Planning and Zoning Commission, and prepare the appropriate ordinances. Please contact me should you have any comments, questions, or concerns.

AN ACT concerning alternative treatment for serious diseases causing chronic pain and debilitating conditions.

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

Section 1. Short title. This Act may be cited as the Compassionate Use of Medical Cannabis Pilot Program Act.

Section 5. Findings.

(a) The recorded use of cannabis as a medicine goes back nearly 5,000 years. Modern medical research has confirmed the beneficial uses of cannabis in treating or alleviating the pain, nausea, and other symptoms associated with a variety of debilitating medical conditions, including cancer, multiple sclerosis, and HIV/AIDS, as found by the National Academy of Sciences' Institute of Medicine in March 1999.

(b) Studies published since the 1999 Institute of Medicine report continue to show the therapeutic value of cannabis in treating a wide array of debilitating medical conditions. These include relief of the neuropathic pain caused by multiple sclerosis, HIV/AIDS, and other illnesses that often fail to respond to conventional treatments and relief of nausea, vomiting, and other side effects of drugs used to treat HIV/AIDS and hepatitis C, increasing the chances of patients continuing on life-saving treatment regimens.

(c) Cannabis has many currently accepted medical uses in the United States, having been recommended by thousands of licensed physicians to at least 600,000 patients in states with medical cannabis laws. The medical utility of cannabis is recognized by a wide range of medical and public health organizations, including the American Academy of HIV Medicine, the American College of Physicians, the American Nurses Association, the American Public Health Association, the Leukemia & Lymphoma Society, and many others.

(d) Data from the Federal Bureau of Investigation's Uniform Crime Reports and the Compendium of Federal Justice Statistics show that approximately 99 out of every 100 cannabis arrests in the U.S. are made under state law, rather than under federal law. Consequently, changing State law will have the practical effect of protecting from arrest the vast majority of seriously ill patients who have a medical need to use cannabis.

(e) Alaska, Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Maine, Massachusetts, Michigan, Montana, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, Washington, and Washington, D.C. have removed state-level criminal penalties from the medical use and cultivation of cannabis. Illinois joins in this effort for the health and welfare of its citizens.

(f) States are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law. Therefore, compliance with this Act does not put

the State of Illinois in violation of federal law.

(g) State law should make a distinction between the medical and non-medical uses of cannabis. Hence, the purpose of this Act is to protect patients with debilitating medical conditions, as well as their physicians and providers, from arrest and prosecution, criminal and other penalties, and property forfeiture if the patients engage in the medical use of cannabis.

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

(a) "Adequate supply" means:

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

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

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

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

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

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

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

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

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

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

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

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

(2) any other debilitating medical condition or its

treatment that is added by the Department of Public Health by rule as provided in Section 45.

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

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

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

(l) "Excluded offense" means:

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

(2) a violation of a state or federal controlled substance law that was classified as a felony in the

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

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

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

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

(p) "Medical cannabis dispensing organization agent" or "dispensing organization agent" means a principal officer,

board member, employee, or agent of a registered medical cannabis dispensing organization who is 21 years of age or older and has not been convicted of an excluded offense.

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

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

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

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

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

(v) "Registry identification card" means a document issued by the Department of Public Health that identifies a person as

a registered qualifying patient or registered designated caregiver.

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

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

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

debilitating medical condition and specifying the debilitating medical condition the qualifying patient has; and (3) that the patient is under the physician's care for the debilitating medical condition. A written certification shall be made only in the course of a bona fide physician-patient relationship, after the physician has completed an assessment of the qualifying patient's medical history, reviewed relevant records related to the patient's debilitating condition, and conducted a physical examination.

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

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

Section 15. Authority.

(a) It is the duty of the Department of Public Health to enforce the following provisions of this Act unless otherwise provided for by this Act:

(1) establish and maintain a confidential registry of qualifying patients authorized to engage in the medical use of cannabis and their caregivers;

(2) distribute educational materials about the health

risks associated with the abuse of cannabis and prescription medications;

(3) adopt rules to administer the patient and caregiver registration program; and

(4) adopt rules establishing food handling requirements for cannabis-infused products that are prepared for human consumption.

(b) It is the duty of the Department of Agriculture to enforce the provisions of this Act relating to the registration and oversight of cultivation centers unless otherwise provided for in this Act.

(c) It is the duty of the Department of Financial and Professional Regulation to enforce the provisions of this Act relating to the registration and oversight of dispensing organizations unless otherwise provided for in this Act.

(d) The Department of Public Health, the Department of Agriculture, or the Department of Financial and Professional Regulation shall enter into intergovernmental agreements, as necessary, to carry out the provisions of this Act including, but not limited to, the provisions relating to the registration and oversight of cultivation centers, dispensing organizations, and qualifying patients and caregivers.

(e) The Department of Public Health, Department of Agriculture, or the Department of Financial and Professional Regulation may suspend or revoke a registration for violations of this Act and any rules adopted in accordance thereto. The

suspension or revocation of a registration is a final Agency action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the Circuit Court.

Section 20. Compassionate Use of Medical Cannabis Fund.

(a) There is created the Compassionate Use of Medical Cannabis Fund in the State Treasury to be used exclusively for the direct and indirect costs associated with the implementation, administration, and enforcement of this Act. Funds in excess of the direct and indirect costs associated with the implementation, administration, and enforcement of this Act shall be used to fund crime prevention programs.

(b) All monies collected under this Act shall be deposited in the Compassionate Use of Medical Cannabis Fund in the State treasury. All earnings received from investment of monies in the Compassionate Use of Medical Cannabis Fund shall be deposited in the Compassionate Use of Medical Cannabis Fund.

(c) Notwithstanding any other law to the contrary, the Compassionate Use of Medical Cannabis Fund is not subject to sweeps, administrative charge-backs, or any other fiscal or budgetary maneuver that would in any way transfer any amounts from the Compassionate Use of Medical Cannabis Fund into any other fund of the State.

Section 25. Immunities and presumptions related to the medical use of cannabis.

(a) A registered qualifying patient is not subject to arrest, prosecution, or denial of any right or privilege, including but not limited to civil penalty or disciplinary action by an occupational or professional licensing board, for the medical use of cannabis in accordance with this Act, if the registered qualifying patient possesses an amount of cannabis that does not exceed an adequate supply as defined in subsection (a) of Section 10 of this Act of usable cannabis and, where the registered qualifying patient is a licensed professional, the use of cannabis does not impair that licensed professional when he or she is engaged in the practice of the profession for which he or she is licensed.

(b) A registered designated caregiver is not subject to arrest, prosecution, or denial of any right or privilege, including but not limited to civil penalty or disciplinary action by an occupational or professional licensing board, for acting in accordance with this Act to assist a registered qualifying patient to whom he or she is connected through the Department's registration process with the medical use of cannabis if the designated caregiver possesses an amount of cannabis that does not exceed an adequate supply as defined in subsection (a) of Section 10 of this Act of usable cannabis. The total amount possessed between the qualifying patient and caregiver shall not exceed the patient's adequate supply as defined in subsection (a) of Section 10 of this Act.

(c) A registered qualifying patient or registered

designated caregiver is not subject to arrest, prosecution, or denial of any right or privilege, including but not limited to civil penalty or disciplinary action by an occupational or professional licensing board for possession of cannabis that is incidental to medical use, but is not usable cannabis as defined in this Act.

(d) (1) There is a rebuttable presumption that a registered qualifying patient is engaged in, or a designated caregiver is assisting with, the medical use of cannabis in accordance with this Act if the qualifying patient or designated caregiver:

(A) is in possession of a valid registry identification card; and

(B) is in possession of an amount of cannabis that does not exceed the amount allowed under subsection (a) of Section 10.

(2) The presumption may be rebutted by evidence that conduct related to cannabis was not for the purpose of treating or alleviating the qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition in compliance with this Act.

(e) A physician is not subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by the Medical Disciplinary Board or by any other occupational or professional licensing board, solely for providing written certifications or for otherwise stating

that, in the physician's professional opinion, a patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition, provided that nothing shall prevent a professional licensing or disciplinary board from sanctioning a physician for: (1) issuing a written certification to a patient who is not under the physician's care for a debilitating medical condition; or (2) failing to properly evaluate a patient's medical condition or otherwise violating the standard of care for evaluating medical conditions.

(f) No person may be subject to arrest, prosecution, or denial of any right or privilege, including but not limited to civil penalty or disciplinary action by an occupational or professional licensing board, solely for: (1) selling cannabis paraphernalia to a cardholder upon presentation of an unexpired registry identification card in the recipient's name, if employed and registered as a dispensing agent by a registered dispensing organization; (2) being in the presence or vicinity of the medical use of cannabis as allowed under this Act; or (3) assisting a registered qualifying patient with the act of administering cannabis.

(g) A registered cultivation center is not subject to prosecution; search or inspection, except by the Department of Agriculture, Department of Public Health, or State or local law

enforcement under Section 130; seizure; or penalty in any manner, or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business licensing board or entity, for acting under this Act and Department of Agriculture rules to: acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, or sell cannabis to registered dispensing organizations.

(h) A registered cultivation center agent is not subject to prosecution, search, or penalty in any manner, or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business licensing board or entity, for working or volunteering for a registered cannabis cultivation center under this Act and Department of Agriculture rules, including to perform the actions listed under subsection (g).

(i) A registered dispensing organization is not subject to prosecution; search or inspection, except by the Department of Financial and Professional Regulation or State or local law enforcement pursuant to Section 130; seizure; or penalty in any manner, or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business licensing board or entity, for acting under this Act and Department of Financial and Professional Regulation rules to: acquire, possess, or dispense cannabis, or related supplies, and educational materials to registered qualifying patients or registered designated caregivers on behalf of registered

qualifying patients.

(j) A registered dispensing organization agent is not subject to prosecution, search, or penalty in any manner, or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business licensing board or entity, for working or volunteering for a dispensing organization under this Act and Department of Financial and Professional Regulation rules, including to perform the actions listed under subsection (i).

(k) Any cannabis, cannabis paraphernalia, illegal property, or interest in legal property that is possessed, owned, or used in connection with the medical use of cannabis as allowed under this Act, or acts incidental to that use, may not be seized or forfeited. This Act does not prevent the seizure or forfeiture of cannabis exceeding the amounts allowed under this Act, nor shall it prevent seizure or forfeiture if the basis for the action is unrelated to the cannabis that is possessed, manufactured, transferred, or used under this Act.

(l) Mere possession of, or application for, a registry identification card or registration certificate does not constitute probable cause or reasonable suspicion, nor shall it be used as the sole basis to support the search of the person, property, or home of the person possessing or applying for the registry identification card. The possession of, or application for, a registry identification card does not preclude the existence of probable cause if probable cause

exists on other grounds.

(m) Nothing in this Act shall preclude local or State law enforcement agencies from searching a registered cultivation center where there is probable cause to believe that the criminal laws of this State have been violated and the search is conducted in conformity with the Illinois Constitution, the Constitution of the United States, and all State statutes.

(n) Nothing in this Act shall preclude local or state law enforcement agencies from searching a registered dispensing organization where there is probable cause to believe that the criminal laws of this State have been violated and the search is conducted in conformity with the Illinois Constitution, the Constitution of the United States, and all State statutes.

(o) No individual employed by the State of Illinois shall be subject to criminal or civil penalties for taking any action in accordance with the provisions of this Act, when the actions are within the scope of his or her employment. Representation and indemnification of State employees shall be provided to State employees as set forth in Section 2 of the State Employee Indemnification Act.

Section 30. Limitations and penalties.

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

(1) Undertaking any task under the influence of

cannabis, when doing so would constitute negligence, professional malpractice, or professional misconduct;

(2) Possessing cannabis:

(A) in a school bus;

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

(C) in any correctional facility;

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

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

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

(3) Using cannabis:

(A) in a school bus;

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

(C) in any correctional facility;

(D) in any motor vehicle;

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

(F) in any public place. "Public place" as used in

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

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

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

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

(6) Using or possessing cannabis if that person does not have a debilitating medical condition and is not a

registered qualifying patient or caregiver;

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

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

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

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

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

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

(d) Notwithstanding any other criminal penalties related to the unlawful possession of cannabis, any person who makes a misrepresentation of a medical condition to a physician or

fraudulently provides material misinformation to a physician in order to obtain a written certification is guilty of a petty offense punishable by a fine of up to \$1,000.

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

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

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

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

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

Section 35. Physician requirements.

(a) A physician who certifies a debilitating medical condition for a qualifying patient shall comply with all of the following requirements:

(1) The Physician shall be currently licensed under the Medical Practice Act of 1987 to practice medicine in all its branches and in good standing, and must hold a controlled substances license under Article III of the Illinois Controlled Substances Act.

(2) A physician making a medical cannabis recommendation shall comply with generally accepted standards of medical practice, the provisions of the Medical Practice Act of 1987 and all applicable rules.

(3) The physical examination required by this Act may not be performed by remote means, including telemedicine.

(4) The physician shall maintain a record-keeping system for all patients for whom the physician has recommended the medical use of cannabis. These records shall be accessible to and subject to review by the Department of Public Health and the Department of Financial and Professional Regulation upon request.

(b) A physician may not:

(1) accept, solicit, or offer any form of remuneration from or to a qualifying patient, primary caregiver, cultivation center, or dispensing organization, including each principal officer, board member, agent, and employee

other than accepting payment from a patient for the fee associated with the examination required prior to certifying a qualifying patient;

(2) offer a discount of any other item of value to a qualifying patient who uses or agrees to use a particular primary caregiver or dispensing organization to obtain medical cannabis;

(3) conduct a personal physical examination of a patient for purposes of diagnosing a debilitating medical condition at a location where medical cannabis is sold or distributed or at the address of a principal officer, agent, or employee or a medical cannabis organization;

(4) hold a direct or indirect economic interest in a cultivation center or dispensing organization if he or she recommends the use of medical cannabis to qualified patients or is in a partnership or other fee or profit-sharing relationship with a physician who recommends medical cannabis;

(5) serve on the board of directors or as an employee of a cultivation center or dispensing organization;

(6) refer patients to a cultivation center, a dispensing organization, or a registered designated caregiver; or

(7) advertise in a cultivation center or a dispensing organization.

(c) The Department of Public Health may with reasonable

cause refer a physician, who has certified a debilitating medical condition of a patient, to the Illinois Department of Financial and Professional Regulation for potential violations of this Section.

(d) Any violation of this Section or any other provision of this Act or rules adopted under this Act is a violation of the Medical Practice Act of 1987.

Section 40. Discrimination prohibited.

(a)(1) No school, employer, or landlord may refuse to enroll or lease to, or otherwise penalize, a person solely for his or her status as a registered qualifying patient or a registered designated caregiver, unless failing to do so would put the school, employer, or landlord in violation of federal law or unless failing to do so would cause it to lose a monetary or licensing-related benefit under federal law or rules. This does not prevent a landlord from prohibiting the smoking of cannabis on the premises.

(2) For the purposes of medical care, including organ transplants, a registered qualifying patient's authorized use of cannabis in accordance with this Act is considered the equivalent of the authorized use of any other medication used at the direction of a physician, and may not constitute the use of an illicit substance or otherwise disqualify a qualifying patient from needed medical care.

(b) A person otherwise entitled to custody of or visitation

or parenting time with a minor may not be denied that right, and there is no presumption of neglect or child endangerment, for conduct allowed under this Act, unless the person's actions in relation to cannabis were such that they created an unreasonable danger to the safety of the minor as established by clear and convincing evidence.

(c) No school, landlord, or employer may be penalized or denied any benefit under State law for enrolling, leasing to, or employing a cardholder.

(d) Nothing in this Act may be construed to require a government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of cannabis.

(e) Nothing in this Act may be construed to require any person or establishment in lawful possession of property to allow a guest, client, customer, or visitor who is a registered qualifying patient to use cannabis on or in that property.

Section 45. Addition of debilitating medical conditions. Any citizen may petition the Department of Public Health to add debilitating conditions or treatments to the list of debilitating medical conditions listed in subsection (h) of Section 10. The Department of Public Health shall consider petitions in the manner required by Department rule, including public notice and hearing. The Department shall approve or deny a petition within 180 days of its submission, and, upon

approval, shall proceed to add that condition by rule in accordance with the Administrative Procedure Act. The approval or denial of any petition is a final decision of the Department, subject to judicial review. Jurisdiction and venue are vested in the Circuit Court.

Section 50. Employment; employer liability.

(a) Nothing in this Act shall prohibit an employer from adopting reasonable regulations concerning the consumption, storage, or timekeeping requirements for qualifying patients related to the use of medical cannabis.

(b) Nothing in this Act shall prohibit an employer from enforcing a policy concerning drug testing, zero-tolerance, or a drug free workplace provided the policy is applied in a nondiscriminatory manner.

(c) Nothing in this Act shall limit an employer from disciplining a registered qualifying patient for violating a workplace drug policy.

(d) Nothing in this Act shall limit an employer's ability to discipline an employee for failing a drug test if failing to do so would put the employer in violation of federal law or cause it to lose a federal contract or funding.

(e) Nothing in this Act shall be construed to create a defense for a third party who fails a drug test.

(f) An employer may consider a registered qualifying patient to be impaired when he or she manifests specific,

articulable symptoms while working that decrease or lessen his or her performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating equipment or machinery, disregard for the safety of the employee or others, or involvement in an accident that results in serious damage to equipment or property, disruption of a production or manufacturing process, or carelessness that results in any injury to the employee or others. If an employer elects to discipline a qualifying patient under this subsection, it must afford the employee a reasonable opportunity to contest the basis of the determination.

(g) Nothing in this Act shall be construed to create or imply a cause of action for any person against an employer for:

- (1) actions based on the employer's good faith belief that a registered qualifying patient used or possessed cannabis while on the employer's premises or during the hours of employment;
- (2) actions based on the employer's good faith belief that a registered qualifying patient was impaired while working on the employer's premises during the hours of employment;
- (3) injury or loss to a third party if the employer neither knew nor had reason to know that the employee was impaired.

(h) Nothing in this Act shall be construed to interfere with any federal restrictions on employment including but not limited to the United States Department of Transportation

regulation 49 CFR 40.151(e).

Section 55. Registration of qualifying patients and designated caregivers.

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

(1) A written certification, on a form developed by the Department of Public Health and issued by a physician, within 90 days immediately preceding the date of an application;

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

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

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

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

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

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

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

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

Section 60. Issuance of registry identification cards.

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

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

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

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

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

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

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

(d) Upon the approval of the registration and issuance of a registry card under this Section, the Department of Public Health shall forward the designated caregiver or registered qualified patient's driver's registration number to the Secretary of State and certify that the individual is permitted to engage in the medical use of cannabis. For the purposes of law enforcement, the Secretary of State shall make a notation on the person's driving record stating the person is a registered qualifying patient who is entitled to the lawful

medical use of cannabis. If the person no longer holds a valid registry card, the Department shall notify the Secretary of State and the Secretary of State shall remove the notation from the person's driving record. The Department and the Secretary of State may establish a system by which the information may be shared electronically.

Section 65. Denial of registry identification cards.

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

- (1) did not provide the required information and materials;
- (2) previously had a registry identification card revoked;
- (3) did not meet the requirements of this Act; or
- (4) provided false or falsified information.

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

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

- (1) the designated caregiver does not meet the

requirements of subsection (i) of Section 10;

(2) the applicant did not provide the information required;

(3) the prospective patient's application was denied;

(4) the designated caregiver previously had a registry identification card revoked; or

(5) the applicant or the designated caregiver provided false or falsified information.

(d) The Department of Public Health through the Illinois State Police shall conduct a background check of the prospective qualifying patient and designated caregiver in order to carry out this provision. The Department of State Police shall be reimbursed for the cost of the background check by the Department of Public Health. Each person applying as a qualifying patient or a designated caregiver shall submit a full set of fingerprints to the Department of Public Health for the purpose of obtaining a state and federal criminal records check. The Department of Public Health may exchange this data with the Department of State Police or the Federal Bureau of Investigation without disclosing that the records check is related to this Act. The Department of Public Health shall destroy each set of fingerprints after the criminal records check is completed. The Department of Public Health may waive the submission of a qualifying patient's complete fingerprints based on (1) the severity of the patient's illness and (2) the inability of the qualifying patient to obtain those

fingerprints, provided that a complete criminal background check is conducted by the Department of State Police prior to the issuance of a registry identification card.

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

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

Section 70. Registry identification cards.

(a) A registered qualifying patient or designated caregiver must keep their registry identification card in his or her possession at all times when engaging in the medical use of cannabis.

(b) Registry identification cards shall contain the following:

- (1) the name of the cardholder;
- (2) a designation of whether the cardholder is a designated caregiver or qualifying patient;
- (3) the date of issuance and expiration date of the registry identification card;
- (4) a random alphanumeric identification number that is unique to the cardholder;

(5) if the cardholder is a designated caregiver, the random alphanumeric identification number of the registered qualifying patient the designated caregiver is receiving the registry identification card to assist; and

(6) a photograph of the cardholder, if required by Department of Public Health rules.

(c) To maintain a valid registration identification card, a registered qualifying patient and caregiver must annually resubmit, at least 45 days prior to the expiration date stated on the registry identification card, a completed renewal application, renewal fee, and accompanying documentation as described in Department of Public Health rules. The Department of Public Health shall send a notification to a registered qualifying patient or registered designated caregiver 90 days prior to the expiration of the registered qualifying patient's or registered designated caregiver's identification card. If the Department of Public Health fails to grant or deny a renewal application received in accordance with this Section, then the renewal is deemed granted and the registered qualifying patient or registered designated caregiver may continue to use the expired identification card until the Department of Public Health denies the renewal or issues a new identification card.

(d) Except as otherwise provided in this Section, the expiration date is one year after the date of issuance.

(e) The Department of Public Health may electronically

store in the card any or all of the information listed in subsection (b), along with the address and date of birth of the cardholder and the qualifying patient's designated dispensary organization, to allow it to be read by law enforcement agents.

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

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

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

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

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

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

(b) When a cardholder notifies the Department of Public

Health of items listed in subsection (a), but remains eligible under this Act, the Department of Public Health shall issue the cardholder a new registry identification card with a new random alphanumeric identification number within 15 business days of receiving the updated information and a fee as specified in Department of Public Health rules. If the person notifying the Department of Public Health is a registered qualifying patient, the Department shall also issue his or her registered designated caregiver, if any, a new registry identification card within 15 business days of receiving the updated information.

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

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

(e) A registered qualifying patient shall notify the Department of Public Health of any change to his or her designated registered dispensing organization. Registered dispensing organizations must comply with all requirements of

this Act.

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

Section 80. Preparation of cannabis infused products.

(a) Notwithstanding any other provision of law, neither the Department of Public Health nor the Department of Agriculture nor the health department of a unit of local government may regulate the service of food by a registered cultivation center or registered dispensing organization provided that all of the following conditions are met:

(1) No cannabis infused products requiring refrigeration or hot-holding shall be manufactured at a cultivation center for sale or distribution at a dispensing organization due to the potential for food-borne illness.

(2) Baked products infused with medical cannabis (such as brownies, bars, cookies, cakes), tinctures, and other non-refrigerated items are acceptable for sale at dispensing organizations. The products are allowable for

sale only at registered dispensing organizations.

(3) All items shall be individually wrapped at the original point of preparation. The packaging of the medical cannabis infused product shall conform to the labeling requirements of the Illinois Food, Drug and Cosmetic Act and shall include the following information on each product offered for sale or distribution:

(A) the name and address of the registered cultivation center where the item was manufactured;

(B) the common or usual name of the item;

(C) all ingredients of the item, including any colors, artificial flavors, and preservatives, listed in descending order by predominance of weight shown with common or usual names;

(D) the following phrase: "This product was produced in a medical cannabis cultivation center not subject to public health inspection that may also process common food allergens.";

(E) allergen labeling as specified in the Federal Food, Drug and Cosmetics Act, Federal Fair Packaging and Labeling Act, and the Illinois Food, Drug and Cosmetic Act;

(F) the pre-mixed total weight (in ounces or grams) of usable cannabis in the package;

(G) a warning that the item is a medical cannabis infused product and not a food must be distinctly and

clearly legible on the front of the package;

(H) a clearly legible warning emphasizing that the product contains medical cannabis and is intended for consumption by registered qualifying patients only; and

(I) date of manufacture and "use by date".

(4) Any dispensing organization that sells edible cannabis infused products must display a placard that states the following: "Edible cannabis infused products were produced in a kitchen not subject to public health inspections that may also process common food allergens." The placard shall be no smaller than 24" tall by 36" wide, with typed letters no smaller than 2". The placard shall be clearly visible and readable by customers and shall be written in English.

(5) Cannabis infused products for sale or distribution at a dispensing organization must be prepared by an approved staff member of a registered cultivation center.

(6) A cultivation center that prepares cannabis infused products for sale or distribution at a dispensing organization shall be under the operational supervision of a Department of Public Health certified food service sanitation manager.

(b) The Department of Public Health shall adopt rules for the manufacture of medical cannabis-infused products and shall enforce these provisions, and for that purpose it may at all

times enter every building, room, basement, enclosure, or premises occupied or used or suspected of being occupied or used for the production, preparation, manufacture for sale, storage, sale, distribution or transportation of medical cannabis edible products, to inspect the premises and all utensils, fixtures, furniture, and machinery used for the preparation of these products.

(c) If a local health organization has a reasonable belief that a cultivation center's cannabis-infused product poses a public health hazard, it may refer the cultivation center to the Department of Public Health. If the Department of Public Health finds that a cannabis-infused product poses a health hazard, it may without administrative procedure to bond, bring an action for immediate injunctive relief to require that action be taken as the court may deem necessary to meet the hazard of the cultivation center.

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

(a) The Department of Agriculture may register up to 22 cultivation center registrations for operation. The Department of Agriculture may not issue more than one registration per each Illinois State Police District boundary as specified on the date of January 1, 2013. The Department of Agriculture may not issue less than the 22 registrations if there are qualified applicants who have applied with the Department.

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

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

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

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

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

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

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

(5) cultivation, inventory, and packaging plans;

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

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

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

(9) the identity of every person, association, trust, or corporation having any direct or indirect pecuniary interest in the cultivation center operation with respect to which the registration is sought. If the disclosed entity is a trust, the application shall disclose the names and addresses of the beneficiaries; if a corporation, the names and addresses of all stockholders and directors; if a partnership, the names and addresses of all partners, both general and limited;

(10) verification from the State Police that all background checks of the principal officer, board members, and registered agents have been conducted and those

individuals have not been convicted of an excluded offense;

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

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

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

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

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

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

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

(4) one or more of the prospective principal officers or board members has served as a principal officer or board

member for a registered dispensing organization or cultivation center that has had its registration revoked;

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

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

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

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

Section 90. Renewal of cultivation center registrations.

(a) Registrations shall be renewed annually. The registered cultivation center shall receive written notice 90 days prior to the expiration of its current registration that the registration will expire. The Department of Agriculture shall grant a renewal application within 45 days of its submission if the following conditions are satisfied:

(1) the registered cultivation center submits a renewal application and the required renewal fee established by the Department of Agriculture by rule; and

(2) the Department of Agriculture has not suspended the

registration of the cultivation center or suspended or revoked the registration for violation of this Act or rules adopted under this Act.

Section 95. Background checks.

(a) The Department of Agriculture through the Department of State Police shall conduct a background check of the prospective cultivation center agents. The Department of State Police shall be reimbursed for the cost of the background check by the Department of Agriculture. In order to carry out this provision, each person applying as a cultivation center agent shall submit a full set of fingerprints to the Department of Agriculture for the purpose of obtaining a state and federal criminal records check. The Department of Agriculture may exchange this data with the Department of State Police and the Federal Bureau of Investigation without disclosing that the records check is related to this Act. The Department of Agriculture shall destroy each set of fingerprints after the criminal records check is complete.

(b) When applying for the initial permit, the background checks for the principal officer, board members, and registered agents shall be completed prior to submitting the application to the Department of Agriculture.

Section 100. Cultivation center agent identification card.

(a) The Department of Agriculture shall:

(1) verify the information contained in an application or renewal for a cultivation center identification card submitted under this Act, and approve or deny an application or renewal, within 30 days of receiving a completed application or renewal application and all supporting documentation required by rule;

(2) issue a cultivation center agent identification card to a qualifying agent within 15 business days of approving the application or renewal;

(3) enter the registry identification number of the cultivation center where the agent works; and

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

(b) A cultivation center agent must keep his or her identification card visible at all times when on the property of a cultivation center and during the transportation of medical cannabis to a registered dispensary organization.

(c) The cultivation center agent identification cards shall contain the following:

(1) the name of the cardholder;

(2) the date of issuance and expiration date of cultivation center agent identification cards;

(3) a random 10 digit alphanumeric identification number containing at least 4 numbers and at least 4 letters; that is unique to the holder; and

(4) a photograph of the cardholder.

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

(e) Any card lost by a cultivation center agent shall be reported to the State Police and the Department of Agriculture immediately upon discovery of the loss.

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

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

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

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

Professional Regulation in real-time.

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

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

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

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

(g) No person who has been convicted of an excluded offense

may be a cultivation center agent.

(h) Registered cultivation centers are subject to random inspection by the State Police.

(i) Registered cultivation centers are subject to random inspections by the Department of Agriculture and the Department of Public Health.

(j) A cultivation center agent shall notify local law enforcement, the State Police, and the Department of Agriculture within 24 hours of the discovery of any loss or theft. Notification shall be made by phone or in-person, or by written or electronic communication.

(k) A cultivation center shall comply with all State and federal rules and regulations regarding the use of pesticides.

Section 110. Suspension revocation of a registration.

(a) The Department of Agriculture may suspend or revoke a registration for violations of this Act and rules issued in accordance with this Section.

(b) The suspension or revocation of a certificate is a final Department of Agriculture action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the Circuit Court.

Section 115. Registration of dispensing organizations.

(a) The Department of Financial and Professional Regulation may issue up to 60 dispensing organization

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

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

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

(1) a non-refundable application fee established by rule;

(2) the proposed legal name of the dispensing organization;

(3) the proposed physical address of the dispensing organization;

(4) the name, address, and date of birth of each principal officer and board member of the dispensing organization, provided that all those individuals shall be

at least 21 years of age;

(5) information, in writing, regarding any instances in which a business or not-for-profit that any of the prospective board members managed or served on the board was convicted, fined, censured, or had a registration suspended or revoked in any administrative or judicial proceeding;

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

(7) signed statements from each dispensing organization agent stating that they will not divert medical cannabis.

(d) The Department of Financial and Professional Regulation shall conduct a background check of the prospective dispensing organization agents in order to carry out this provision. The Department of State Police shall be reimbursed for the cost of the background check by the Department of Financial and Professional Regulation. Each person applying as a dispensing organization agent shall submit a full set of

fingerprints to the Department of Financial and Professional Regulation for the purpose of obtaining a state and federal criminal records check. The Department of Financial and Professional Regulation may exchange this data with the Department of State Police and the Federal Bureau of Investigation without disclosing that the records check is related to this Act. The Department of Financial and Professional Regulation shall destroy each set of fingerprints after the criminal records check is completed.

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

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

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

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

(3) the applicant does not meet the requirements of Section 130;

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

(5) one or more of the prospective principal officers

or board members has served as a principal officer or board member for a registered medical cannabis dispensing organization that has had its registration revoked;

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

(7) one or more of the principal officers or board members is a registered qualified patient or a registered caregiver.

Section 120. Dispensing organization agent identification card.

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

(1) verify the information contained in an application or renewal for a dispensing organization agent identification card submitted under this Act, and approve or deny an application or renewal, within 30 days of receiving a completed application or renewal application and all supporting documentation required by rule;

(2) issue a dispensing organization agent identification card to a qualifying agent within 15 business days of approving the application or renewal;

(3) enter the registry identification number of the dispensing organization where the agent works; and

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

an application has been submitted.

(b) A dispensing agent must keep his or her identification card visible at all times when on the property of a dispensing organization.

(c) The dispensing organization agent identification cards shall contain the following:

(1) the name of the cardholder;

(2) the date of issuance and expiration date of the dispensing organization agent identification cards;

(3) a random 10 digit alphanumeric identification number containing at least 4 numbers and at least 4 letters; that is unique to the holder; and

(4) a photograph of the cardholder.

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

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

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

Section 125. Medical cannabis dispensing organization certification renewal.

(a) The registered dispensing organization shall receive

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

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

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

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

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

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

Section 130. Requirements; prohibitions; penalties;

dispensing organizations.

(a) The Department of Financial and Professional Regulation shall implement the provisions of this Section by rule.

(b) A dispensing organization shall maintain operating documents which shall include procedures for the oversight of the registered dispensing organization and procedures to ensure accurate recordkeeping.

(c) A dispensing organization shall implement appropriate security measures, as provided by rule, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

(d) A dispensing organization may not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility. A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use.

(e) A dispensing organization is prohibited from acquiring cannabis from anyone other than a registered cultivation center. A dispensing organization is prohibited from obtaining cannabis from outside the State of Illinois.

(f) A registered dispensing organization is prohibited from dispensing cannabis for any purpose except to assist registered qualifying patients with the medical use of cannabis

directly or through the qualifying patients' designated caregivers.

(g) The area in a dispensing organization where medical cannabis is stored can only be accessed by dispensing organization agents working for the dispensing organization, Department of Financial and Professional Regulation staff performing inspections, law enforcement or other emergency personnel, and contractors working on jobs unrelated to medical cannabis, such as installing or maintaining security devices or performing electrical wiring.

(h) A dispensing organization may not dispense more than 2.5 ounces of cannabis to a registered qualifying patient, directly or via a designated caregiver, in any 14-day period unless the qualifying patient has a Department of Public Health-approved quantity waiver.

(i) Before medical cannabis may be dispensed to a designated caregiver or a registered qualifying patient, a dispensing organization agent must determine that the individual is a current cardholder in the verification system and must verify each of the following:

(1) that the registry identification card presented to the registered dispensing organization is valid;

(2) that the person presenting the card is the person identified on the registry identification card presented to the dispensing organization agent;

(3) that the dispensing organization is the designated

dispensing organization for the registered qualifying patient who is obtaining the cannabis directly or via his or her designated caregiver; and

(4) that the registered qualifying patient has not exceeded his or her adequate supply.

(j) Dispensing organizations shall ensure compliance with this limitation by maintaining internal, confidential records that include records specifying how much medical cannabis is dispensed to the registered qualifying patient and whether it was dispensed directly to the registered qualifying patient or to the designated caregiver. Each entry must include the date and time the cannabis was dispensed. Additional recordkeeping requirements may be set by rule.

(k) The physician-patient privilege as set forth by Section 8-802 of the Code of Civil Procedure shall apply between a qualifying patient and a registered dispensing organization and its agents with respect to communications and records concerning qualifying patients' debilitating conditions.

(l) A dispensing organization may not permit any person to consume cannabis on the property of a medical cannabis organization.

(m) A dispensing organization may not share office space with or refer patients to a physician.

(n) Notwithstanding any other criminal penalties related to the unlawful possession of cannabis, the Department of Financial and Professional Regulation may revoke, suspend,

place on probation, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action as the Department of Financial and Professional Regulation may deem proper with regard to the registration of any person issued under this Act to operate a dispensing organization or act as a dispensing organization agent, including imposing fines not to exceed \$10,000 for each violation, for any violations of this Act and rules adopted in accordance with this Act. The procedures for disciplining a registered dispensing organization shall be determined by rule. All final administrative decisions of the Department of Financial and Professional Regulation are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(o) Dispensing organizations are subject to random inspection and cannabis testing by the Department of Financial and Professional Regulation and State Police as provided by rule.

Section 135. Change in designated dispensing organization. Nothing contained in this Act shall be construed to prohibit a dispensing organization registered in this State from filling or refilling a valid written certification for medical cannabis that is on file with the Department of Public Health and the designation has been transferred from one dispensing

organization to another under this Act upon the following conditions and exceptions:

(1) Prior to dispensing medical cannabis under any written certification and the requirements of this Act, the dispensing organization agent shall:

(A) advise the patient that the designated dispensing organization on file with the Department of Public Health must be changed before he or she will be able to dispense any quantity of medical cannabis;

(B) determine that the patient is registered and in compliance with the Department of Public Health under the requirements of this Act;

(C) notify the dispensing organization designated by the registered qualifying patient that the registered qualifying patient is changing his or her designation and the patient may no longer purchase medical cannabis at the original dispensing organization; and

(D) notify the Department of Public Health of a patient's change in designation and receive confirmation from the Department of Public Health that it has updated the registered qualifying patient database.

(2) The Department of Public Health's electronically accessible database created under this Act shall maintain a registered qualified patient's designated dispensary information. The Department of Public Health may formulate rules, not inconsistent with law, as may be necessary to carry

out the purposes of and to enforce the provisions of this Section.

(3) Medical cannabis shall in no event be dispensed more frequently or in larger amounts than permitted under this Act.

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

Section 145. Confidentiality.

(a) The following information received and records kept by the Department of Public Health, Department of Financial and Professional Regulation, Department of Agriculture, or Department of State Police under their rules for purposes of administering this Act are subject to all applicable federal

privacy laws, confidential, and exempt from the Freedom of Information Act, and not subject to disclosure to any individual or public or private entity, except as necessary for authorized employees of those authorized agencies to perform official duties under this Act, except that the information received and records kept by Department of Public Health, Department of Agriculture, Department of Financial and Professional Regulation, and Department of State Police may disclose this information and records to each other upon request:

(1) Applications and renewals, their contents, and supporting information submitted by qualifying patients and designated caregivers, including information regarding their designated caregivers and physicians.

(2) Applications and renewals, their contents, and supporting information submitted by or on behalf of cultivation centers and dispensing organizations in compliance with this Act, including their physical addresses.

(3) The individual names and other information identifying persons to whom the Department of Public Health has issued registry identification cards.

(4) Any dispensing information required to be kept under Section 135, Section 150, or Department of Public Health, Department of Agriculture, or Department of Financial and Professional Regulation rules shall identify

cardholders and registered cultivation centers by their registry identification numbers and medical cannabis dispensing organizations by their registration number and not contain names or other personally identifying information.

(5) All medical records provided to the Department of Public Health in connection with an application for a registry card.

(b) Nothing in this Section precludes the following:

(1) Department of Agriculture, Department of Financial and Professional Regulation, or Public Health employees may notify law enforcement about falsified or fraudulent information submitted to the Departments if the employee who suspects that falsified or fraudulent information has been submitted conferred with his or her supervisor and both agree that circumstances exist that warrant reporting.

(2) If the employee conferred with his or her supervisor and both agree that circumstances exist that warrant reporting, Department of Public Health employees may notify the Department of Financial and Professional Regulation if there is reasonable cause to believe a physician:

(A) issued a written certification without a bona fide physician-patient relationship under this Act;

(B) issued a written certification to a person who

was not under the physician's care for the debilitating medical condition; or

(C) failed to abide by the acceptable and prevailing standard of care when evaluating a patient's medical condition.

(3) The Department of Public Health, Department of Agriculture, and Department of Financial and Professional Regulation may notify State or local law enforcement about apparent criminal violations of this Act if the employee who suspects the offense has conferred with his or her supervisor and both agree that circumstances exist that warrant reporting.

(4) Medical cannabis cultivation center agents and medical cannabis dispensing organizations may notify the Department of Public Health, Department of Financial and Professional Regulation, or Department of Agriculture of a suspected violation or attempted violation of this Act or the rules issued under it.

(5) Each Department may verify registry identification cards under Section 150.

(6) The submission of the report to the General Assembly under Section 160.

(c) It is a Class B misdemeanor with a \$1,000 fine for any person, including an employee or official of the Department of Public Health, Department of Financial and Professional Regulation, or Department of Agriculture or another State

agency or local government, to breach the confidentiality of information obtained under this Act.

Section 150. Registry identification and registration certificate verification.

(a) The Department of Public Health shall maintain a confidential list of the persons to whom the Department of Public Health has issued registry identification cards and their addresses, phone numbers, and registry identification numbers. This confidential list may not be combined or linked in any manner with any other list or database except as provided in this Section.

(b) Within 180 days of the effective date of this Act, the Department of Public Health, Department of Financial and Professional Regulation, and Department of Agriculture shall together establish a computerized database or verification system. The database or verification system must allow law enforcement personnel and medical cannabis dispensary organization agents to determine whether or not the identification number corresponds with a current, valid registry identification card. The system shall only disclose whether the identification card is valid, whether the cardholder is a registered qualifying patient or a registered designated caregiver, the registry identification number of the registered medical cannabis dispensing organization designated to serve the registered qualifying patient who holds

the card, and the registry identification number of the patient who is assisted by a registered designated caregiver who holds the card. Notwithstanding any other requirements established by this subsection, the Department of Public Health shall issue registry cards to qualifying patients, the Department of Financial and Professional Regulation may issue registration to medical cannabis dispensing organizations for the period during which the database is being established, and the Department of Agriculture may issue registration to medical cannabis cultivation organizations for the period during which the database is being established.

Section 155. Review of administrative decisions. All final administrative decisions of the Departments of Public Health, Department of Agriculture, and Department of Financial and Professional Regulation are subject to direct judicial review under the provisions of the Administrative Review Law and the rules adopted under that Law. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Section 160. Annual reports.

(a) The Department of Public Health shall submit to the General Assembly a report, by September 30 of each year, that does not disclose any identifying information about registered qualifying patients, registered caregivers, or physicians, but

does contain, at a minimum, all of the following information based on the fiscal year for reporting purposes:

(1) the number of applications and renewals filed for registry identification cards or registrations;

(2) the number of qualifying patients and designated caregivers served by each dispensary during the report year;

(3) the nature of the debilitating medical conditions of the qualifying patients;

(4) the number of registry identification cards or registrations revoked for misconduct;

(5) the number of physicians providing written certifications for qualifying patients; and

(6) the number of registered medical cannabis cultivation centers or registered dispensing organizations.

Section 165. Administrative rulemaking.

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

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

(1) fees for applications for registration as a qualified patient or caregiver;

(2) establishing the form and content of registration and renewal applications submitted under this Act, including a standard form for written certifications;

(3) governing the manner in which it shall consider applications for and renewals of registry identification cards;

(4) the manufacture of medical cannabis-infused products;

(5) fees for the application and renewal of registry identification cards. Fee revenue may be offset or supplemented by private donations;

(6) any other matters as are necessary for the fair, impartial, stringent, and comprehensive administration of this Act; and

(7) reasonable rules concerning the medical use of cannabis at a nursing care institution, hospice, assisted living center, assisted living facility, assisted living home, residential care institution, or adult day health care facility.

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

(1) oversight requirements for registered cultivation centers;

(2) recordkeeping requirements for registered cultivation centers;

(3) security requirements for registered cultivation centers, which shall include that each registered cultivation center location must be protected by a fully operational security alarm system;

(4) rules and standards for what constitutes an enclosed, locked facility under this Act;

(5) procedures for suspending or revoking the registration certificates or registry identification cards of registered cultivation centers and their agents that commit violations of the provisions of this Act or the rules adopted under this Section;

(6) rules concerning the intrastate transportation of medical cannabis from a cultivation center to a dispensing organization;

(7) standards concerning the testing, quality, and cultivation of medical cannabis;

(8) any other matters as are necessary for the fair, impartial, stringent, and comprehensive administration of this Act;

(9) application and renewal fees for cultivation center agents; and

(10) application, renewal, and registration fees for

cultivation centers.

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

(1) application and renewal and registration fees for dispensing organizations and dispensing organizations agents;

(2) medical cannabis dispensing agent-in-charge oversight requirements for dispensing organizations;

(3) recordkeeping requirements for dispensing organizations;

(4) security requirements for medical cannabis dispensing organizations, which shall include that each registered dispensing organization location must be protected by a fully operational security alarm system;

(5) procedures for suspending or suspending the registrations of dispensing organizations and dispensing organization agents that commit violations of the provisions of this Act or the rules adopted under this Act;

(6) application and renewal fees for dispensing organizations; and

(7) application and renewal fees for dispensing

organization agents.

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

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

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

Section 170. Enforcement of this Act.

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

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

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

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

Section 180. Destruction of medical cannabis.

(a) All cannabis byproduct, scrap, and harvested cannabis not intended for distribution to a medical cannabis organization must be destroyed and disposed of pursuant to

State law. Documentation of destruction and disposal shall be retained at the cultivation center for a period of not less than 5 years.

(b) A cultivation center shall prior to the destruction, notify the Department of Agriculture and the State Police.

(c) The cultivation center shall keep record of the date of destruction and how much was destroyed.

(d) A dispensary organization shall destroy all cannabis, including cannabis-infused products, that are not sold to registered qualifying patients. Documentation of destruction and disposal shall be retained at the dispensary organization for a period of not less than 5 years.

(e) A dispensary organization shall prior to the destruction, notify the Department of Financial and Professional Regulation and the State Police.

Section 185. Suspension revocation of a registration.

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

(b) The suspension or revocation of a registration is a final Department action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the Circuit Court.

Section 190. Medical Cannabis Cultivation Privilege Tax Law. Sections 190 through 215 may be cited as the Medical Cannabis Cultivation Privilege Tax Law.

Section 195. Definitions. For the purposes of this Law:

"Cultivation center" has the meaning ascribed to that term in the Compassionate Use of Medical Cannabis Pilot Program Act.

"Department" means the Department of Revenue.

"Dispensing organization" has the meaning ascribed to that term in the Compassionate Use of Medical Cannabis Pilot Program Act.

"Person" means an individual, partnership, corporation, or public or private organization.

"Qualifying patient" means a qualifying patient registered under the Compassionate Use of Medical Cannabis Pilot Program Act.

Section 200. Tax imposed.

(a) Beginning on the effective date of this Act, a tax is imposed upon the privilege of cultivating medical cannabis at a rate of 7% of the sales price per ounce. The proceeds from this tax shall be deposited into the Compassionate Use of Medical Cannabis Fund created under the Compassionate Use of Medical Cannabis Pilot Program Act. This tax shall be paid by a cultivation center and is not the responsibility of a dispensing organization or a qualifying patient.

(b) The tax imposed under this Act shall be in addition to all other occupation or privilege taxes imposed by the State of Illinois or by any municipal corporation or political subdivision thereof.

Section 205. Department enforcement.

(a) Every person subject to the tax under this Law shall apply to the Department (upon a form prescribed and furnished by the Department) for a certificate of registration under this Law. Application for a certificate of registration shall be made to the Department upon forms furnished by the Department. The certificate of registration which is issued by the Department to a retailer under the Retailers' Occupation Tax Act shall permit the taxpayer to engage in a business which is taxable under this Law without registering separately with the Department.

(b) The Department shall have full power to administer and enforce this Law, to collect all taxes and penalties due hereunder, to dispose of taxes and penalties so collected in the manner hereinafter provided, and to determine all rights to credit memoranda, arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this Law, the Department and persons who are subject to this Law shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and

definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2a, 2b, 2c, 3 (except provisions relating to transaction returns and quarter monthly payments, and except for provisions that are inconsistent with this Law), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act as fully as if those provisions were set forth herein.

Section 210. Returns. On or before the twentieth day of each calendar month, every person subject to the tax imposed under this Law during the preceding calendar month shall file a return with the Department, stating:

- (1) The name of the taxpayer;
- (2) The number of ounces of medical cannabis sold to a dispensary organization or a registered qualifying patient during the preceding calendar month;
- (3) The amount of tax due;
- (4) The signature of the taxpayer; and
- (5) Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be

due on the return shall be deemed assessed.

The taxpayer shall remit the amount of the tax due to the Department at the time the taxpayer files his or her return.

Section 215. Rules. The Department may adopt rules related to the enforcement of this Law.

Section 220. Repeal of Act. This Act is repealed 4 years after the effective date of this Act.

Section 900. The Election Code is amended by adding Section 9-45 as follows:

(10 ILCS 5/9-45 new)

Sec. 9-45. Medical cannabis organization; contributions.
It is unlawful for any medical cannabis cultivation center or medical cannabis dispensary organization or any political action committee created by any medical cannabis cultivation center or dispensary organization to make a campaign contribution to any political committee established to promote the candidacy of a candidate or public official. It is unlawful for any candidate, political committee, or other person to knowingly accept or receive any contribution prohibited by this Section. It is unlawful for any officer or agent of a medical cannabis cultivation center or dispensary organization to consent to any contribution or expenditure by the medical

cannabis organization that is prohibited by this Section. As used in this Section, "medical cannabis cultivation center" and "dispensary organization" have the meaning ascribed to those terms in Section 10 of the Compassionate Use of Medical Cannabis Pilot Program Act.

Section 905. The State Finance Act is amended by adding Section 5.826 as follows:

(30 ILCS 105/5.826 new)

Sec. 5.826. The Compassionate Use of Medical Cannabis Fund.

Section 910. The Illinois Income Tax Act is amended by changing Section 201 as follows:

(35 ILCS 5/201) (from Ch. 120, par. 2-201)

Sec. 201. Tax Imposed.

(a) In general. A tax measured by net income is hereby imposed on every individual, corporation, trust and estate for each taxable year ending after July 31, 1969 on the privilege of earning or receiving income in or as a resident of this State. Such tax shall be in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(b) Rates. The tax imposed by subsection (a) of this Section shall be determined as follows, except as adjusted by

subsection (d-1):

(1) In the case of an individual, trust or estate, for taxable years ending prior to July 1, 1989, an amount equal to 2 1/2% of the taxpayer's net income for the taxable year.

(2) In the case of an individual, trust or estate, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 2 1/2% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 3% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(3) In the case of an individual, trust or estate, for taxable years beginning after June 30, 1989, and ending prior to January 1, 2011, an amount equal to 3% of the taxpayer's net income for the taxable year.

(4) In the case of an individual, trust, or estate, for taxable years beginning prior to January 1, 2011, and ending after December 31, 2010, an amount equal to the sum of (i) 3% of the taxpayer's net income for the period prior to January 1, 2011, as calculated under Section 202.5, and (ii) 5% of the taxpayer's net income for the period after December 31, 2010, as calculated under Section 202.5.

(5) In the case of an individual, trust, or estate, for taxable years beginning on or after January 1, 2011, and ending prior to January 1, 2015, an amount equal to 5% of

the taxpayer's net income for the taxable year.

(5.1) In the case of an individual, trust, or estate, for taxable years beginning prior to January 1, 2015, and ending after December 31, 2014, an amount equal to the sum of (i) 5% of the taxpayer's net income for the period prior to January 1, 2015, as calculated under Section 202.5, and (ii) 3.75% of the taxpayer's net income for the period after December 31, 2014, as calculated under Section 202.5.

(5.2) In the case of an individual, trust, or estate, for taxable years beginning on or after January 1, 2015, and ending prior to January 1, 2025, an amount equal to 3.75% of the taxpayer's net income for the taxable year.

(5.3) In the case of an individual, trust, or estate, for taxable years beginning prior to January 1, 2025, and ending after December 31, 2024, an amount equal to the sum of (i) 3.75% of the taxpayer's net income for the period prior to January 1, 2025, as calculated under Section 202.5, and (ii) 3.25% of the taxpayer's net income for the period after December 31, 2024, as calculated under Section 202.5.

(5.4) In the case of an individual, trust, or estate, for taxable years beginning on or after January 1, 2025, an amount equal to 3.25% of the taxpayer's net income for the taxable year.

(6) In the case of a corporation, for taxable years ending prior to July 1, 1989, an amount equal to 4% of the

taxpayer's net income for the taxable year.

(7) In the case of a corporation, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 4% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 4.8% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(8) In the case of a corporation, for taxable years beginning after June 30, 1989, and ending prior to January 1, 2011, an amount equal to 4.8% of the taxpayer's net income for the taxable year.

(9) In the case of a corporation, for taxable years beginning prior to January 1, 2011, and ending after December 31, 2010, an amount equal to the sum of (i) 4.8% of the taxpayer's net income for the period prior to January 1, 2011, as calculated under Section 202.5, and (ii) 7% of the taxpayer's net income for the period after December 31, 2010, as calculated under Section 202.5.

(10) In the case of a corporation, for taxable years beginning on or after January 1, 2011, and ending prior to January 1, 2015, an amount equal to 7% of the taxpayer's net income for the taxable year.

(11) In the case of a corporation, for taxable years beginning prior to January 1, 2015, and ending after December 31, 2014, an amount equal to the sum of (i) 7% of

the taxpayer's net income for the period prior to January 1, 2015, as calculated under Section 202.5, and (ii) 5.25% of the taxpayer's net income for the period after December 31, 2014, as calculated under Section 202.5.

(12) In the case of a corporation, for taxable years beginning on or after January 1, 2015, and ending prior to January 1, 2025, an amount equal to 5.25% of the taxpayer's net income for the taxable year.

(13) In the case of a corporation, for taxable years beginning prior to January 1, 2025, and ending after December 31, 2024, an amount equal to the sum of (i) 5.25% of the taxpayer's net income for the period prior to January 1, 2025, as calculated under Section 202.5, and (ii) 4.8% of the taxpayer's net income for the period after December 31, 2024, as calculated under Section 202.5.

(14) In the case of a corporation, for taxable years beginning on or after January 1, 2025, an amount equal to 4.8% of the taxpayer's net income for the taxable year.

The rates under this subsection (b) are subject to the provisions of Section 201.5.

(c) Personal Property Tax Replacement Income Tax. Beginning on July 1, 1979 and thereafter, in addition to such income tax, there is also hereby imposed the Personal Property Tax Replacement Income Tax measured by net income on every corporation (including Subchapter S corporations), partnership and trust, for each taxable year ending after June 30, 1979.

Such taxes are imposed on the privilege of earning or receiving income in or as a resident of this State. The Personal Property Tax Replacement Income Tax shall be in addition to the income tax imposed by subsections (a) and (b) of this Section and in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(d) Additional Personal Property Tax Replacement Income Tax Rates. The personal property tax replacement income tax imposed by this subsection and subsection (c) of this Section in the case of a corporation, other than a Subchapter S corporation and except as adjusted by subsection (d-1), shall be an additional amount equal to 2.85% of such taxpayer's net income for the taxable year, except that beginning on January 1, 1981, and thereafter, the rate of 2.85% specified in this subsection shall be reduced to 2.5%, and in the case of a partnership, trust or a Subchapter S corporation shall be an additional amount equal to 1.5% of such taxpayer's net income for the taxable year.

(d-1) Rate reduction for certain foreign insurers. In the case of a foreign insurer, as defined by Section 35A-5 of the Illinois Insurance Code, whose state or country of domicile imposes on insurers domiciled in Illinois a retaliatory tax (excluding any insurer whose premiums from reinsurance assumed are 50% or more of its total insurance premiums as determined under paragraph (2) of subsection (b) of Section 304, except

that for purposes of this determination premiums from reinsurance do not include premiums from inter-affiliate reinsurance arrangements), beginning with taxable years ending on or after December 31, 1999, the sum of the rates of tax imposed by subsections (b) and (d) shall be reduced (but not increased) to the rate at which the total amount of tax imposed under this Act, net of all credits allowed under this Act, shall equal (i) the total amount of tax that would be imposed on the foreign insurer's net income allocable to Illinois for the taxable year by such foreign insurer's state or country of domicile if that net income were subject to all income taxes and taxes measured by net income imposed by such foreign insurer's state or country of domicile, net of all credits allowed or (ii) a rate of zero if no such tax is imposed on such income by the foreign insurer's state of domicile. For the purposes of this subsection (d-1), an inter-affiliate includes a mutual insurer under common management.

(1) For the purposes of subsection (d-1), in no event shall the sum of the rates of tax imposed by subsections (b) and (d) be reduced below the rate at which the sum of:

(A) the total amount of tax imposed on such foreign insurer under this Act for a taxable year, net of all credits allowed under this Act, plus

(B) the privilege tax imposed by Section 409 of the Illinois Insurance Code, the fire insurance company tax imposed by Section 12 of the Fire Investigation

Act, and the fire department taxes imposed under Section 11-10-1 of the Illinois Municipal Code, equals 1.25% for taxable years ending prior to December 31, 2003, or 1.75% for taxable years ending on or after December 31, 2003, of the net taxable premiums written for the taxable year, as described by subsection (1) of Section 409 of the Illinois Insurance Code. This paragraph will in no event increase the rates imposed under subsections (b) and (d).

(2) Any reduction in the rates of tax imposed by this subsection shall be applied first against the rates imposed by subsection (b) and only after the tax imposed by subsection (a) net of all credits allowed under this Section other than the credit allowed under subsection (i) has been reduced to zero, against the rates imposed by subsection (d).

This subsection (d-1) is exempt from the provisions of Section 250.

(e) Investment credit. A taxpayer shall be allowed a credit against the Personal Property Tax Replacement Income Tax for investment in qualified property.

(1) A taxpayer shall be allowed a credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1984. There shall be allowed an additional credit equal to .5% of the basis of qualified

property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1986, and the taxpayer's base employment within Illinois has increased by 1% or more over the preceding year as determined by the taxpayer's employment records filed with the Illinois Department of Employment Security. Taxpayers who are new to Illinois shall be deemed to have met the 1% growth in base employment for the first year in which they file employment records with the Illinois Department of Employment Security. The provisions added to this Section by Public Act 85-1200 (and restored by Public Act 87-895) shall be construed as declaratory of existing law and not as a new enactment. If, in any year, the increase in base employment within Illinois over the preceding year is less than 1%, the additional credit shall be limited to that percentage times a fraction, the numerator of which is .5% and the denominator of which is 1%, but shall not exceed .5%. The investment credit shall not be allowed to the extent that it would reduce a taxpayer's liability in any tax year below zero, nor may any credit for qualified property be allowed for any year other than the year in which the property was placed in service in Illinois. For tax years ending on or after December 31, 1987, and on or before December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the

credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years if the taxpayer (i) makes investments which cause the creation of a minimum of 2,000 full-time equivalent jobs in Illinois, (ii) is located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act and (iii) is certified by the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) as complying with the requirements specified in clause (i) and (ii) by July 1, 1986. The Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) shall notify the Department of Revenue of all such certifications immediately. For tax years ending after December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit

shall be applied first.

(2) The term "qualified property" means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings and signs that are real property, but not including land or improvements to real property that are not a structural component of a building such as landscaping, sewer lines, local access roads, fencing, parking lots, and other appurtenances;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (e);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;

(D) is used in Illinois by a taxpayer who is primarily engaged in manufacturing, or in mining coal or fluorite, or in retailing, or was placed in service on or after July 1, 2006 in a River Edge Redevelopment Zone established pursuant to the River Edge Redevelopment Zone Act; and

(E) has not previously been used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (e) or

subsection (f).

(3) For purposes of this subsection (e), "manufacturing" means the material staging and production of tangible personal property by procedures commonly regarded as manufacturing, processing, fabrication, or assembling which changes some existing material into new shapes, new qualities, or new combinations. For purposes of this subsection (e) the term "mining" shall have the same meaning as the term "mining" in Section 613(c) of the Internal Revenue Code. For purposes of this subsection (e), the term "retailing" means the sale of tangible personal property for use or consumption and not for resale, or services rendered in conjunction with the sale of tangible personal property for use or consumption and not for resale. For purposes of this subsection (e), "tangible personal property" has the same meaning as when that term is used in the Retailers' Occupation Tax Act, and, for taxable years ending after December 31, 2008, does not include the generation, transmission, or distribution of electricity.

(4) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(5) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in Illinois by the taxpayer, the amount of such

increase shall be deemed property placed in service on the date of such increase in basis.

(6) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(7) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the Personal Property Tax Replacement Income Tax for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation and, (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (7), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(8) Unless the investment credit is extended by law, the basis of qualified property shall not include costs incurred after December 31, 2018, except for costs incurred pursuant to a binding contract entered into on or before December 31, 2018.

(9) Each taxable year ending before December 31, 2000,

a partnership may elect to pass through to its partners the credits to which the partnership is entitled under this subsection (e) for the taxable year. A partner may use the credit allocated to him or her under this paragraph only against the tax imposed in subsections (c) and (d) of this Section. If the partnership makes that election, those credits shall be allocated among the partners in the partnership in accordance with the rules set forth in Section 704(b) of the Internal Revenue Code, and the rules promulgated under that Section, and the allocated amount of the credits shall be allowed to the partners for that taxable year. The partnership shall make this election on its Personal Property Tax Replacement Income Tax return for that taxable year. The election to pass through the credits shall be irrevocable.

For taxable years ending on or after December 31, 2000, a partner that qualifies its partnership for a subtraction under subparagraph (I) of paragraph (2) of subsection (d) of Section 203 or a shareholder that qualifies a Subchapter S corporation for a subtraction under subparagraph (S) of paragraph (2) of subsection (b) of Section 203 shall be allowed a credit under this subsection (e) equal to its share of the credit earned under this subsection (e) during the taxable year by the partnership or Subchapter S corporation, determined in accordance with the determination of income and distributive share of income

under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. This paragraph is exempt from the provisions of Section 250.

(f) Investment credit; Enterprise Zone; River Edge Redevelopment Zone.

(1) A taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service in an Enterprise Zone created pursuant to the Illinois Enterprise Zone Act or, for property placed in service on or after July 1, 2006, a River Edge Redevelopment Zone established pursuant to the River Edge Redevelopment Zone Act. For partners, shareholders of Subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (f) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. The credit shall be .5% of the basis for such property. The credit shall be available only in the taxable year in which the property is placed in service in the Enterprise Zone or River Edge Redevelopment Zone and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section

to below zero. For tax years ending on or after December 31, 1985, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

(2) The term qualified property means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (f);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;

(D) is used in the Enterprise Zone or River Edge Redevelopment Zone by the taxpayer; and

(E) has not been previously used in Illinois in such a manner and by such a person as would qualify for

the credit provided by this subsection (f) or subsection (e).

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in the Enterprise Zone or River Edge Redevelopment Zone by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside the Enterprise Zone or River Edge Redevelopment Zone within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the

purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(7) There shall be allowed an additional credit equal to 0.5% of the basis of qualified property placed in service during the taxable year in a River Edge Redevelopment Zone, provided such property is placed in service on or after July 1, 2006, and the taxpayer's base employment within Illinois has increased by 1% or more over the preceding year as determined by the taxpayer's employment records filed with the Illinois Department of Employment Security. Taxpayers who are new to Illinois shall be deemed to have met the 1% growth in base employment for the first year in which they file employment records with the Illinois Department of Employment Security. If, in any year, the increase in base employment within Illinois over the preceding year is less than 1%, the additional credit shall be limited to that percentage times a fraction, the numerator of which is 0.5% and the denominator of which is 1%, but shall not exceed 0.5%.

(g) Jobs Tax Credit; River Edge Redevelopment Zone and Foreign Trade Zone or Sub-Zone.

(1) A taxpayer conducting a trade or business, for taxable years ending on or after December 31, 2006, in a River Edge Redevelopment Zone or conducting a trade or

business in a federally designated Foreign Trade Zone or Sub-Zone shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section in the amount of \$500 per eligible employee hired to work in the zone during the taxable year.

(2) To qualify for the credit:

(A) the taxpayer must hire 5 or more eligible employees to work in a River Edge Redevelopment Zone or federally designated Foreign Trade Zone or Sub-Zone during the taxable year;

(B) the taxpayer's total employment within the River Edge Redevelopment Zone or federally designated Foreign Trade Zone or Sub-Zone must increase by 5 or more full-time employees beyond the total employed in that zone at the end of the previous tax year for which a jobs tax credit under this Section was taken, or beyond the total employed by the taxpayer as of December 31, 1985, whichever is later; and

(C) the eligible employees must be employed 180 consecutive days in order to be deemed hired for purposes of this subsection.

(3) An "eligible employee" means an employee who is:

(A) Certified by the Department of Commerce and Economic Opportunity as "eligible for services" pursuant to regulations promulgated in accordance with Title II of the Job Training Partnership Act, Training

Services for the Disadvantaged or Title III of the Job Training Partnership Act, Employment and Training Assistance for Dislocated Workers Program.

(B) Hired after the River Edge Redevelopment Zone or federally designated Foreign Trade Zone or Sub-Zone was designated or the trade or business was located in that zone, whichever is later.

(C) Employed in the River Edge Redevelopment Zone or Foreign Trade Zone or Sub-Zone. An employee is employed in a federally designated Foreign Trade Zone or Sub-Zone if his services are rendered there or it is the base of operations for the services performed.

(D) A full-time employee working 30 or more hours per week.

(4) For tax years ending on or after December 31, 1985 and prior to December 31, 1988, the credit shall be allowed for the tax year in which the eligible employees are hired. For tax years ending on or after December 31, 1988, the credit shall be allowed for the tax year immediately following the tax year in which the eligible employees are hired. If the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which

there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

(5) The Department of Revenue shall promulgate such rules and regulations as may be deemed necessary to carry out the purposes of this subsection (g).

(6) The credit shall be available for eligible employees hired on or after January 1, 1986.

(h) Investment credit; High Impact Business.

(1) Subject to subsections (b) and (b-5) of Section 5.5 of the Illinois Enterprise Zone Act, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service by a Department of Commerce and Economic Opportunity designated High Impact Business. The credit shall be .5% of the basis for such property. The credit shall not be available (i) until the minimum investments in qualified property set forth in subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act have been satisfied or (ii) until the time authorized in subsection (b-5) of the Illinois Enterprise Zone Act for entities designated as High Impact Businesses under subdivisions (a)(3)(B), (a)(3)(C), and (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone Act, and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by

subsections (a) and (b) of this Section to below zero. The credit applicable to such investments shall be taken in the taxable year in which such investments have been completed. The credit for additional investments beyond the minimum investment by a designated high impact business authorized under subdivision (a) (3) (A) of Section 5.5 of the Illinois Enterprise Zone Act shall be available only in the taxable year in which the property is placed in service and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1987, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

Changes made in this subdivision (h) (1) by Public Act 88-670 restore changes made by Public Act 85-1182 and reflect existing law.

(2) The term qualified property means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (h);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code; and

(D) is not eligible for the Enterprise Zone Investment Credit provided by subsection (f) of this Section.

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year ending on or before December 31, 1996, any property ceases to be qualified property in the hands of the taxpayer within 48 months

after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(7) Beginning with tax years ending after December 31, 1996, if a taxpayer qualifies for the credit under this subsection (h) and thereby is granted a tax abatement and the taxpayer relocates its entire facility in violation of the explicit terms and length of the contract under Section 18-183 of the Property Tax Code, the tax imposed under subsections (a) and (b) of this Section shall be increased for the taxable year in which the taxpayer relocated its facility by an amount equal to the amount of credit received by the taxpayer under this subsection (h).

(i) Credit for Personal Property Tax Replacement Income

Tax. For tax years ending prior to December 31, 2003, a credit shall be allowed against the tax imposed by subsections (a) and (b) of this Section for the tax imposed by subsections (c) and (d) of this Section. This credit shall be computed by multiplying the tax imposed by subsections (c) and (d) of this Section by a fraction, the numerator of which is base income allocable to Illinois and the denominator of which is Illinois base income, and further multiplying the product by the tax rate imposed by subsections (a) and (b) of this Section.

Any credit earned on or after December 31, 1986 under this subsection which is unused in the year the credit is computed because it exceeds the tax liability imposed by subsections (a) and (b) for that year (whether it exceeds the original liability or the liability as later amended) may be carried forward and applied to the tax liability imposed by subsections (a) and (b) of the 5 taxable years following the excess credit year, provided that no credit may be carried forward to any year ending on or after December 31, 2003. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first.

If, during any taxable year ending on or after December 31, 1986, the tax imposed by subsections (c) and (d) of this Section for which a taxpayer has claimed a credit under this

subsection (i) is reduced, the amount of credit for such tax shall also be reduced. Such reduction shall be determined by recomputing the credit to take into account the reduced tax imposed by subsections (c) and (d). If any portion of the reduced amount of credit has been carried to a different taxable year, an amended return shall be filed for such taxable year to reduce the amount of credit claimed.

(j) Training expense credit. Beginning with tax years ending on or after December 31, 1986 and prior to December 31, 2003, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) under this Section for all amounts paid or accrued, on behalf of all persons employed by the taxpayer in Illinois or Illinois residents employed outside of Illinois by a taxpayer, for educational or vocational training in semi-technical or technical fields or semi-skilled or skilled fields, which were deducted from gross income in the computation of taxable income. The credit against the tax imposed by subsections (a) and (b) shall be 1.6% of such training expenses. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (j) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

Any credit allowed under this subsection which is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first computed until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first. No carryforward credit may be claimed in any tax year ending on or after December 31, 2003.

(k) Research and development credit. For tax years ending after July 1, 1990 and prior to December 31, 2003, and beginning again for tax years ending on or after December 31, 2004, and ending prior to January 1, 2016, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for increasing research activities in this State. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 6 1/2% of the qualifying expenditures for increasing research activities in this State. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the

Internal Revenue Code.

For purposes of this subsection, "qualifying expenditures" means the qualifying expenditures as defined for the federal credit for increasing research activities which would be allowable under Section 41 of the Internal Revenue Code and which are conducted in this State, "qualifying expenditures for increasing research activities in this State" means the excess of qualifying expenditures for the taxable year in which incurred over qualifying expenditures for the base period, "qualifying expenditures for the base period" means the average of the qualifying expenditures for each year in the base period, and "base period" means the 3 taxable years immediately preceding the taxable year for which the determination is being made.

Any credit in excess of the tax liability for the taxable year may be carried forward. A taxpayer may elect to have the unused credit shown on its final completed return carried over as a credit against the tax liability for the following 5 taxable years or until it has been fully used, whichever occurs first; provided that no credit earned in a tax year ending prior to December 31, 2003 may be carried forward to any year ending on or after December 31, 2003.

If an unused credit is carried forward to a given year from 2 or more earlier years, that credit arising in the earliest year will be applied first against the tax liability for the given year. If a tax liability for the given year still

remains, the credit from the next earliest year will then be applied, and so on, until all credits have been used or no tax liability for the given year remains. Any remaining unused credit or credits then will be carried forward to the next following year in which a tax liability is incurred, except that no credit can be carried forward to a year which is more than 5 years after the year in which the expense for which the credit is given was incurred.

No inference shall be drawn from this amendatory Act of the 91st General Assembly in construing this Section for taxable years beginning before January 1, 1999.

(1) Environmental Remediation Tax Credit.

(i) For tax years ending after December 31, 1997 and on or before December 31, 2001, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for certain amounts paid for unreimbursed eligible remediation costs, as specified in this subsection. For purposes of this Section, "unreimbursed eligible remediation costs" means costs approved by the Illinois Environmental Protection Agency ("Agency") under Section 58.14 of the Environmental Protection Act that were paid in performing environmental remediation at a site for which a No Further Remediation Letter was issued by the Agency and recorded under Section 58.10 of the Environmental Protection Act. The credit must be claimed for the taxable year in which Agency approval of the

eligible remediation costs is granted. The credit is not available to any taxpayer if the taxpayer or any related party caused or contributed to, in any material respect, a release of regulated substances on, in, or under the site that was identified and addressed by the remedial action pursuant to the Site Remediation Program of the Environmental Protection Act. After the Pollution Control Board rules are adopted pursuant to the Illinois Administrative Procedure Act for the administration and enforcement of Section 58.9 of the Environmental Protection Act, determinations as to credit availability for purposes of this Section shall be made consistent with those rules. For purposes of this Section, "taxpayer" includes a person whose tax attributes the taxpayer has succeeded to under Section 381 of the Internal Revenue Code and "related party" includes the persons disallowed a deduction for losses by paragraphs (b), (c), and (f)(1) of Section 267 of the Internal Revenue Code by virtue of being a related taxpayer, as well as any of its partners. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 25% of the unreimbursed eligible remediation costs in excess of \$100,000 per site, except that the \$100,000 threshold shall not apply to any site contained in an enterprise zone as determined by the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity). The

total credit allowed shall not exceed \$40,000 per year with a maximum total of \$150,000 per site. For partners and shareholders of subchapter S corporations, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

(ii) A credit allowed under this subsection that is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first earned until it is used. The term "unused credit" does not include any amounts of unreimbursed eligible remediation costs in excess of the maximum credit per site authorized under paragraph (i). This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability, the earliest credit arising under this subsection shall be applied first. A credit allowed under this subsection may be sold to a buyer as part of a sale of all or part of the remediation site for which the credit was granted. The purchaser of a remediation site and the tax credit shall succeed to the unused credit and remaining carry-forward period of the seller. To perfect the transfer, the assignor shall record the transfer in the chain of title for the site and provide written notice to

the Director of the Illinois Department of Revenue of the assignor's intent to sell the remediation site and the amount of the tax credit to be transferred as a portion of the sale. In no event may a credit be transferred to any taxpayer if the taxpayer or a related party would not be eligible under the provisions of subsection (i).

(iii) For purposes of this Section, the term "site" shall have the same meaning as under Section 58.2 of the Environmental Protection Act.

(m) Education expense credit. Beginning with tax years ending after December 31, 1999, a taxpayer who is the custodian of one or more qualifying pupils shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for qualified education expenses incurred on behalf of the qualifying pupils. The credit shall be equal to 25% of qualified education expenses, but in no event may the total credit under this subsection claimed by a family that is the custodian of qualifying pupils exceed \$500. In no event shall a credit under this subsection reduce the taxpayer's liability under this Act to less than zero. This subsection is exempt from the provisions of Section 250 of this Act.

For purposes of this subsection:

"Qualifying pupils" means individuals who (i) are residents of the State of Illinois, (ii) are under the age of 21 at the close of the school year for which a credit is sought, and (iii) during the school year for which a credit is

sought were full-time pupils enrolled in a kindergarten through twelfth grade education program at any school, as defined in this subsection.

"Qualified education expense" means the amount incurred on behalf of a qualifying pupil in excess of \$250 for tuition, book fees, and lab fees at the school in which the pupil is enrolled during the regular school year.

"School" means any public or nonpublic elementary or secondary school in Illinois that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of the School Code, except that nothing shall be construed to require a child to attend any particular public or nonpublic school to qualify for the credit under this Section.

"Custodian" means, with respect to qualifying pupils, an Illinois resident who is a parent, the parents, a legal guardian, or the legal guardians of the qualifying pupils.

(n) River Edge Redevelopment Zone site remediation tax credit.

(i) For tax years ending on or after December 31, 2006, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for certain amounts paid for unreimbursed eligible remediation costs, as specified in this subsection. For purposes of this Section, "unreimbursed eligible remediation costs" means costs approved by the Illinois Environmental

Protection Agency ("Agency") under Section 58.14a of the Environmental Protection Act that were paid in performing environmental remediation at a site within a River Edge Redevelopment Zone for which a No Further Remediation Letter was issued by the Agency and recorded under Section 58.10 of the Environmental Protection Act. The credit must be claimed for the taxable year in which Agency approval of the eligible remediation costs is granted. The credit is not available to any taxpayer if the taxpayer or any related party caused or contributed to, in any material respect, a release of regulated substances on, in, or under the site that was identified and addressed by the remedial action pursuant to the Site Remediation Program of the Environmental Protection Act. Determinations as to credit availability for purposes of this Section shall be made consistent with rules adopted by the Pollution Control Board pursuant to the Illinois Administrative Procedure Act for the administration and enforcement of Section 58.9 of the Environmental Protection Act. For purposes of this Section, "taxpayer" includes a person whose tax attributes the taxpayer has succeeded to under Section 381 of the Internal Revenue Code and "related party" includes the persons disallowed a deduction for losses by paragraphs (b), (c), and (f) (1) of Section 267 of the Internal Revenue Code by virtue of being a related taxpayer, as well as any of its partners. The credit allowed against the tax imposed

by subsections (a) and (b) shall be equal to 25% of the unreimbursed eligible remediation costs in excess of \$100,000 per site.

(ii) A credit allowed under this subsection that is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first earned until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability, the earliest credit arising under this subsection shall be applied first. A credit allowed under this subsection may be sold to a buyer as part of a sale of all or part of the remediation site for which the credit was granted. The purchaser of a remediation site and the tax credit shall succeed to the unused credit and remaining carry-forward period of the seller. To perfect the transfer, the assignor shall record the transfer in the chain of title for the site and provide written notice to the Director of the Illinois Department of Revenue of the assignor's intent to sell the remediation site and the amount of the tax credit to be transferred as a portion of the sale. In no event may a credit be transferred to any taxpayer if the taxpayer or a related party would not be eligible under the provisions of subsection (i).

(iii) For purposes of this Section, the term "site"

shall have the same meaning as under Section 58.2 of the Environmental Protection Act.

(o) For each of taxable years during the Compassionate Use of Medical Cannabis Pilot Program, a surcharge is imposed on all taxpayers on income arising from the sale or exchange of capital assets, depreciable business property, real property used in the trade or business, and Section 197 intangibles of an organization registrant under the Compassionate Use of Medical Cannabis Pilot Program Act. The amount of the surcharge is equal to the amount of federal income tax liability for the taxable year attributable to those sales and exchanges. The surcharge imposed does not apply if:

(1) the medical cannabis cultivation center registration, medical cannabis dispensary registration, or the property of a registration is transferred as a result of any of the following:

(A) bankruptcy, a receivership, or a debt adjustment initiated by or against the initial registration or the substantial owners of the initial registration;

(B) cancellation, revocation, or termination of any registration by the Illinois Department of Public Health;

(C) a determination by the Illinois Department of Public Health that transfer of the registration is in the best interests of Illinois qualifying patients as

defined by the Compassionate Use of Medical Cannabis Pilot Program Act;

(D) the death of an owner of the equity interest in a registrant;

(E) the acquisition of a controlling interest in the stock or substantially all of the assets of a publicly traded company;

(F) a transfer by a parent company to a wholly owned subsidiary; or

(G) the transfer or sale to or by one person to another person where both persons were initial owners of the registration when the registration was issued;
or

(2) the cannabis cultivation center registration, medical cannabis dispensary registration, or the controlling interest in a registrant's property is transferred in a transaction to lineal descendants in which no gain or loss is recognized or as a result of a transaction in accordance with Section 351 of the Internal Revenue Code in which no gain or loss is recognized.

(Source: P.A. 96-115, eff. 7-31-09; 96-116, eff. 7-31-09; 96-937, eff. 6-23-10; 96-1000, eff. 7-2-10; 96-1496, eff. 1-13-11; 97-2, eff. 5-6-11; 97-636, eff. 6-1-12; 97-905, eff. 8-7-12.)

Section 915. The Use Tax Act is amended by changing Section

3-10 as follows:

(35 ILCS 105/3-10)

Sec. 3-10. Rate of tax. Unless otherwise provided in this Section, the tax imposed by this Act is at the rate of 6.25% of either the selling price or the fair market value, if any, of the tangible personal property. In all cases where property functionally used or consumed is the same as the property that was purchased at retail, then the tax is imposed on the selling price of the property. In all cases where property functionally used or consumed is a by-product or waste product that has been refined, manufactured, or produced from property purchased at retail, then the tax is imposed on the lower of the fair market value, if any, of the specific property so used in this State or on the selling price of the property purchased at retail. For purposes of this Section "fair market value" means the price at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of the relevant facts. The fair market value shall be established by Illinois sales by the taxpayer of the same property as that functionally used or consumed, or if there are no such sales by the taxpayer, then comparable sales or purchases of property of like kind and character in Illinois.

Beginning on July 1, 2000 and through December 31, 2000, with respect to motor fuel, as defined in Section 1.1 of the

Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of the Use Tax Act, the tax is imposed at the rate of 1.25%.

Beginning on August 6, 2010 through August 15, 2010, with respect to sales tax holiday items as defined in Section 3-6 of this Act, the tax is imposed at the rate of 1.25%.

With respect to gasohol, the tax imposed by this Act applies to (i) 70% of the proceeds of sales made on or after January 1, 1990, and before July 1, 2003, (ii) 80% of the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2018, and (iii) 100% of the proceeds of sales made thereafter. If, at any time, however, the tax under this Act on sales of gasohol is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of gasohol made during that time.

With respect to majority blended ethanol fuel, the tax imposed by this Act does not apply to the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2018 but applies to 100% of the proceeds of sales made thereafter.

With respect to biodiesel blends with no less than 1% and no more than 10% biodiesel, the tax imposed by this Act applies to (i) 80% of the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2018 and (ii) 100% of the proceeds of sales made thereafter. If, at any time, however, the tax under this Act on sales of biodiesel blends with no less than 1% and no more than 10% biodiesel is imposed at the

rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of biodiesel blends with no less than 1% and no more than 10% biodiesel made during that time.

With respect to 100% biodiesel and biodiesel blends with more than 10% but no more than 99% biodiesel, the tax imposed by this Act does not apply to the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2018 but applies to 100% of the proceeds of sales made thereafter.

With respect to food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, the tax is imposed at the rate of 1%. For the purposes of this Section, until September 1, 2009: the term "soft drinks" means any complete, finished, ready-to-use, non-alcoholic drink, whether carbonated or not, including but not limited to soda water, cola, fruit juice, vegetable juice, carbonated water, and all other preparations commonly known as soft drinks of whatever kind or description that are contained in any closed or sealed bottle, can, carton, or container, regardless of size; but "soft drinks" does not include coffee, tea, non-carbonated water, infant formula, milk or milk products as

defined in the Grade A Pasteurized Milk and Milk Products Act, or drinks containing 50% or more natural fruit or vegetable juice.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "soft drinks" means non-alcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" do not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than 50% of vegetable or fruit juice by volume.

Until August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine. Beginning August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks, candy, and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "food for human consumption that is to be consumed off the premises where it is sold" does not include candy. For purposes of this Section, "candy" means a preparation of sugar, honey, or other natural or artificial

sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" does not include any preparation that contains flour or requires refrigeration.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "nonprescription medicines and drugs" does not include grooming and hygiene products. For purposes of this Section, "grooming and hygiene products" includes, but is not limited to, soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and sun tan lotions and screens, unless those products are available by prescription only, regardless of whether the products meet the definition of "over-the-counter-drugs". For the purposes of this paragraph, "over-the-counter-drug" means a drug for human use that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The "over-the-counter-drug" label includes:

(A) A "Drug Facts" panel; or

(B) A statement of the "active ingredient(s)" with a list of those ingredients contained in the compound, substance or preparation.

Beginning on the effective date of this amendatory Act of the 98th General Assembly, "prescription and nonprescription medicines and drugs" includes medical cannabis purchased from a registered dispensing organization under the Compassionate Use of Medical Cannabis Pilot Program Act.

If the property that is purchased at retail from a retailer is acquired outside Illinois and used outside Illinois before being brought to Illinois for use here and is taxable under this Act, the "selling price" on which the tax is computed shall be reduced by an amount that represents a reasonable allowance for depreciation for the period of prior out-of-state use.

(Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38, eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1012, eff. 7-7-10; 97-636, eff. 6-1-12.)

Section 920. The Service Use Tax Act is amended by changing Section 3-10 as follows:

(35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

Sec. 3-10. Rate of tax. Unless otherwise provided in this Section, the tax imposed by this Act is at the rate of 6.25% of the selling price of tangible personal property transferred as an incident to the sale of service, but, for the purpose of computing this tax, in no event shall the selling price be less than the cost price of the property to the serviceman.

Beginning on July 1, 2000 and through December 31, 2000, with respect to motor fuel, as defined in Section 1.1 of the Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of the Use Tax Act, the tax is imposed at the rate of 1.25%.

With respect to gasohol, as defined in the Use Tax Act, the

tax imposed by this Act applies to (i) 70% of the selling price of property transferred as an incident to the sale of service on or after January 1, 1990, and before July 1, 2003, (ii) 80% of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018, and (iii) 100% of the selling price thereafter. If, at any time, however, the tax under this Act on sales of gasohol, as defined in the Use Tax Act, is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of gasohol made during that time.

With respect to majority blended ethanol fuel, as defined in the Use Tax Act, the tax imposed by this Act does not apply to the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 but applies to 100% of the selling price thereafter.

With respect to biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel, the tax imposed by this Act applies to (i) 80% of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 and (ii) 100% of the proceeds of the selling price thereafter. If, at any time, however, the tax under this Act on sales of biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of

the proceeds of sales of biodiesel blends with no less than 1% and no more than 10% biodiesel made during that time.

With respect to 100% biodiesel, as defined in the Use Tax Act, and biodiesel blends, as defined in the Use Tax Act, with more than 10% but no more than 99% biodiesel, the tax imposed by this Act does not apply to the proceeds of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 but applies to 100% of the selling price thereafter.

At the election of any registered serviceman made for each fiscal year, sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35%, or 75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production, of the aggregate annual total gross receipts from all sales of service, the tax imposed by this Act shall be based on the serviceman's cost price of the tangible personal property transferred as an incident to the sale of those services.

The tax shall be imposed at the rate of 1% on food prepared for immediate consumption and transferred incident to a sale of service subject to this Act or the Service Occupation Tax Act by an entity licensed under the Hospital Licensing Act, the Nursing Home Care Act, the ID/DD Community Care Act, the Specialized Mental Health Rehabilitation Act, or the Child Care Act of 1969. The tax shall also be imposed at the rate of 1% on

food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption and is not otherwise included in this paragraph) and prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use. For the purposes of this Section, until September 1, 2009: the term "soft drinks" means any complete, finished, ready-to-use, non-alcoholic drink, whether carbonated or not, including but not limited to soda water, cola, fruit juice, vegetable juice, carbonated water, and all other preparations commonly known as soft drinks of whatever kind or description that are contained in any closed or sealed bottle, can, carton, or container, regardless of size; but "soft drinks" does not include coffee, tea, non-carbonated water, infant formula, milk or milk products as defined in the Grade A Pasteurized Milk and Milk Products Act, or drinks containing 50% or more natural fruit or vegetable juice.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "soft drinks" means non-alcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" do not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than 50% of vegetable or fruit juice by volume.

Until August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine. Beginning August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks, candy, and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "food for human consumption that is to be consumed off the premises where it is sold" does not include candy. For purposes of this Section, "candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" does not include any preparation that contains flour or requires refrigeration.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "nonprescription medicines and drugs" does not include grooming and hygiene products. For purposes of this Section, "grooming and hygiene products" includes, but is not limited to, soaps and cleaning solutions,

shampoo, toothpaste, mouthwash, antiperspirants, and sun tan lotions and screens, unless those products are available by prescription only, regardless of whether the products meet the definition of "over-the-counter-drugs". For the purposes of this paragraph, "over-the-counter-drug" means a drug for human use that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The "over-the-counter-drug" label includes:

(A) A "Drug Facts" panel; or

(B) A statement of the "active ingredient(s)" with a list of those ingredients contained in the compound, substance or preparation.

Beginning on the effective date of this amendatory Act of the 98th General Assembly, "prescription and nonprescription medicines and drugs" includes medical cannabis purchased from a registered dispensing organization under the Compassionate Use of Medical Cannabis Pilot Program Act.

If the property that is acquired from a serviceman is acquired outside Illinois and used outside Illinois before being brought to Illinois for use here and is taxable under this Act, the "selling price" on which the tax is computed shall be reduced by an amount that represents a reasonable allowance for depreciation for the period of prior out-of-state use.

(Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38, eff. 7-13-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10; 97-38,

eff. 6-28-11; 97-227, eff. 1-1-12; 97-636, eff. 6-1-12.)

Section 925. The Service Occupation Tax Act is amended by changing Section 3-10 as follows:

(35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

Sec. 3-10. Rate of tax. Unless otherwise provided in this Section, the tax imposed by this Act is at the rate of 6.25% of the "selling price", as defined in Section 2 of the Service Use Tax Act, of the tangible personal property. For the purpose of computing this tax, in no event shall the "selling price" be less than the cost price to the serviceman of the tangible personal property transferred. The selling price of each item of tangible personal property transferred as an incident of a sale of service may be shown as a distinct and separate item on the serviceman's billing to the service customer. If the selling price is not so shown, the selling price of the tangible personal property is deemed to be 50% of the serviceman's entire billing to the service customer. When, however, a serviceman contracts to design, develop, and produce special order machinery or equipment, the tax imposed by this Act shall be based on the serviceman's cost price of the tangible personal property transferred incident to the completion of the contract.

Beginning on July 1, 2000 and through December 31, 2000, with respect to motor fuel, as defined in Section 1.1 of the

Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of the Use Tax Act, the tax is imposed at the rate of 1.25%.

With respect to gasohol, as defined in the Use Tax Act, the tax imposed by this Act shall apply to (i) 70% of the cost price of property transferred as an incident to the sale of service on or after January 1, 1990, and before July 1, 2003, (ii) 80% of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018, and (iii) 100% of the cost price thereafter. If, at any time, however, the tax under this Act on sales of gasohol, as defined in the Use Tax Act, is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of gasohol made during that time.

With respect to majority blended ethanol fuel, as defined in the Use Tax Act, the tax imposed by this Act does not apply to the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 but applies to 100% of the selling price thereafter.

With respect to biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel, the tax imposed by this Act applies to (i) 80% of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 and (ii) 100% of the proceeds of the selling price thereafter. If, at any time, however, the tax under this Act on sales of

biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of biodiesel blends with no less than 1% and no more than 10% biodiesel made during that time.

With respect to 100% biodiesel, as defined in the Use Tax Act, and biodiesel blends, as defined in the Use Tax Act, with more than 10% but no more than 99% biodiesel material, the tax imposed by this Act does not apply to the proceeds of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 but applies to 100% of the selling price thereafter.

At the election of any registered serviceman made for each fiscal year, sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35%, or 75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production, of the aggregate annual total gross receipts from all sales of service, the tax imposed by this Act shall be based on the serviceman's cost price of the tangible personal property transferred incident to the sale of those services.

The tax shall be imposed at the rate of 1% on food prepared for immediate consumption and transferred incident to a sale of service subject to this Act or the Service Occupation Tax Act

by an entity licensed under the Hospital Licensing Act, the Nursing Home Care Act, the ID/DD Community Care Act, the Specialized Mental Health Rehabilitation Act, or the Child Care Act of 1969. The tax shall also be imposed at the rate of 1% on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption and is not otherwise included in this paragraph) and prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use. For the purposes of this Section, until September 1, 2009: the term "soft drinks" means any complete, finished, ready-to-use, non-alcoholic drink, whether carbonated or not, including but not limited to soda water, cola, fruit juice, vegetable juice, carbonated water, and all other preparations commonly known as soft drinks of whatever kind or description that are contained in any closed or sealed can, carton, or container, regardless of size; but "soft drinks" does not include coffee, tea, non-carbonated water, infant formula, milk or milk products as defined in the Grade A Pasteurized Milk and Milk Products Act, or drinks containing 50% or more natural fruit or vegetable juice.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "soft drinks" means non-alcoholic

beverages that contain natural or artificial sweeteners. "Soft drinks" do not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than 50% of vegetable or fruit juice by volume.

Until August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine. Beginning August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks, candy, and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "food for human consumption that is to be consumed off the premises where it is sold" does not include candy. For purposes of this Section, "candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" does not include any preparation that contains flour or requires refrigeration.

Notwithstanding any other provisions of this Act,

beginning September 1, 2009, "nonprescription medicines and drugs" does not include grooming and hygiene products. For purposes of this Section, "grooming and hygiene products" includes, but is not limited to, soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and sun tan lotions and screens, unless those products are available by prescription only, regardless of whether the products meet the definition of "over-the-counter-drugs". For the purposes of this paragraph, "over-the-counter-drug" means a drug for human use that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The "over-the-counter-drug" label includes:

(A) A "Drug Facts" panel; or

(B) A statement of the "active ingredient(s)" with a list of those ingredients contained in the compound, substance or preparation.

Beginning on the effective date of this amendatory Act of the 98th General Assembly, "prescription and nonprescription medicines and drugs" includes medical cannabis purchased from a registered dispensing organization under the Compassionate Use of Medical Cannabis Pilot Program Act.

(Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38, eff. 7-13-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-636, eff. 6-1-12.)

Section 930. The Retailers' Occupation Tax Act is amended

by changing Section 2-10 as follows:

(35 ILCS 120/2-10)

Sec. 2-10. Rate of tax. Unless otherwise provided in this Section, the tax imposed by this Act is at the rate of 6.25% of gross receipts from sales of tangible personal property made in the course of business.

Beginning on July 1, 2000 and through December 31, 2000, with respect to motor fuel, as defined in Section 1.1 of the Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of the Use Tax Act, the tax is imposed at the rate of 1.25%.

Beginning on August 6, 2010 through August 15, 2010, with respect to sales tax holiday items as defined in Section 2-8 of this Act, the tax is imposed at the rate of 1.25%.

Within 14 days after the effective date of this amendatory Act of the 91st General Assembly, each retailer of motor fuel and gasohol shall cause the following notice to be posted in a prominently visible place on each retail dispensing device that is used to dispense motor fuel or gasohol in the State of Illinois: "As of July 1, 2000, the State of Illinois has eliminated the State's share of sales tax on motor fuel and gasohol through December 31, 2000. The price on this pump should reflect the elimination of the tax." The notice shall be printed in bold print on a sign that is no smaller than 4 inches by 8 inches. The sign shall be clearly visible to customers. Any retailer who fails to post or maintain a

required sign through December 31, 2000 is guilty of a petty offense for which the fine shall be \$500 per day per each retail premises where a violation occurs.

With respect to gasohol, as defined in the Use Tax Act, the tax imposed by this Act applies to (i) 70% of the proceeds of sales made on or after January 1, 1990, and before July 1, 2003, (ii) 80% of the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2018, and (iii) 100% of the proceeds of sales made thereafter. If, at any time, however, the tax under this Act on sales of gasohol, as defined in the Use Tax Act, is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of gasohol made during that time.

With respect to majority blended ethanol fuel, as defined in the Use Tax Act, the tax imposed by this Act does not apply to the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2018 but applies to 100% of the proceeds of sales made thereafter.

With respect to biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel, the tax imposed by this Act applies to (i) 80% of the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2018 and (ii) 100% of the proceeds of sales made thereafter. If, at any time, however, the tax under this Act on sales of biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel is imposed at

the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of biodiesel blends with no less than 1% and no more than 10% biodiesel made during that time.

With respect to 100% biodiesel, as defined in the Use Tax Act, and biodiesel blends, as defined in the Use Tax Act, with more than 10% but no more than 99% biodiesel, the tax imposed by this Act does not apply to the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2018 but applies to 100% of the proceeds of sales made thereafter.

With respect to food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, the tax is imposed at the rate of 1%. For the purposes of this Section, until September 1, 2009: the term "soft drinks" means any complete, finished, ready-to-use, non-alcoholic drink, whether carbonated or not, including but not limited to soda water, cola, fruit juice, vegetable juice, carbonated water, and all other preparations commonly known as soft drinks of whatever kind or description that are contained in any closed or sealed bottle, can, carton, or container, regardless of size; but "soft drinks" does not include coffee, tea,

non-carbonated water, infant formula, milk or milk products as defined in the Grade A Pasteurized Milk and Milk Products Act, or drinks containing 50% or more natural fruit or vegetable juice.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "soft drinks" means non-alcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" do not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than 50% of vegetable or fruit juice by volume.

Until August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine. Beginning August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks, candy, and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "food for human consumption that is to be consumed off the premises where it is sold" does not include candy. For purposes of this Section, "candy" means a

preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" does not include any preparation that contains flour or requires refrigeration.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "nonprescription medicines and drugs" does not include grooming and hygiene products. For purposes of this Section, "grooming and hygiene products" includes, but is not limited to, soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and sun tan lotions and screens, unless those products are available by prescription only, regardless of whether the products meet the definition of "over-the-counter-drugs". For the purposes of this paragraph, "over-the-counter-drug" means a drug for human use that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The "over-the-counter-drug" label includes:

(A) A "Drug Facts" panel; or

(B) A statement of the "active ingredient(s)" with a list of those ingredients contained in the compound, substance or preparation.

Beginning on the effective date of this amendatory Act of the 98th General Assembly, "prescription and nonprescription medicines and drugs" includes medical cannabis purchased from a registered dispensing organization under the Compassionate Use

of Medical Cannabis Pilot Program Act.

(Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38, eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1012, eff. 7-7-10; 97-636, eff. 6-1-12.)

Section 935. The Illinois Vehicle Code is amended by changing Sections 2-118.1, 6-206, 6-206.1, 6-208.1, 6-514, 11-501, 11-501.1, and 11-501.2 and by adding Section 11-502.1 as follows:

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

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

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

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

statutory summary suspension or revocation rescinded. Within 30 days after receipt of the written request or the first appearance date on the Uniform Traffic Ticket issued pursuant to a violation of Section 11-501, or a similar provision of a local ordinance, the hearing shall be conducted by the circuit court having jurisdiction. This judicial hearing, request, or process shall not stay or delay the statutory summary suspension or revocation. The hearings shall proceed in the court in the same manner as in other civil proceedings.

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

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

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

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

and

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

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

4.2. If the person is a qualifying patient licensed under the Compassionate Use of Medical Cannabis Pilot Program Act who is in possession of a valid registry card issued under that Act, after being advised by the officer

that the privilege to operate a motor vehicle would be suspended or revoked if the person refused to submit to and complete the test or tests, did refuse to submit to or complete the test or tests authorized under Section 11-501.1.

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

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

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

(Source: P.A. 95-355, eff. 1-1-08; 96-1344, eff. 7-1-11.)

(625 ILCS 5/6-206)

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;

2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in injury requiring immediate professional treatment in a medical

facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;

5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;

6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;

7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;

8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;

9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;

10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;

11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a monitoring device driving permit, judicial driving permit issued prior to January 1, 2009, probationary license to drive, or a restricted driving permit issued under this Code;

12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;

15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a peace officer;

17. Has refused to submit to a test, or tests, as

required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of \$1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the

United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted for a first time of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act, in which case the person's driving privileges shall be suspended for one year. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report

the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute, promoting juvenile prostitution as described in subdivision (a)(1), (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code of 1961 or the Criminal Code of 2012, and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, an intoxicating compound as listed in the Use of Intoxicating Compounds

Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

34. Has committed a violation of Section 11-1301.5 of this Code or a similar provision of a local ordinance;

35. Has committed a violation of Section 11-1301.6 of this Code or a similar provision of a local ordinance;

36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

37. Has committed a violation of subsection (c) of Section 11-907 of this Code that resulted in damage to the property of another or the death or injury of another;

38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance;

39. Has committed a second or subsequent violation of Section 11-1201 of this Code;

40. Has committed a violation of subsection (a-1) of Section 11-908 of this Code;

41. Has committed a second or subsequent violation of Section 11-605.1 of this Code, a similar provision of a local ordinance, or a similar violation in any other state within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days;

42. Has committed a violation of subsection (a-1) of Section 11-1301.3 of this Code or a similar provision of a local ordinance;

43. Has received a disposition of court supervision for a violation of subsection (a), (d), or (e) of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance, in which case the suspension shall be for a period of 3 months;

44. Is under the age of 21 years at the time of arrest and has been convicted of an offense against traffic regulations governing the movement of vehicles after having previously had his or her driving privileges suspended or revoked pursuant to subparagraph 36 of this Section;

45. Has, in connection with or during the course of a formal hearing conducted under Section 2-118 of this Code: (i) committed perjury; (ii) submitted fraudulent or falsified documents; (iii) submitted documents that have been materially altered; or (iv) submitted, as his or her own, documents that were in fact prepared or composed for another person; ~~or~~

46. Has committed a violation of subsection (j) of Section 3-413 of this Code; or ~~or~~

47. Has committed a violation of Section 11-502.1 of this Code.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6

month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a

permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to possess a CDL for the purpose of operating a commercial motor vehicle.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship (as defined by the rules of the Secretary of State), issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of

employment or within the scope of the petitioner's employment related duties, or to allow the petitioner to transport himself or herself, or a family member of the petitioner's household to a medical facility, to receive necessary medical care, to allow the petitioner to transport himself or herself to and from alcohol or drug remedial or rehabilitative activity recommended by a licensed service provider, or to allow the petitioner to transport himself or herself or a family member of the petitioner's household to classes, as a student, at an accredited educational institution, or to allow the petitioner to transport children, elderly persons, or disabled persons who do not hold driving privileges and are living in the petitioner's household to and from daycare. The petitioner must demonstrate that no alternative means of transportation is reasonably available and that the petitioner will not endanger the public safety or welfare. Those multiple offenders identified in subdivision (b)4 of Section 6-208 of this Code, however, shall not be eligible for the issuance of a restricted driving permit.

(A) If a person's license or permit is revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or

other drugs is recited as an element of the offense, or a similar out-of-state offense, or a combination of these offenses, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(B) If a person's license or permit is revoked or suspended 2 or more times within a 10 year period due to any combination of:

(i) a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense; or

(ii) a statutory summary suspension or revocation under Section 11-501.1; or

(iii) a suspension under Section 6-203.1; arising out of separate occurrences; that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(C) The person issued a permit conditioned upon the use of an ignition interlock device must pay to the

Secretary of State DUI Administration Fund an amount not to exceed \$30 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.

(D) If the restricted driving permit is issued for employment purposes, then the prohibition against operating a motor vehicle that is not equipped with an ignition interlock device does not apply to the operation of an occupational vehicle owned or leased by that person's employer when used solely for employment purposes.

(E) In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance or any similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or any similar out-of-state offense, or any combination of those offenses, until the expiration of at least one year from the date of the

revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(c-3) In the case of a suspension under paragraph 43 of subsection (a), reports received by the Secretary of State under this Section shall, except during the actual time the suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities, the driver licensing administrator of any other state, the Secretary of State, or the parent or legal guardian of a driver under the age of 18. However, beginning January 1, 2008, if the person is a CDL holder, the suspension shall also be made available to the driver licensing administrator of any other

state, the U.S. Department of Transportation, and the affected driver or motor carrier or prospective motor carrier upon request.

(c-4) In the case of a suspension under paragraph 43 of subsection (a), the Secretary of State shall notify the person by mail that his or her driving privileges and driver's license will be suspended one month after the date of the mailing of the notice.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 21 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.

(f) In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been suspended, revoked, cancelled, or disqualified under any provisions of this Code.

(Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09; 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff. 7-1-11; 96-1551, eff. 7-1-11; 97-229, eff. 7-28-11; 97-333, eff. 8-12-11; 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

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

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

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

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

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

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

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

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

(5) The offender is a qualifying patient licensed under

the Compassionate Use of Medical Cannabis Pilot Program Act who is in possession of a valid registry card issued under that Act and refused to submit to standardized field sobriety tests as required by subsection (a-5) of Section 11-501.1 or did submit to testing and failed the test or tests.

Any offender participating in the MDDP program must pay the Secretary a MDDP Administration Fee in an amount not to exceed \$30 per month, to be deposited into the Monitoring Device Driving Permit Administration Fee Fund. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. The offender must have an ignition interlock device installed within 14 days of the date the Secretary issues the MDDP. The ignition interlock device provider must notify the Secretary, in a manner and form prescribed by the Secretary, of the installation. If the Secretary does not receive notice of installation, the Secretary shall cancel the MDDP.

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

Upon receipt of the notice, as provided in paragraph (a) of this Section, the person may file a petition to decline issuance of the MDDP with the court of venue. The court shall admonish the offender of all consequences of declining issuance of the MDDP including, but not limited to, the enhanced penalties for driving while suspended. After being so

admonished, the offender shall be permitted, in writing, to execute a notice declining issuance of the MDDP. This notice shall be filed with the court and forwarded by the clerk of the court to the Secretary. The offender may, at any time thereafter, apply to the Secretary for issuance of a MDDP.

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

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

a family member of the person holding the MDDP. No person may use this exemption to drive an employer-owned vehicle that is made available to the employee for personal use. No person may drive the exempted vehicle more than 12 hours per day, 6 days per week.

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

(b) (Blank).

(c) (Blank).

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

(c-5) If the Secretary determines that the person seeking the MDDP is indigent, the Secretary shall provide the person with a written document as evidence of that determination, and the person shall provide that written document to an ignition

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

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

(e) (Blank).

(f) (Blank).

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

(h) The rules adopted under subsection (g) shall provide,

at a minimum, that the person is not in compliance with the requirements of the MDDP if he or she:

(1) tampers or attempts to tamper with or circumvent the proper operation of the ignition interlock device;

(2) provides valid breath samples that register blood alcohol levels in excess of the number of times allowed under the rules;

(3) fails to provide evidence sufficient to satisfy the Secretary that the ignition interlock device has been installed in the designated vehicle or vehicles; or

(4) fails to follow any other applicable rules adopted by the Secretary.

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

(j) Upon making a determination that a violation of the requirements of the MDDP has occurred, the Secretary shall extend the summary suspension period for an additional 3 months beyond the originally imposed summary suspension period, during which time the person shall only be allowed to drive vehicles equipped with an ignition interlock device; provided

further there are no limitations on the total number of times the summary suspension may be extended. The Secretary may, however, limit the number of extensions imposed for violations occurring during any one monitoring period, as set forth by rule. Any person whose summary suspension is extended pursuant to this Section shall have the right to contest the extension through a hearing with the Secretary, pursuant to Section 2-118 of this Code. If the summary suspension has already terminated prior to the Secretary receiving the monitoring report that shows a violation, the Secretary shall be authorized to suspend the person's driving privileges for 3 months, provided that the Secretary may, by rule, limit the number of suspensions to be entered pursuant to this paragraph for violations occurring during any one monitoring period. Any person whose license is suspended pursuant to this paragraph, after the summary suspension had already terminated, shall have the right to contest the suspension through a hearing with the Secretary, pursuant to Section 2-118 of this Code. The only permit the person shall be eligible for during this new suspension period is a MDDP.

(k) A person who has had his or her summary suspension extended for the third time, or has any combination of 3 extensions and new suspensions, entered as a result of a violation that occurred while holding the MDDP, so long as the extensions and new suspensions relate to the same summary suspension, shall have his or her vehicle impounded for a

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

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

restricted driving permit is granted, the offender may only operate vehicles equipped with a BAIID in accordance with this Section.

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

(n) Any person or entity that supplies an ignition interlock device under this Section that is requested to provide an ignition interlock device to a person who presents written documentation of indigency from the Secretary, as provided in subsection (c-5) of this Section, shall install the device on the person's vehicle without charge to the person and shall seek reimbursement from the Indigent BAIID Fund.

(o) The Indigent BAIID Fund is created as a special fund in the State treasury. The Secretary shall, subject to appropriation by the General Assembly, use all money in the Indigent BAIID Fund to reimburse ignition interlock device providers who have installed devices in vehicles of indigent persons. The Secretary shall make payments to such providers

every 3 months. If the amount of money in the fund at the time payments are made is not sufficient to pay all requests for reimbursement submitted during that 3 month period, the Secretary shall make payments on a pro-rata basis, and those payments shall be considered payment in full for the requests submitted.

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

(q) The Secretary is authorized to prescribe such forms as it deems necessary to carry out the provisions of this Section. (Source: P.A. 96-184, eff. 8-10-09; 96-1526, eff. 2-14-11; 97-229; 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13.)

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

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

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

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

1. Twelve months from the effective date of the

statutory summary suspension for a refusal or failure to complete a test or tests authorized under ~~to determine the alcohol, drug, or intoxicating compound concentration, pursuant to~~ Section 11-501.1; or

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

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

4. One year from the effective date of the summary suspension imposed for any person other than a first offender following submission to a chemical test which disclosed an alcohol concentration of 0.08 or more pursuant to Section 11-501.1 or any amount of a drug, substance or

compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act; or-

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

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

(c) Driving privileges may not be restored until all applicable reinstatement fees, as provided by this Code, have

been paid to the Secretary of State and the appropriate entry made to the driver's record.

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

(e) (Blank).

(f) (Blank).

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

(h) (Blank).

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

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

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

(a) Unless the statutory summary suspension has been rescinded, any person whose privilege to drive a motor vehicle on the public highways has been summarily suspended, pursuant

to Section 11-501.1, shall not be eligible for restoration of the privilege until the expiration of:

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

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

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

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

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

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

(b) Following a statutory summary suspension of the

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

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

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

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

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

(f) (Blank).

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

(h) (Blank).

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

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

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

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

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

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

(3) Conviction for a first violation of:

(i) Driving a commercial motor vehicle or, if the driver is a CDL holder, driving a non-CMV while under the influence of alcohol, or any other drug, or

combination of drugs to a degree which renders such person incapable of safely driving; or

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

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

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

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

As used in this subdivision (a)(3)(v), "motor vehicle manslaughter" means the offense of involuntary manslaughter if committed by means of a vehicle; "homicide by a motor vehicle" means the offense of first degree murder or second degree murder, if either offense is committed by means of a vehicle; and "negligent homicide" means reckless homicide under Section 9-3 of the Criminal Code of 1961 or the

Criminal Code of 2012 and aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof under subdivision (d)(1)(F) of Section 11-501 of this Code.

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

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

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

(c) A person is disqualified from driving a commercial motor vehicle for life if the person either (i) uses a commercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to

manufacture, distribute or dispense a controlled substance or (ii) if the person is a CDL holder, uses a non-CMV in the commission of a felony involving any of those activities.

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

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

in a non-CMV would result in the suspension or revocation of the CDL holder's non-CMV privileges. If all the convictions occurred in a non-CMV, the disqualification shall be entered only if the convictions would result in the suspension or revocation of the CDL holder's non-CMV privileges.

(e-1) (Blank).

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

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

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

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

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

of this Code.

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

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

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

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

(6) For 5 years upon a third or subsequent conviction of paragraph (3) of subsection (b) or subsection (b-5) or

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

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

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

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

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

(iii) For drivers who are always required to stop, failing to stop before driving onto the crossing, as

described in Section 11-1202 of this Code;

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

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

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

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

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

(ii) Second violation. A driver must be disqualified from operating a commercial motor vehicle for not less than 120 days if the driver is convicted of a violation described in paragraph (1) of this

subsection (j) and, in the three-year period preceding the conviction, the driver had one other conviction for a violation described in paragraph (1) of this subsection (j) that was committed in a separate incident.

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

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

(Source: P.A. 96-544, eff. 1-1-10; 96-1080, eff. 7-16-10; 96-1244, eff. 1-1-11; 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13.)

(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act. Subject to all other

requirements and provisions under this Section, this paragraph (6) does not apply to the lawful consumption of cannabis by a qualifying patient licensed under the Compassionate Use of Medical Cannabis Pilot Program Act who is in possession of a valid registry card issued under that Act, unless that person is impaired by the use of cannabis.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, cannabis under the Compassionate Use of Medical Cannabis Pilot Program Act, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(c) Penalties.

(1) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(2) A person who violates subsection (a) or a similar provision a second time shall be sentenced to a mandatory minimum term of either 5 days of imprisonment or 240 hours of community service in addition to any other criminal or administrative sanction.

(3) A person who violates subsection (a) is subject to 6 months of imprisonment, an additional mandatory minimum fine of \$1,000, and 25 days of community service in a program benefiting children if the person was transporting a person under the age of 16 at the time of the violation.

(4) A person who violates subsection (a) a first time, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of \$500.

(5) A person who violates subsection (a) a second time, if at the time of the second violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of \$1,250.

(d) Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof.

(1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement,

to another person, when the violation of subsection (a) was a proximate cause of the bodily harm;

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death;

(G) the person committed a violation of subsection (a) during a period in which the defendant's driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a) or a similar provision, Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012;

(H) the person committed the violation while he or she did not possess a driver's license or permit or a restricted driving permit or a judicial driving permit or a monitoring device driving permit;

(I) the person committed the violation while he or she knew or should have known that the vehicle he or she was driving was not covered by a liability insurance policy;

(J) the person in committing a violation of subsection (a) was involved in a motor vehicle accident

that resulted in bodily harm, but not great bodily harm, to the child under the age of 16 being transported by the person, if the violation was the proximate cause of the injury; or

(K) the person in committing a second violation of subsection (a) or a similar provision was transporting a person under the age of 16.

(2) (A) Except as provided otherwise, a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony.

(B) A third violation of this Section or a similar provision is a Class 2 felony. If at the time of the third violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of \$2,500 shall be imposed in addition to any other criminal or administrative sanction. If at the time of the third violation, the defendant was transporting a person under the age of 16, a mandatory fine of \$25,000 and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

(C) A fourth violation of this Section or a similar

provision is a Class 2 felony, for which a sentence of probation or conditional discharge may not be imposed. If at the time of the violation, the alcohol concentration in the defendant's blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, a mandatory minimum fine of \$5,000 shall be imposed in addition to any other criminal or administrative sanction. If at the time of the fourth violation, the defendant was transporting a person under the age of 16 a mandatory fine of \$25,000 and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

(D) A fifth violation of this Section or a similar provision is a Class 1 felony, for which a sentence of probation or conditional discharge may not be imposed. If at the time of the violation, the alcohol concentration in the defendant's blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, a mandatory minimum fine of \$5,000 shall be imposed in addition to any other criminal or administrative sanction. If at the time of the fifth violation, the defendant was transporting a person under the age of 16, a mandatory fine of \$25,000, and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative

sanction.

(E) A sixth or subsequent violation of this Section or similar provision is a Class X felony. If at the time of the violation, the alcohol concentration in the defendant's blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, a mandatory minimum fine of \$5,000 shall be imposed in addition to any other criminal or administrative sanction. If at the time of the violation, the defendant was transporting a person under the age of 16, a mandatory fine of \$25,000 and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

(F) For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years.

(G) A violation of subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, unless the court determines that extraordinary circumstances exist and require probation, shall be sentenced to: (i) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (ii) a term of imprisonment of not less than 6 years and not more than 28 years if the

violation resulted in the deaths of 2 or more persons.

(H) For a violation of subparagraph (J) of paragraph (1) of this subsection (d), a mandatory fine of \$2,500, and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

(I) A violation of subparagraph (K) of paragraph (1) of this subsection (d), is a Class 2 felony and a mandatory fine of \$2,500, and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction. If the child being transported suffered bodily harm, but not great bodily harm, in a motor vehicle accident, and the violation was the proximate cause of that injury, a mandatory fine of \$5,000 and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

(J) A violation of subparagraph (D) of paragraph (1) of this subsection (d) is a Class 3 felony, for which a sentence of probation or conditional discharge may not be imposed.

(3) Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge in addition to any other

criminal or administrative sanction.

(e) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state or an offense committed on a military installation that is similar to a violation of subsection (a) of this Section.

(f) The imposition of a mandatory term of imprisonment or assignment of community service for a violation of this Section shall not be suspended or reduced by the court.

(g) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(h) For any prosecution under this Section, a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

(Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

(625 ILCS 5/11-501.1)

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

(a) Any person who drives or is in actual physical control of a motor vehicle upon the public highways of this State shall be deemed to have given consent, subject to the provisions of

Section 11-501.2, to a chemical test or tests of blood, breath, or urine for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds or any combination thereof in the person's blood if arrested, as evidenced by the issuance of a Uniform Traffic Ticket, for any offense as defined in Section 11-501 or a similar provision of a local ordinance, or if arrested for violating Section 11-401. If a law enforcement officer has probable cause to believe the person was under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, the law enforcement officer shall request a chemical test or tests which shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. A urine test may be administered even after a blood or breath test or both has been administered. For purposes of this Section, an Illinois law enforcement officer of this State who is investigating the person for any offense defined in Section 11-501 may travel into an adjoining state, where the person has been transported for medical care, to complete an investigation and to request that the person submit to the test or tests set forth in this Section. The requirements of this Section that the person be arrested are inapplicable, but the officer shall issue the person a Uniform Traffic Ticket for an offense as defined in Section 11-501 or a similar provision of a local ordinance prior to requesting that

the person submit to the test or tests. The issuance of the Uniform Traffic Ticket shall not constitute an arrest, but shall be for the purpose of notifying the person that he or she is subject to the provisions of this Section and of the officer's belief of the existence of probable cause to arrest. Upon returning to this State, the officer shall file the Uniform Traffic Ticket with the Circuit Clerk of the county where the offense was committed, and shall seek the issuance of an arrest warrant or a summons for the person.

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

listed on the standardized field sobriety test results and any influence reports made by the arresting officer.

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

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

or tests provided in paragraph (a) of this Section and the alcohol concentration in the person's blood or breath is 0.08 or greater, or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act is detected in the person's blood or urine, or if the person fails the standardized field sobriety tests as required by paragraph (a-5), a statutory summary suspension of the person's privilege to operate a motor vehicle, as provided in Sections 6-208.1 and 11-501.1 of this Code, and a disqualification of the person's privilege to operate a commercial motor vehicle, as provided in Section 6-514 of this Code, if the person is a CDL holder, will be imposed.

A person who is under the age of 21 at the time the person is requested to submit to a test as provided above shall, in addition to the warnings provided for in this Section, be further warned by the law enforcement officer requesting the test that if the person submits to the test or tests provided in paragraph (a) or (a-5) of this Section and the alcohol concentration in the person's blood or breath is greater than 0.00 and less than 0.08, a suspension of the person's privilege to operate a motor vehicle, as provided under Sections 6-208.2

and 11-501.8 of this Code, will be imposed. The results of this test shall be admissible in a civil or criminal action or proceeding arising from an arrest for an offense as defined in Section 11-501 of this Code or a similar provision of a local ordinance or pursuant to Section 11-501.4 in prosecutions for reckless homicide brought under the Criminal Code of 1961 or the Criminal Code of 2012. These test results, however, shall be admissible only in actions or proceedings directly related to the incident upon which the test request was made.

(d) If the person refuses testing or submits to a test that discloses an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer shall immediately submit a sworn report to the circuit court of venue and the Secretary of State, certifying that the test or tests was or were requested under paragraph (a) or (a-5) and the person refused to submit to a test, or tests, or submitted to testing that disclosed an alcohol concentration of 0.08 or more. A sworn report indicating refusal or failure of testing under paragraph (a-5) of this Section shall include the factual basis of the

arresting officer's reasonable suspicion that the person was under the influence of cannabis. The person's possession of a valid registry card under the Compassionate Use of Medical Cannabis Pilot Program Act alone is not sufficient basis for reasonable suspicion.

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

If the person is a first offender as defined in Section 11-500 of this Code, and is not convicted of a violation of Section 11-501 of this Code or a similar provision of a local ordinance, then reports received by the Secretary of State under this Section shall, except during the actual time the Statutory Summary Suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities or the Secretary of State, unless the person is a CDL holder, is operating a commercial motor vehicle or vehicle required to be placarded for hazardous materials, in which case the suspension shall not be privileged. Reports received by the Secretary of State under this Section shall also be made available to the parent or guardian of a person under the age of 18 years that holds an instruction permit or a graduated driver's license, regardless of whether the

statutory summary suspension is in effect. A statutory summary revocation shall not be privileged information.

(f) The law enforcement officer submitting the sworn report under paragraph (d) shall serve immediate notice of the statutory summary suspension or revocation on the person and the suspension or revocation and disqualification shall be effective as provided in paragraph (g).

(1) In cases where the blood alcohol concentration of 0.08 or greater or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act is established by a subsequent analysis of blood or urine collected at the time of arrest, the arresting officer or arresting agency shall give notice as provided in this Section or by deposit in the United States mail of the notice in an envelope with postage prepaid and addressed to the person at his address as shown on the Uniform Traffic Ticket and the statutory summary suspension and disqualification shall begin as provided in paragraph (g). The officer shall confiscate any Illinois driver's license or permit on the person at the time of arrest. If the person has a valid driver's license or

permit, the officer shall issue the person a receipt, in a form prescribed by the Secretary of State, that will allow that person to drive during the periods provided for in paragraph (g). The officer shall immediately forward the driver's license or permit to the circuit court of venue along with the sworn report provided for in paragraph (d).

(2) In cases indicating refusal or failure of testing under paragraph (a-5) of this Section the arresting officer or arresting agency shall give notice as provided in this Section or by deposit in the United States mail of the notice in an envelope with postage prepaid and addressed to the person at his or her address as shown on the Uniform Traffic Ticket and the statutory summary suspension and disqualification shall begin as provided in paragraph (g). This notice shall include the factual basis of the arresting officer's reasonable suspicion that the person was under the influence of cannabis. The person's possession of a valid registry card under the Compassionate Use of Medical Cannabis Pilot Program Act alone is not sufficient basis for reasonable suspicion.

(g) The statutory summary suspension or revocation and disqualification referred to in this Section shall take effect on the 46th day following the date the notice of the statutory summary suspension or revocation was given to the person.

(h) The following procedure shall apply whenever a person is arrested for any offense as defined in Section 11-501 or a

similar provision of a local ordinance:

Upon receipt of the sworn report from the law enforcement officer, the Secretary of State shall confirm the statutory summary suspension or revocation by mailing a notice of the effective date of the suspension or revocation to the person and the court of venue. The Secretary of State shall also mail notice of the effective date of the disqualification to the person. However, should the sworn report be defective by not containing sufficient information or be completed in error, the confirmation of the statutory summary suspension or revocation shall not be mailed to the person or entered to the record; instead, the sworn report shall be forwarded to the court of venue with a copy returned to the issuing agency identifying any defect.

(i) As used in this Section, "personal injury" includes any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or a medical facility. A Type A injury includes severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

(Source: P.A. 96-1080, eff. 7-16-10; 96-1344, eff. 7-1-11; 97-333, eff. 8-12-11; 97-471, eff. 8-22-11; 97-1150, eff. 1-25-13.)

(625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

Sec. 11-501.2. Chemical and other tests.

(a) Upon the trial of any civil or criminal action or proceeding arising out of an arrest for an offense as defined in Section 11-501 or a similar local ordinance or proceedings pursuant to Section 2-118.1, evidence of the concentration of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof in a person's blood or breath at the time alleged, as determined by analysis of the person's blood, urine, breath or other bodily substance, shall be admissible. Where such test is made the following provisions shall apply:

1. Chemical analyses of the person's blood, urine, breath or other bodily substance to be considered valid under the provisions of this Section shall have been performed according to standards promulgated by the Department of State Police by a licensed physician, registered nurse, trained phlebotomist, certified paramedic, or other individual possessing a valid permit issued by that Department for this purpose. The Director of State Police is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, to issue permits which shall be subject to termination or revocation at the discretion of that Department and to certify the accuracy of breath testing equipment. The Department of State Police shall prescribe regulations as

necessary to implement this Section.

2. When a person in this State shall submit to a blood test at the request of a law enforcement officer under the provisions of Section 11-501.1, only a physician authorized to practice medicine, a licensed physician assistant, a licensed advanced practice nurse, a registered nurse, trained phlebotomist, or certified paramedic, or other qualified person approved by the Department of State Police may withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content therein. This limitation shall not apply to the taking of breath or urine specimens.

When a blood test of a person who has been taken to an adjoining state for medical treatment is requested by an Illinois law enforcement officer, the blood may be withdrawn only by a physician authorized to practice medicine in the adjoining state, a licensed physician assistant, a licensed advanced practice nurse, a registered nurse, a trained phlebotomist acting under the direction of the physician, or certified paramedic. The law enforcement officer requesting the test shall take custody of the blood sample, and the blood sample shall be analyzed by a laboratory certified by the Department of State Police for that purpose.

3. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other

qualified person of their own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

4. Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to the person or such person's attorney.

5. Alcohol concentration shall mean either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(a-5) Law enforcement officials may use standardized field sobriety tests approved by the National Highway Traffic Safety Administration when conducting investigations of a violation of Section 11-501 or similar local ordinance by drivers suspected of driving under the influence of cannabis. The General Assembly finds that standardized field sobriety tests approved by the National Highway Traffic Safety Administration are divided attention tasks that are intended to determine if a person is under the influence of cannabis. The purpose of these tests is to determine the effect of the use of cannabis on a person's capacity to think and act with ordinary care and

therefore operate a motor vehicle safely. Therefore, the results of these standardized field sobriety tests, appropriately administered, shall be admissible in the trial of any civil or criminal action or proceeding arising out of an arrest for a cannabis-related offense as defined in Section 11-501 or a similar local ordinance or proceedings under Section 2-118.1. Where a test is made the following provisions shall apply:

1. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of their own choosing administer a chemical test or tests in addition to the standardized field sobriety test or tests administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person does not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

2. Upon the request of the person who shall submit to a standardized field sobriety test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to the person or the person's attorney.

3. At the trial of any civil or criminal action or proceeding arising out of an arrest for an offense as defined in Section 11-501 or a similar local ordinance or proceedings under Section 2-118.1 in which the results of

these standardized field sobriety tests are admitted, the cardholder may present and the trier of fact may consider evidence that the card holder lacked the physical capacity to perform the standardized field sobriety tests.

(b) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of alcohol, the concentration of alcohol in the person's blood or breath at the time alleged as shown by analysis of the person's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

1. If there was at that time an alcohol concentration of 0.05 or less, it shall be presumed that the person was not under the influence of alcohol.

2. If there was at that time an alcohol concentration in excess of 0.05 but less than 0.08, such facts shall not give rise to any presumption that the person was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcohol.

3. If there was at that time an alcohol concentration of 0.08 or more, it shall be presumed that the person was under the influence of alcohol.

4. The foregoing provisions of this Section shall not be construed as limiting the introduction of any other

relevant evidence bearing upon the question whether the person was under the influence of alcohol.

(c) 1. If a person under arrest refuses to submit to a chemical test under the provisions of Section 11-501.1, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof was driving or in actual physical control of a motor vehicle.

2. Notwithstanding any ability to refuse under this Code to submit to these tests or any ability to revoke the implied consent to these tests, if a law enforcement officer has probable cause to believe that a motor vehicle driven by or in actual physical control of a person under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof has caused the death or personal injury to another, the law enforcement officer shall request, and that person shall submit, upon the request of a law enforcement officer, to a chemical test or tests of his or her blood, breath or urine for the purpose of determining the alcohol content thereof or the presence of any other drug or combination of both.

This provision does not affect the applicability of or imposition of driver's license sanctions under Section 11-501.1 of this Code.

3. For purposes of this Section, a personal injury includes any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or a medical facility. A Type A injury includes severe bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

(Source: P.A. 96-289, eff. 8-11-09; 97-450, eff. 8-19-11; 97-471, eff. 8-22-11; 97-813, eff. 7-13-12.)

(625 ILCS 5/11-502.1 new)

Sec. 11-502.1. Possession of medical cannabis in a motor vehicle.

(a) No driver, who is a medical cannabis cardholder, may use medical cannabis within the passenger area of any motor vehicle upon a highway in this State.

(b) No driver, who is a medical cannabis cardholder, a medical cannabis designated caregiver, medical cannabis cultivation center agent, or dispensing organization agent may possess medical cannabis within any area of any motor vehicle upon a highway in this State except in a sealed, tamper-evident medical cannabis container.

(c) No passenger, who is a medical cannabis card holder, a medical cannabis designated caregiver, or medical cannabis dispensing organization agent may possess medical cannabis within any passenger area of any motor vehicle upon a highway

in this State except in a sealed, tamper-evident medical cannabis container.

(d) Any person who violates subsections (a) through (c) of this Section:

(1) commits a Class A misdemeanor;

(2) shall be subject to revocation of his or her medical cannabis card for a period of 2 years from the end of the sentence imposed;

(4) shall be subject to revocation of his or her status as a medical cannabis caregiver, medical cannabis cultivation center agent, or medical cannabis dispensing organization agent for a period of 2 years from the end of the sentence imposed.

Section 997. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 999. Effective date. This Act takes effect on January 1, 2014.



COMMITTEE ITEM MEMO

ITEM: Variation for 8650 Riverside Ave. (PZC Case # 15-04)
COMMITTEE DATE: June 1, 2015
PREPARED BY: Nicholas Greifer, Director of the Department of Community & Economic Development
PURPOSE: Variation for 8650 Riverside Ave.
BUDGET AMOUNT: N/A

BACKGROUND:

The Planning and Zoning Commission (PZC) held a public hearing for a requested setback variation for 8650 Riverside Ave. Said variation would permit a 2 feet encroachment into the front setback to allow for the expansion of a single-car garage to a two-car garage. The Commissioners voted 6-0 to recommend approval.

ATTACHMENTS:

1. PZC Meeting Packet from May 28, 2015 public hearing.

STAFF RECOMMENDATION:

Staff recommends the Village of Brookfield Committee of the Whole discuss and approve the requested variation as recommended by the PZC.

REQUESTED COURSE OF ACTION:

Review and approval



Village of Brookfield

Planning and Zoning Commission Staff Report

TO: Village of Brookfield Planning and Zoning Commission

HEARING DATE: May 28th, 2015

FROM: Community and Economic Development Department

PREPARED BY: Heather Milway, Village Planner

TITLE

PZC 15-04 –8650 Riverside; Mr. and Mrs. Canavera, Owners of the subject property, request a Variation in accordance with section 62.760, to permit a 2 foot encroachment into the front setback to allow construction of an addition to a single car garage to create a two car garage.

GENERAL INFORMATION

APPLICANT: Arthur and Christine Canavera
8650 Riverside Ave
Brookfield, IL 60513

APPLICATION/NOTICE: The application has been filed in conformance with applicable procedural and public notice requirements.

PROPERTY INFORMATION

EXISTING ZONING: A Single Family Residential

EXISTING LAND USE: Single Family Residence

BUILDING SIZE: 2,803 square feet

PINs: 15-35-319-043-0000

SURROUNDING ZONING AND LAND USES:

North:	A Single Family Residential
South:	A Single Family Residential
East:	A Single Family Residential
West:	A Single Family Residential

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Community and Economic Development Department:

1. Application for Public Hearing and Required Fees
2. Certification of Legal Notice Published April 29th, 2015 in the Landmark
3. Petitioner Project Submittal Including:
 - a. Application
 - b. Proof of Ownership
 - c. Project Summary
 - d. Site Plan
 - e. Architectural renderings

DESCRIPTION

The applicant requests a setback variation according to section 62.760 to permit a 2 foot encroachment into the front setback to allow construction of an addition to a single car garage to create a two car garage.

BACKGROUND

The applicant has owned the property since 1973. The previous owner was a family member of the applicant. The property has a single car garage. The home currently exceeds the front twenty-five foot front setback, five foot side setback, and rear setback. The total area of the property is 13,159 square feet.

ZONING

The property is currently zoned A Single Family Residential.

PUBLIC COMMENT

No public comments have been submitted to Village Hall in-person or by written document as of the writing of this report. Any comments that are submitted will be presented at the Planning and Zoning Commission Hearing.

DISCUSSION

The original construction of the home included a one car garage on the north east side of the home. The front setback of the existing garage is roughly twenty-seven feet. The garage shares two walls of the surrounding structure. The east side shared wall, a kitchen wall, has a setback of roughly forty-three feet. However the wall protrudes about four feet alongside the garage. This effects the placement of an extended garage facility. (Attachment 1). The additional extension of the kitchen wall combined with the minimum length of a garage to accommodate a vehicle forces the proposed garage expansion two feet into the front setback. Variations are defined by section 62.760 as a difficulty or hardship caused by the physical characteristics not by the owner-applicant. In this case the original construction of the home creates a physical barrier that requires the updating of the homes garage facilities to encroach on the front setback.

CONDITIONS FOR APPROVAL OF VARIATIONS

With respect to Special Use review, Section 62-760 of the Village Zoning (Special Use) Procedure requires the following conditions to be met for approval of Special Uses. *(Staff Review in Italics)*:

1. The hardship alleged as the basis for the variation must be derived from difficulties pertaining to the property itself which prevent full use of the property of the same extent other properties in close proximity within the same zoning district can be used.

The current homes that are built today have a minimum of a two car garage. Many new homes have a 2 ½ to 3 car garage. The current property was built with a 1 car garage.

2. The hardship alleged as the basis for a variation must not be self-created or self-imposed by the applicant or his agent nor by unauthorized and unpermitted acts of any prior owner.

The existing home was built in 1955 with an attached garage.

3. That there is no other means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the property.

There are no other building options that are economically feasible and appearance acceptable.

4. That the variation sought will not impair an adequate supply of light or air to adjacent property

The variation for the front setback would be a 2' and would not impair light or air to the adjacent property.

5. That the variation sought will not unreasonably diminish the values of adjacent property.

The variation does not affect the south properties.

6. That the variation sought will not unreasonably increase congestion in the public streets or otherwise endanger public safety.

The variation will maintain a 23' front setback to edge of sidewalk and will not unreasonably increase congestion in the public streets or otherwise endanger public safety.

7. That the variation is in harmony with the general purpose and intent of this ordinance.

The variation will maintain harmony to adjacent properties. The east side property will maintain an 18' setback from the property line.

The requested variation generally all seven conditions for granting variations.

RECOMMENDATIONS

Based on the analysis above, Staff believes the does meet all the standards for granting Variances. The Planning and Zoning Commission should discuss the requested variation and determine whether the request should be recommended for approval or denial when presented to the Village Board of Trustees. The Planning and Zoning Commission should use the conditions for approval for review found above and in Section 62-760 of the Village Zoning Ordinance. If the Commissioners are in agreement with the Staff findings they can adopt Staff's findings as their own or edit as they see necessary.

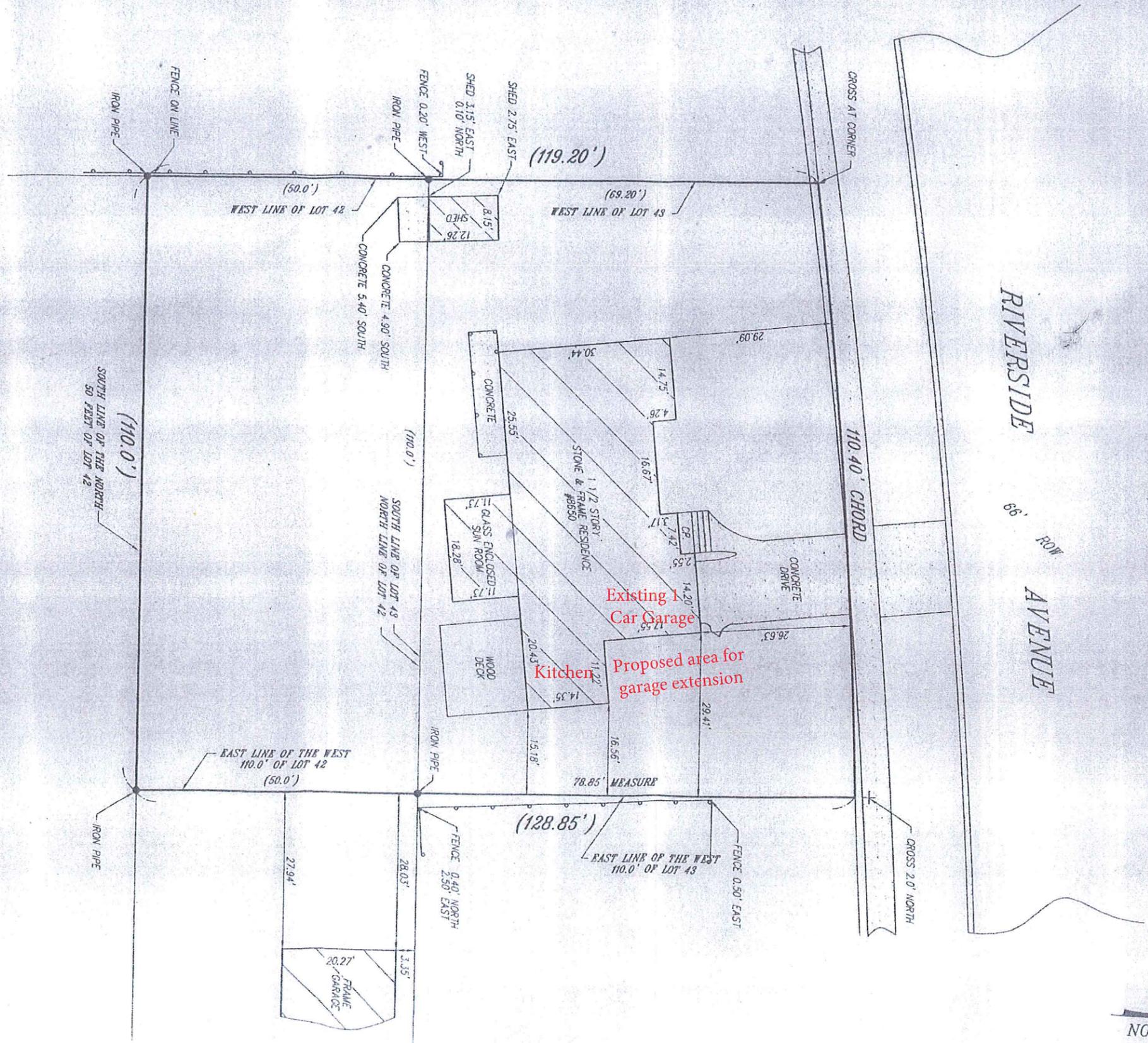
- LEGEND**
- MONUMENT FOUND
 - MONUMENT SET
 - (50.0') RECORD DIMENSION
 - PR: PUBLIC UTILITY EASEMENT
 - DR: DRAINAGE EASEMENT
 - ROW: RIGHT OF WAY
 - IP: IRON PIPE
 - WF: WOOD FENCE
 - CP: CONCRETE PORCH
 - CM: CONCRETE WALK

NELSON LAND SURVEYING, INC.

PLAT OF SURVEY

NELSON LAND SURVEYING, INC.
6013 EDGEWOOD AVENUE
COUNTRYSIDE, ILLINOIS 60525
(708) 354-6640
(708) 354-6536 FAX

THE WEST 110 FEET OF LOT 43 AND THE WEST 110 FEET OF THE NORTH 50 FEET OF LOT 42 IN FIRST ADDITION TO HOLLYWOOD BEING A SUBDIVISION OF LOTS 1 AND 2 OF SUPERIOR COURT COMMISSIONERS PARTITION OF PART OF THE WEST 192 FEET OF THE SOUTH WEST QUARTER OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS, THAT PART OF THE WEST 1635.5 FEET OF THE THIRD WEST QUARTER OF SECTION 35 LYING EAST OF THE SAID LOTS 1 AND 2 (EXCEPT RIGHT OF WAY OF CHICAGO, BURLINGTON AND QUINCY RAILROAD) IN COOK COUNTY, ILLINOIS.



REVISED JULY 1, 1997 (LOT DIA.)	
PREPARED FOR	CANAVERA
DATE	JUNE 23, 1997
SCALE: 1"=20'	DRAWN BY: M.J.M.
JOB# 97-388-2	PLD. BY/FC: 18-1

NOTES:

THIS COPY NOT VALID WITHOUT EXPRESSED SEAL

ALL DISTANCES ARE IN FEET AND DECIMAL PARTS THEREOF.

BUILDING LINES AND EASEMENTS ARE SHOWN ONLY THERE THEY ARE SO INDICATED IN THE MAPS. COMPARE THE LOCAL DESCRIPTION, BUILDING LINES, AND EASEMENTS AS SHOWN HEREON WITH YOUR DEED OR TITLE POLICY.

CONSULT THE LOCAL AUTHORITIES FOR ADDITIONAL SETBACK LINES AND RESTRICTIONS NOT SHOWN HEREON. COMPARE ALL POINTS PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES AT ONCE.

DO NOT ASSUME DISTANCES FROM SCALED MEASUREMENTS MADE HEREON.

STATE OF ILLINOIS) SS
COUNTY OF COOK)

I, MICHAEL J. NELSON, AN ILLINOIS PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE, AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY, ALL NECESSARIES BEING CORRECTED TO THE STANDARD OF 63 DECIMALS FRACTIONMENT.

MICHAEL J. NELSON
JUNE 23, 1997
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3095



EXISTING



PROPOSED

CANAVERA RESIDENCE

Brookfield, Illinois



440 E. Ogden Ave. Hinsdale, IL 60521 (630)-455-5800

All drawings on these layouts are for design only. Drawings may not be to scale and may not look exactly like the final product. The drawings are subject to the approval of the local building department.

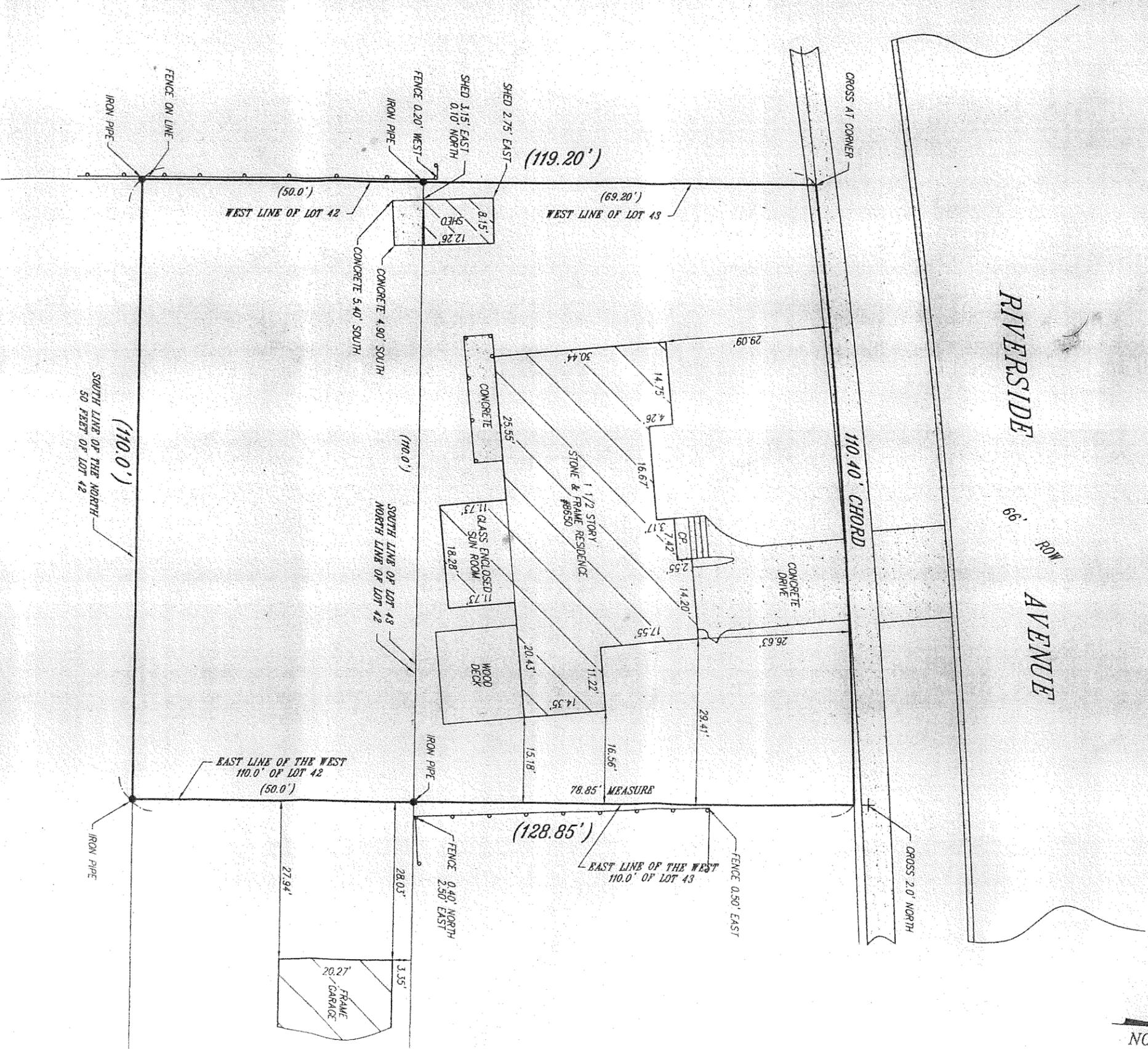
NELSON LAND SURVEYING, INC.

PLAT OF SURVEY

NELSON LAND SURVEYING, INC.
6013 EDGEWOOD AVENUE
RIVERSIDE, ILLINOIS 60525
(708) 354-6640
(708) 354-6536 FAX

- LEGEND**
- MONUMENT FOUND
 - MONUMENT SET
 - (50.0') RECORD DIMENSION
 - PR PUBLIC UTILITY EASEMENT
 - DE DRAINAGE EASEMENT
 - RM RIGHT OF WAY
 - IP IRON PIPE
 - WF WOOD FENCE
 - CP CONCRETE POACH
 - CW CONCRETE WALK

THE WEST 110 FEET OF LOT 48 AND THE WEST 110 FEET OF THE NORTH 50 FEET OF LOT 42 IN FIRST ADDITION TO HOLLYWOOD BEING A SUBDIVISION OF LOTS 1 AND 2 OF SUPERIOR COURT COMMISSIONERS PARTITION OF PART OF THE WEST 119 2 FEET OF THE SOUTH WEST QUARTER OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS THAT PART OF THE WEST 1635.5 FEET OF THE SOUTH WEST QUARTER OF SECTION 35 LYING EAST OF THE SAID LOTS 1 AND 2 (EXCEPT RIGHT OF WAY OF CHICAGO, BURLINGTON AND QUINCY RAILROAD) IN COOK COUNTY, ILLINOIS.



REVISED JULY 1, 1997 (LOT DIM.)

PREPARED FOR CANAVERA

DATE JUNE 23, 1997

SCALE: 1"=20' DRAWN BY: M.J.N.

JOB# 97-338-2 P.L.D. BK/PC: 18-1

NOTES:

THIS COPY NOT VALID WITHOUT ENGINEER'S SEAL
ALL DISTANCES ARE IN FEET AND DECIMAL PARTS THEREOF.
BUILDING LINES AND EASEMENTS ARE SHOWN ONLY THERE THEY ARE SO RECORDED IN THE MAPS. COMPARE THE LOCAL DESCRIPTION, BUILDING LINES AND EASEMENTS AS SHOWN HEREON WITH YOUR DEED OR TITLE POLICY.
CONSULT THE LOCAL AUTHORITIES FOR ADDITIONAL STREET LINES AND RESTRICTIONS NOT SHOWN HEREON. COMPARE ALL POINTS PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES AT ONCE.
DO NOT ASSUME DISTANCES FROM SCALED MEASUREMENTS AND HEREON.

STATE OF ILLINOIS)
COUNTY OF COOK)

I, MICHAEL J. NELSON, AN ILLINOIS PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT I HAVE SUPERVISED THE PREPARED DESCRIBED ABOVE AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. ALL MEASUREMENTS HAVE BEEN CORRECTED TO THE STANDARD AT 68 DEGREES FAHRENHEIT.

CONVENTSONE ILLINOIS JUNE 23, 1997
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 8085



Village of Brookfield
 Planning and Zoning Commission Application Packet

Zoning Variance Application

Applicant Information:

708-932-2778 or 630-215-8122

1. Name and Phone Number of contact person for application process Arthur and Christine Canavera
2. Petitioner's Name Arthur + Christine Canavera
3. Petitioner's Address 8650 Riverside Ave Brookfield
4. Phone Number 708-932-2778 or 630-215-8122
5. Email Address ~~artcan2@aol.com~~ artcan2@aol.com or christinecan2@aol.com
6. Fax Number 708-447-6566
7. Owner of Record Name Christine Canavera Arthur Canavera
8. Owner of Record Address 8650 Riverside Ave Brookfield

Property Information:

-scedeed

9. Common Street Address 8650 Riverside Ave Brookfield IL
10. Legal Description -See Deed copy The west 116 feet of lot 43 and the West 110 of the North 50 ft of lot 42 in First Addition to Hollywood, being a Subdivision of lots 9+2 of Superior Court Commissioner Partition of part the west 192 ft of the South WQTR of Section 35
11. Permanent Tax Index Number (PIN) 15-35-319-043-0000 185
12. When did the owner acquire the property? 1973 Arthur has lived in the house since 1955
13. Is the petitioner in the process of purchasing the property? Yes ___ No X
 If so, is the purchase contingent on approval of variation? Yes ___ No ___
14. Is your property use presently (check one): Conforming X Non-conforming ___
15. If the property is a non-conforming use, please explain: _____

16. Surrounding Zoning and Land Use:

	Zoning District	Land Use
North	A Residential Single Family	Single Family Residential
South	A "	"
East	A "	"
West	A "	"

Zoning Variance Application, continued

17. What is the Zoning Classification of the subject property? A -single family Residence District

18. List the variance(s) you are requesting:

(1) Section 62- 13 Variance requested to front set back of 25'

(2) Section 62- _____ Variance requested to _____

(3) Section 62- _____ Variance requested to _____

19. What is the proposed use of or improvement to the property? Residential / to make existing 1 car attached garage to a 2 car attached garage.

20. Is the building for (Check one): Personal Use Rental _____ Resale _____

Please provide responses for the standards for granting zoning variances (attached).

Any person who shall knowingly make or cause to be made, or conspire, combine, aid or assist in, agree to, arrange for, or in any way procure the making of a false or fraudulent application, affidavit, certificate, or statement, shall be guilty of a misdemeanor as provided by statute by the State of Illinois.

Arthur Canavea
Petitioners Signature

3-24/15
Date

Arthur Canavea
Owner's Signature (or authorized agent)
Devin Canavea

3/24/15
Date

STANDARDS FOR GRANTING ZONING VARIANCES

Village Code Section 62.760

Please provide responses to the best of your ability

1. The hardship alleged as the basis for the variation must be derived from difficulties pertaining to the property itself which prevent full use of the property of the same extent other properties in close proximity in the same zoning district can be used;

The current homes that are built today have a minimum of a two car garage. Many new homes have a 2 1/2 to 3 car garage. The current property was built with a 1 car garage

2. The hardship alleged as the basis for a variation must not be self-created or self-imposed by the applicant or his agent nor by unauthorized and unpermitted acts of any prior owner;

The existing home was built was built in 1955 with an attached 1 car garage.

3. That there is no other means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the property;

There are no other building options that are economically feasible and appearance acceptable

4. That the variation sought will not impair an adequate supply of light or air to adjacent property;

The variation for the front set back would be 2' and would not impair light or air to the adjacent property

5. That the variation sought will not unreasonably diminish the values of adjacent property;

The variation does not affect the south properties.

6. That the variation sought will not unreasonably increase congestion in the public streets or otherwise endanger public safety;

The variation of 2 feet will maintain a 23' front set back to edge of sidewalk and will not unreasonably increase congestion in the public streets or otherwise endanger public safety

7. That the variation is in harmony with the general purpose and intent of this ordinance.

The variation will maintain harmony to adjacent properties. The east side property will maintain a 18' set back from that side property

Legal Description

Legal Description: The West 110 feet of Lot 43 and the West 110 feet of the North 50 feet of Lot 42 in First Addition to Hollywood, being a Subdivision of Lots 1 and 2 of Superior Court Commissioners Partition of part of the West 1192 feet of the South West Quarter of Section 35, Township 39 North, Range 12, East of the Third Principal Meridian in Cook County, Illinois, that part of the West 1635.5 feet of the South West Quarter of Section 35 lying East of the said Lots 1 and 2 (except Right of Way of Chicago, Burlington and Quincy Railroad) in Cook County, Illinois.

MAIL TO: { David C. Newman
(Name)
19 Riverside Road #5
(Address)
Riverside, IL 60546
(City, State and Zip) }

SEND SUBSEQUENT TAX BILLS TO:
Christine C. Canavera
(Name)
8650 Riverside Avenue
(Address)
Brookfield, IL 60513
(City, State and Zip)

OR RECORDER'S OFFICE BOX NO. _____

AFFADAVIT OF OWNERSHIP

COUNTY OF Cook)
) SS

STATE OF ILLINOIS)

I, (print name) Arthur Canavera, under oath, state that I am (check one):

the sole owner of the property

an owner of the property

an authorized officer for the owner of the property

commonly described as (full address): 8650 Riverside Ave

and that such property is owned by (print owner's name) Art Canavera
as of this date.

Arthur J Canavera
(Signature)

SUBSCRIBED AND SWORN TO BEFORE ME THIS

24th DAY OF March, 2015

[Signature]
(Notary Public)





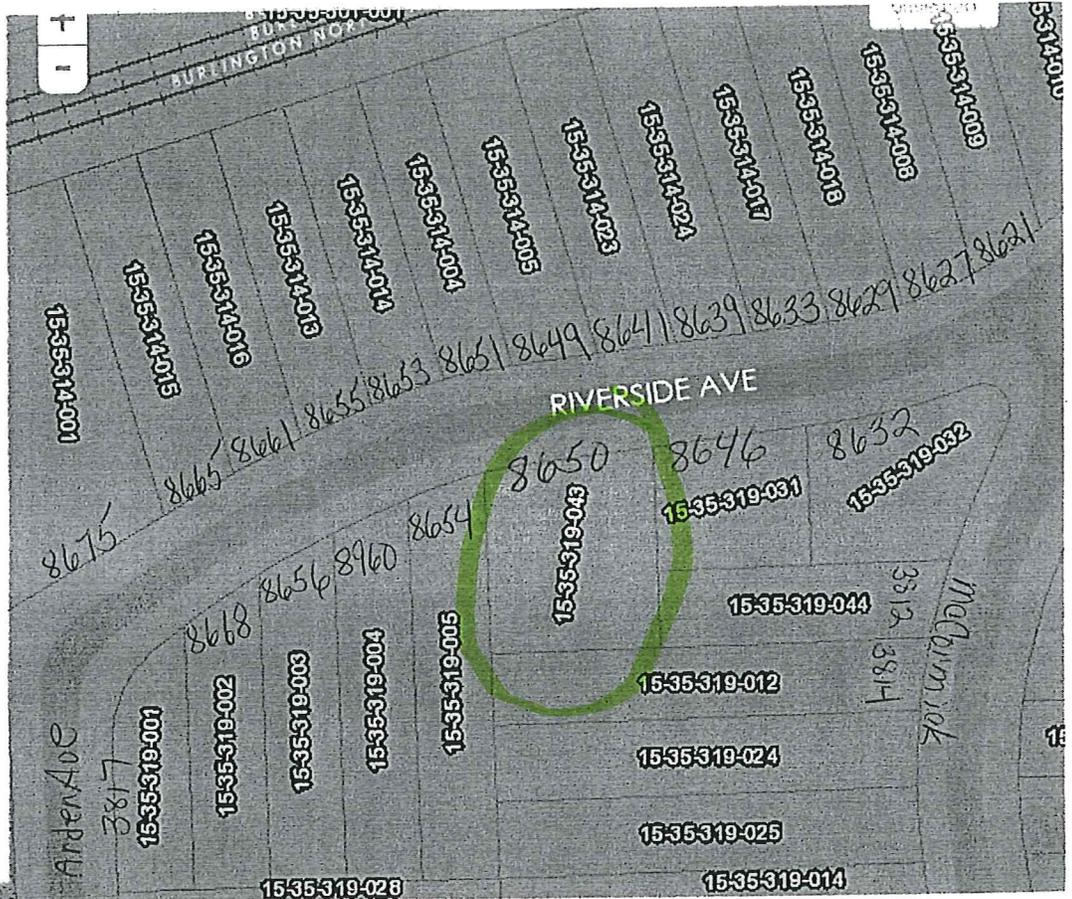
Search by Address, PIN, or Intersection: 8650 riverside ave brookfield 60513

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Getting Started:

1. Search by an address, PIN, or intersection in the search box above.
2. Click on a highlighted parcel to get more information.
3. Select Properties or Districts.
4. For GIS Professionals, select "Advanced" from the toolbar to the right, above the map.

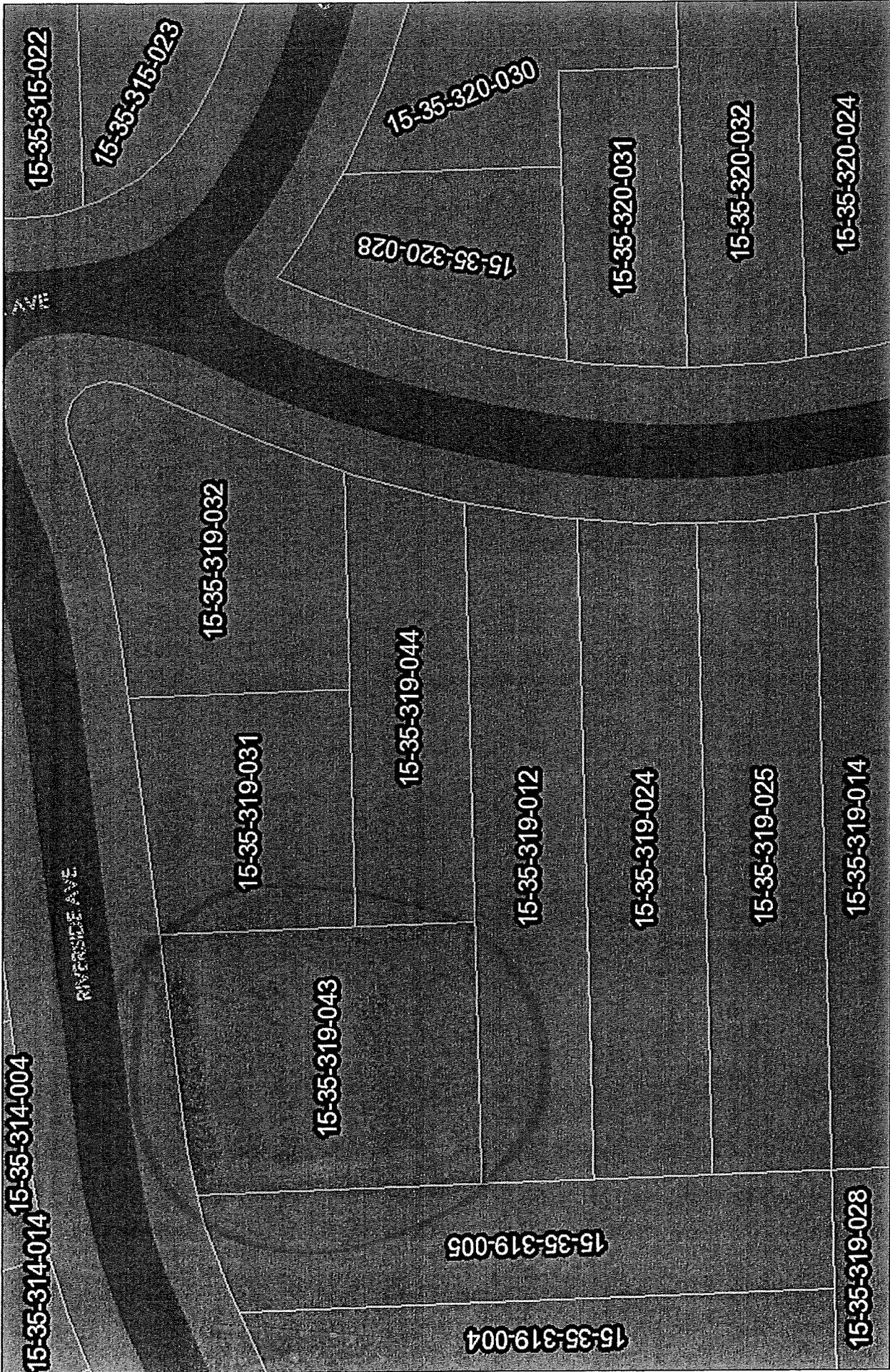
8650 RIVERSIDE RD, RIVERSIDE
PIN: 15353190430000



Scale bar: 0 to 50 feet / 100 meters

Disclaimer

Cook County CookViewer Output

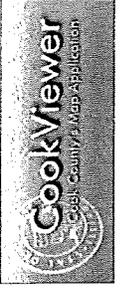


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March 23, 2015

Arthur and Christine Canavera
8650 Riverside Ave
Brookfield, IL. 60513
708-932-2778
630-215-8126
artcan2@aol.com
christinecan2@aol.com

Project Statement

The existing home @ 8650 Riverside Avenue was built in 1955 by my father with a 1 car attached garage. 21' by 12'. I (Arthur Canavera) have lived in this house since 1955. My wife Christine and I purchased the house in 1974 from my parents and have lived in the house since 1974. During that time we have always needed a two car garage and since we have decided to remain at this location we would like to be able to enjoy a 2 car garage. We are requesting to build an addition on to the existing garage. (see photo rendering) We are requesting a 2' variance on the current 25' front set back in order to maintain a depth of 21' for our new attached garage.

Property Characteristics

2014 Tax Year Property Information



15353190430000 10/23/2006

Description	Value
PIN:	15-35-319-043-0000
Address:	8650 Riverside Rd
City:	Riverside
Township:	Riverside
Property Classification:	2-04
Square Footage:	13,640 (Land)
NBHD:	70
Taxcode:	34002

Assessed Valuation

Description	2015 First Pass	2014 Board of Review Certified
Land Assessed Value	8,184	8,184
Building Assessed Value	24,733	24,733
Total Assessed Value	32,917	32,917

Property Characteristics

Description	Value
Estimated 2015 Market Value	\$329,170
Estimated 2014 Market Value	\$329,170
Description	One Story Residence, Any Age, 1,801 Sq Ft. and Over
Residence Type	1.5 to 1.9 Stories
Use	Single Family
Apartments	None
Exterior Construction	Frame/Masonry
Full Baths	2
Half Baths	0
Basement¹	Full and Unfinished
Attic	Full and Living Area
Central Air	Yes
Number of Fireplaces	1
Garage Size/Type²	1 car attached
Age:	60
Building Square Footage	2,803
Assessment Pass	First Pass

¹ Excluded from building square footage, except apartment

² Excluded from building square footage



TOTAL PAYMENT DUE**\$6,253.15**

By 03/03/15 (on time)

2014 First Installment Property Tax Bill

Property Index Number (PIN)	Volume	Code	Tax Year	(Payable In)	Township	Classification
15-35-319-043-0000	185	34002	2014	(2015)	RIVERSIDE	2-04

IF PAYING LATE,
PLEASE PAY03/04/15-04/01/15
\$6,346.9504/02/15-05/01/15
\$6,440.7505/02/15-06/01/15
\$6,534.55LATE INTEREST IS 1.5% PER
MONTH, BY STATE LAW**TAXING-DISTRICT DEBT AND FINANCIAL DATA**

Your Taxing Districts	Money Owed by Your Taxing Districts	Pension and Healthcare Amounts Promised by Your Taxing Districts	Amount of Pension and Healthcare Shortage	% of Pension and Healthcare Costs Taxing Districts Can Pay
Des Plaines Valley Mosq Abat Dist Lyons	\$1,371,029	\$2,283,375	\$71,213	96.88%
Metro Water Reclamation Dist of Chicago	\$3,052,668,000	\$2,455,275,693	\$1,145,888,977	53.33%
Triton Community College 504 (River Grv)	\$16,205,795	\$1,117,970	\$1,117,970	00.00%
Riverside Brookfield HS District 208	\$46,257,822	\$637,527	\$33,163	94.80%
Riverside Public School District 96	\$22,038,866	\$4,905,696	\$1,170,069	76.15%
Village of Brookfield	\$26,992,084	\$57,734,444	\$23,172,702	59.86%
Town of Riverside	\$21,637	\$392,608	-\$6,568	101.67%
Cook County Forest Preserve District	\$287,647,645	\$324,673,865	\$142,119,278	56.23%
County of Cook	\$8,110,664,341	\$15,615,343,667	\$7,233,899,380	53.67%
Total	\$11,563,867,219	\$18,462,364,845	\$8,547,466,184	

For a more in-depth look at government finances and how they affect your taxes, visit cookcountytreasurer.com.**IMPORTANT MESSAGES**- Pay this bill at cookcountytreasurer.com or at any Chase Bank.**TAX CALCULATOR**

2013 TOTAL TAX		11,369.36
2014 ESTIMATE	X	55%
2014 1st INSTALLMENT	=	6,253.15

The First Installment amount is 55% of last year's total taxes. All exemptions, such as homeowner and senior exemptions, will be reflected on your Second Installment tax bill.

PROPERTY LOCATION8650 RIVERSIDE RD
RIVERSIDE IL 60546**MAILING ADDRESS**ARTHUR CANAVERA
8650 RIVERSIDE DR
BROOKFIELD IL 60513-1778

DETACH & INCLUDE WITH PAYMENT

VILLAGE OF BROOKFIELD
BROOKFIELD, ILLINOIS 60513

JOURNAL OF THE PROCEEDINGS OF THE
PLANNING AND ZONING COMMISSION

HELD ON THURSDAY, MARCH 12, 2015
IN THE BROOKFIELD MUNICIPAL BUILDING

MEMBERS PRESENT: Chairman: Charles Grund. Commissioners Karen Ann Miller, Patrick Benjamin, Jennifer Hendricks, Todd Svoboda, Christopher Straka and Mark Weber

MEMBERS ABSENT: None

ALSO PRESENT: Village Manager Keith Sbiral, AICP, Village Trustee Liaison Michael Garvey, Village Engineer Derek Treichel/Hancock Engineering, and Village Planner Heather Milway

On Monday, March 12, 2015, Chairman Charles Grund called the meeting of the Planning and Zoning Commission to order at 7:00 P.M. and advised all in attendance that the Commission was an Advisory Board only and related the protocol for those who wished to speak or make comments.

Staff Update

Village Planner Heather Milway informed the Commissioners there was no update for this evening's meeting.

Motion to Continue Open Public Hearing – PC Case No. 15-02

Consideration of a Special Use and Variation for Riverside Brookfield High School zoned A Single Family Residential located at 160 Ridgewood Rd to construct a parking lot, permit construction of tennis courts within the 25 foot front setback, and fence higher than 6 feet.

Motion by Commissioner Miller, seconded by Commissioner Hendricks, to open the Continued Public Hearing on PC Case No. 15-02. Upon roll call, the motion carried as follows: Ayes: Commissioners Miller, Benjamin, Hendricks, Svoboda, Straka, Weber and Grund. Nays: None. Absent: None.

Introduction by Village Planner Heather Milway who stated that the Continued Public Hearing on this case had been duly noticed in the Landmark - PZC 15-02 – 160 Ridgewood Rd; School District 208, owner of the subject property, requests a Special Use Amendment according to section 62-880 and two Variations according to section 62.75 & 12.199. The Special Use Amendment would allow the applicant to construct a parking lot. The Variation would allow the applicant to have a zero front setback and a greater than six foot fence to relocate their tennis courts.

Commissioner Grund requested that since this hearing is a continuation of a Public Hearing held January 22, 2015 that those in attendance who wished to speak would please speak only to the matters discussed during this hearing in order to not rehash matters that came forward during the January 22, 2015 meeting as that testimony has already been duly recorded. Commissioner Grund also advised that those who wished to speak would only receive one opportunity to do so during this particular Hearing.

Those who wished to speak were then requested to stand and were collectively sworn in by Commissioner Grund.

Presentation of case by Petitioner - Dr. Kevin Skinkis, School District-208 (Riverside Brookfield High School) thanked all concerned and the Village Staff for their patience and offering the opportunity to have the case continued in order to present new and requested information and materials. Also present who spoke: RB High School principal, RB High School Assistant Principal, Project Architect, Civil Engineer and Traffic Consultant.

Commissioners acknowledged receiving additional information requested and thanked petitioner for providing such.

Staff Report – Presented by Village Planner Heather Milway

4. That the variation sought will not impair an adequate supply of light or air to adjacent property
5. That the variation sought will not unreasonably diminish the values of adjacent property.
6. That the variation sought will not unreasonably increase congestion in the public streets or otherwise endanger public safety.
7. That the variation is in harmony with the general purpose and intent of this ordinance.

The requested variations generally satisfies conditions 3, 4, 5, and 6 for approval. However in Staff's opinion, conditions 1, 2, and 7 are not satisfied. The hardship is self-imposed rather than by the characteristics of the land (Standard 1 and 2). The variation is not in general harmony (Standard 7) with the purpose of the ordinance due to the fact that the property itself does not require the need for variations, the need for the variation self-created by the owner-applicant.

Based on Staff's analysis of the recent and original submittals, Staff believes the request does meet all the standards for granting Special Use Amendments, but does not meet all the standards for Variations. The applicant has shown with additional submittals their ability to adequately screen and light the proposed parking lot. The additional submittals also demonstrated that the traffic increases will be moderate and identified that special events will require additional traffic controls. The parking study confirmed that the proposed parking lot location is the only feasible location not on Forest Preserve or Zoo owned land. Staff does recommend approval of the special use and variations with four conditions:

1. The project comply with all Village storm water regulations.
2. The project must be screened and lighted as depicted in the submittals.
3. The tennis courts must be screened.
4. Special events that generate a high traffic volumes will have additional traffic controls.

The public comment that was received prior to the Hearing was then read from Mr. and Mrs. Tolen, residing at 8711 Rockefeller who said they are voting against the improvement at Riverside-Brookfield High School.

Commissioner Grund called for any questions the Commissioners may have for Ms. Milway. Commissioner Grund questioned Condition No. 3 – which required that the tennis courts be screened and whether the petitioner was advised of various possible ways to screen the tennis courts and which side of the courts were to be screened. Ms. Milway advised that discussions regarding screening had occurred but no specific type of screening had yet been required. The petitioner addressed plan for screening of the tennis courts and compliance with State regulations.

Other Commissioners' questions included:

- Whether possible additional striping should be made Condition number 5. Ms. Milway advised that more study would be required regarding that matter.
- Whether the Village had an opinion about allowing staff or students from the high school to park on the streets in the parking study that was done regarding residential area. Ms. Milway advised that the areas of concern are "H" sticker parking areas and this is not likely to be changed in the near future.
- Is the "A" zoning district our most restrictive zoning district? Ms. Milway advised that it was – and required more stringent setbacks.
- Clarification regarding the tennis court screening and whether the intent was vegetative screening or mesh in the chain-link fence. Ms. Milway advised that are some requirements of their tennis program which is why we did not specify. You can adopt them if you want and make it part of the conditions but we wanted to defer to their tennis program.
- Why the landscaping stopped at the tennis courts and if that was just a matter of not enough room. Petitioner responded that there was not enough room and to do more would impact public right-of-way.

Public Comment

Names and addresses of speakers recorded by Heather Milway.

New Business

Village Manager Keith Sbiral informed those in attendance that this case will be on the Agenda for approval vote at the Regular Village Board Meeting scheduled for April 13, 2015.

Old Business

Approval of Minutes: February 12, 2014

Motion by Commissioner Hendricks, seconded by Commissioner Benjamin, to approve the Planning and Zoning Commission Minutes of the February 12, 2015 meeting as corrected. Upon roll call, the motion carried as follows: Ayes: Commissioners Miller, Benjamin, Hendricks, Svoboda, Straka, Weber and Grund. Nays: None. Absent: None.

Next Meeting: A Planning and Zoning Commission meeting will be scheduled for April 23, 2015 if there is a case to be heard.

ADJOURNMENT

Motion by Commissioner Straka, seconded by Commissioner Svoboda, to adjourn the Planning and Zoning Commission meeting of March 12, 2015 at 7:55 P.M. Upon roll call, the motion carried as follows: Ayes: Commissioners Miller, Benjamin, Hendricks, Svoboda, Straka, Weber and Grund. Nays: None. Absent: None.

Charles Grund
Chairman
Planning & Zoning Commission
Village of Brookfield
Brookfield, Illinois

/s/



COMMITTEE ITEM MEMO

ITEM: Candy Cane Park Hearing
COMMITTEE DATE: June 1, 2015
PREPARED BY: Nicholas Greifer, Director of the Department of Community & Economic Development
PURPOSE: Public Hearing – Plan for Candy Cane Park Improvements
BUDGET AMOUNT: N/A

BACKGROUND:

The Village is holding a third and final public hearing to gather citizen comments on plans for future Candy Cane Park improvements. Although the Village had obtained partial grant funding for creation of a plan, grant funding to implement said plans has not been obtained as of yet.

ATTACHMENTS:

1. Public hearing notice

STAFF RECOMMENDATION:

Staff has no recommendation to the Village of Brookfield Committee of the Whole at this time. The Plan will be updated and delivered to the Committee of the Whole and Village Board later this year.

REQUESTED COURSE OF ACTION:

No action required at this time

PUBLIC NOTICE OF INTENT To Improve Candy Cane Park

County Location: Cook County

Proposed Project Description:

Planning for improvements to Candy Cane Park.

Project Sponsor:

Village of Brookfield
Attn: Nicholas Greifer
8820 Brookfield Avenue
Brookfield, IL 60513
Ph. 708-485-1113

Public Meeting #3 Location, Date and Time:

Location: Village of Brookfield Village Hall, 8820 Brookfield Avenue,
Brookfield, IL 60513.
Date: June 8, 2015
Time: 7:00 p.m. or after the adjournment of the Village of Brookfield Board of Trustees
meeting

The Village of Brookfield is seeking state and/or federal grant funding from the agency listed below for improvements to Candy Cane Park. The Village held two initial meetings in April and May of 2015. Residents are invited to attend the 3rd community meeting and provide input on potential improvements and planning for Candy Cane Park at the location, date, and time noted above.

You may also contact either the Village of Brookfield or government agency listed below which will be considering the proposal for possible financial grant assistance.

ILLINOIS DEPT. OF NATURAL RESOURCES

Division of Grant Administration

One Natural Resources Way

Springfield, IL 62702-1271

TEL: (217) 782-7481

FAX: (217) 782-9599